

ORDINANCE NO. 11416
(New Series)

OCT 24 1974

AN ORDINANCE AMENDING ORDINANCE NO. 11331 (NEW SERIES) ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1974-75," BY AMENDING SECTIONS 6 AND 7 THEREOF RELATING TO OVERTIME COMPENSATION PURSUANT TO THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED.

WHEREAS, the Fair Labor Standards Act of 1938, as amended (herein called "Act"), was made applicable to state and local government effective May 1, 1974; and

WHEREAS, the Act contains provisions for computation of hours worked for purposes of calculating payment of overtime compensation; and

WHEREAS, the timing of the implementation of the Act precluded full knowledge of its effect and implications upon budgetary legislation; and

WHEREAS, it was the intent of this Council in promulgating the 1974-75 salary ordinance to authorize the Auditor and Comptroller, when calculating hours worked for overtime purposes for those classes of employees not previously entitled to premium rate overtime pay, to apply the computation provisions of the Act as set forth in the Act without any liberalization thereof; and

WHEREAS, the Act provides for computation of overtime compensation for safety service personnel on a basis separate and distinct from general service personnel; and

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Revised
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WHEREAS, no provision was made in said salary ordinance for calculation of overtime compensation for safety service personnel on a different basis and at a different date; and

WHEREAS, it is now necessary to include such provisions for the authorization and calculation of overtime compensation for safety service personnel, the effective date of which is set by the Act as January 1, 1975; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Ordinance No. 11331 (New Series), entitled "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1974-75," be and the same is hereby amended by amending Sections 6 and 7 thereof relating to overtime compensation pursuant to the Fair Labor Standards Act of 1938, as amended, to read as follows:

Section 6. For the purpose of computing vacations, leaves of absence and terminal severance pay, the Auditor and Comptroller is hereby authorized to utilize compilations based upon an eighty (80) hour biweekly work period.

For the purpose of computing overtime, the Auditor and Comptroller shall utilize compilations based on a scheduled workweek of forty (40) hours pursuant to the work-hour computation provisions contained

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those employees covered by the provisions of the Fair Labor Standards Act of 1938, as amended (herein called "Act"); provided, however, that for those classes of employees eligible for premium rate overtime compensation prior to May 1, 1974, the Auditor and Comptroller shall compute hours worked for overtime compensation purposes in the same manner and utilizing the same regulatory provisions that were in effect prior to May 1, 1974.

For the purpose of computing overtime for safety service personnel on and after January 1, 1975, the Auditor and Comptroller shall be guided by the appropriate provisions

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of the Act pertaining to safety service personnel and utilize compilations in accordance therewith and predicated thereupon. For those personnel not covered by the Act or exempted therefrom by provisions contained in the Act, the Auditor and Comptroller is hereby authorized to utilize for overtime purposes calculations based upon an eighty (80) hour biweekly work period.

Section 7. The members of the Classified Service, other than firemen and part-time employees, shall receive the salaries provided herein as compensation in full for work performed by them during scheduled work periods throughout the fiscal year as set forth in Section 6 above, except as hereinafter provided.

The Civil Service Commission shall establish and supervise a uniform extra compensation plan pursuant to the provisions of this ordinance which shall provide overtime pay not to exceed one and one-half (1 1/2) times an eligible employee's regular base rate of pay and shall provide for extra compensation of one Standard Rate whenever an eligible employee is required for a significant period to work at times substantially unusual for his class of employment, such as 1) working a night shift in which the majority of the hours of work scheduled for said employee throughout any pay period are before 8 a.m. or after 6 p.m., or 2) on a long-term schedule, working a shift regularly

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split by more than two (2) consecutive hours or such other work schedule as may be determined by the Civil Service Commission and the City Manager or nonmanagerial appointing authority to be substantially unusual for the class of employment. An eligible employee who is required to work under more than one of the unusual conditions indicated above shall receive one Standard Rate increase for each of said unusual conditions which shall be certified by the appointing authority on the official payroll time sheets to the Personnel Director. Such increases in compensation shall be identified and symbolized on all official payrolls and all records pertaining to said employee's compensation. When one or more of the said working conditions are commonly accepted conditions for the class of employment, the Civil Service Commission shall take such working conditions into consideration in establishing the compensation for the class.

The employees in the Classified Service who shall be eligible for and entitled to receive overtime compensation as herein provided, shall be designated by the Civil Service Commission in the Personnel Manual of The City of San Diego after consultation with the City Manager and/or nonmanagerial department heads and shall be in accordance with provisions of the Fair Labor Standards Act of 1938, as amended. The Civil Service Commission shall develop definitions and procedures in conformance with the

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provisions and intent of this ordinance and in cooperation with the aforesaid appointing authorities, which said definitions and procedures shall be final, conclusive and binding on all appointing authorities, officers and employees, it being the intention of this Council that authority and responsibility for designating eligible personnel pursuant to appropriate law as hereinabove set forth be vested in the Civil Service Commission.

Sworn personnel in the Police Department eligible for extra compensation pursuant to the provisions of the Educational Incentive Program established and adopted by the City Council shall be entitled to receive such additional compensation as set forth in the Program during the period of said sworn personnel's eligibility and entitlement. The City Manager shall promulgate rules and regulations as may be necessary to effectuate and govern the operation of said Educational Incentive Program. Such additional compensation as may be paid under this Program shall be appropriately identified and symbolized on all official payrolls and all records pertaining to said employee's compensation.

In addition to the foregoing provisions for extra compensation, an employee who has been released from work and has left the work premises shall, if called back to duty, be paid for the reasonable estimate of the time

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required for said employee to travel from and to his or her residence and the work area and for the time the employee actually works. The total time of call-back pay, including travel time, shall not be less than two (2) hours, and shall be computed at the employee's regular rate or at one and one-half (1 1/2) times said rate if the employee is designated as eligible for premium overtime pay.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. The provisions of Section 6 herein relating to computation of hours worked for classes of employees previously eligible for premium rate overtime shall be retroactive to the first day of the pay period next following July 1, 1974.

APPROVED AS TO FORM:

JOHN W. WITT, City Attorney

By



Jack Katz
Chief Deputy City Attorney

JK:K:332
8-14-74
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REV. 10-11-74

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Passed and adopted by the Council of The City of San Diego on OCT 24 1974,
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By Patricia Polan, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 8 1974, and on OCT 24 1974.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By Patricia Polan, Deputy.

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Office of the City Clerk, San Diego, California

Ordinance Number 11416 Adopted OCT 24 1974

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ATTORNEY(S)

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

COMPENSATION FOR OFFICERS, etc.

NOV 4 1974

I, PATRICIA M. APPELSTILL hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

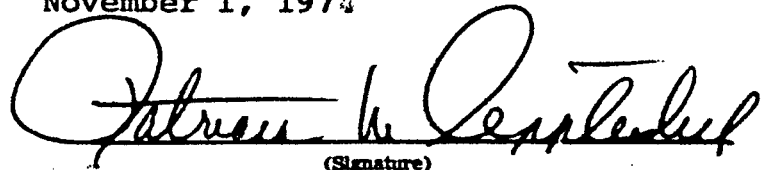
ORDINANCE NO. 11416

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

November 1, 1974

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

November 1, 1974


(Signature)

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ORDINANCE NO. 11616
(New Series)

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WHEREAS, the Act contains provisions for computation of hours worked for purposes of calculating payment of overtime compensation; and

WHEREAS, the timing of the implementation of the Act precluded full knowledge of its effect and implications upon budgetary legislation; and

WHEREAS, it was the intent of this Council in promulgating the 1974-75 salary ordinance to authorize the Auditor and Comptroller, when calculating hours worked for overtime purposes for those classes of employees not previously entitled to premium rate overtime pay, to apply the computation provisions of the Act as set forth in the Act without any liberalization thereof; and

WHEREAS, the Act provides for computation of overtime compensation for safety service personnel on a basis separate and distinct from general service personnel; and

WHEREAS, no provision was made in said salary ordinance for calculation of overtime compensation for safety service personnel on a different basis and at a different date; and

WHEREAS, it is now necessary to include such provisions for the authorization and calculation of overtime compensation for safety service personnel, the effective date of which is set by the Act as January 1, 1975; NOW, THEREFORE,

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Section 6. For the purpose of computing vacations, leaves of absence and terminal severance pay, the Auditor and Comptroller is hereby authorized to utilize compilations based upon an eighty (80) hour biweekly work period.

For the purpose of computing overtime, the Auditor and Comptroller shall utilize compilations based on a scheduled workweek of forty (40) hours pursuant to the work-hour computation provisions contained in and for those employees covered by the provisions of the Fair Labor Standards Act of 1938, as amended (herein called "Act"); provided, however, that for those classes of employees eligible for premium rate overtime compensation prior to May 1, 1974, the Auditor and Comptroller shall compute hours worked for overtime compensation purposes in the same manner and utilizing the same regulatory provisions that were in effect prior to May 1, 1974.

For the purpose of computing overtime for safety service personnel on and after January 1, 1975, the Auditor and Comptroller shall be guided by the appropriate provisions of the Act pertaining to safety service personnel and utilize compilations in accordance therewith and predicated thereupon. For those personnel not covered by the Act or exempted therefrom by provisions contained in the Act, the Auditor and Comptroller is hereby authorized to utilize for overtime purposes calculations based upon an eighty (80) hour biweekly work period.

Section 7. The members of the Classified Service, other than firemen and part-time employees, shall receive the salaries provided herein as compensation in full for work performed by them during scheduled work periods throughout the fiscal year as set forth in Section 8 above, except as hereinafter provided.

The Civil Service Commission shall establish and supervise a uniform extra compensation plan pursuant to the provisions of this ordinance which shall provide overtime pay not to exceed one and one-half (1 1/2) times an eligible employee's regular base rate of pay and shall provide for extra compensation of one Standard Rate whenever an eligible employee is required for a significant period to work at times substantially unusual for his class of employment, such as 1) working a night shift in which the majority of the hours of work scheduled for said employee throughout any pay period are before 5 a.m. or after 6 p.m. or 2) on a long-term schedule, working a shift regularly split by more than two (2) consecutive hours or such other work schedule as may be determined by the Civil Service Commission and the City Manager or nonmanagerial appointing authority to be substantially unusual for the class of employment. An eligible employee who is required to work under more than one of the unusual conditions indicated above shall receive one Standard Rate increase for each of said unusual conditions which shall be certified by the appointing authority on the official payroll time sheets to the Personnel Director. Such increases in compensation shall be identified and symbolized on all official payrolls and all records pertaining to said employee's compensation. When one or more of the said working conditions are commonly accepted conditions for the class of employment, the Civil Service Commission shall take such working conditions into consideration in establishing the compensation for the class.

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Personnel in the Police Department eligible for extra compensation pursuant to the provisions of the Educational Incentive Program established and

adopted by the City Council shall be entitled to receive such additional compensation as set forth in the Program during the period of said sworn personnel's eligibility and entitlement. The City Manager shall promulgate rules and regulations as may be necessary to effectuate and govern the operation of said Educational Incentive Program. Such additional compensation as may be paid under this Program shall be appropriately identified and symbolized on all official payrolls and all records pertaining to said employee's compensation.

In addition to the foregoing provisions for extra compensation, an employee who has been released from work and has left the work premises shall, if called back to duty, be paid for the reasonable estimate of the time required for said employee to travel from and to his or her residence and the work area and for the time the employee actually works. The total time of call-back pay, including travel time, shall not be less than two (2) hours, and shall be computed at the employee's regular rate or at one and one-half (1 1/2) times said rate if the employee is designated as eligible for premium overtime pay.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage. The provisions of Section 6 herein relating to computation of hours worked for classes of employees previously eligible for premium rate overtime shall be retroactive to the first day of the pay period next following July 1, 1974.

Passed and adopted by the Council of The City of San Diego on October 24, 1974, by the following vote:

YEAS: Johnson, O'Connor, Hubbard, Morrow, Martinet, Ellis, Bates, Wilson.

NAYS: None.

ABSENT: Williams.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By PATRICIA POLEN,
Deputy.

(Seal)

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on October 8, 1974, and on October 24, 1974.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By PATRICIA POLEN,
Deputy.

(Seal)

Published Nov. 1, 1974 LS 888