

ORDINANCE NO. 11521  
(New Series)

MAR 13 1975

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.

WHEREAS, the salary ordinance, No. 11331 (New Series), of The City of San Diego was adopted on May 31, 1974, after due course and deliberation by the City Council pursuant to established policies and guidelines; and

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

WHEREAS, the Act contained provisions in conflict with the City's salary ordinance relating to computation of hours worked for purposes of calculating payment of overtime compensation preempting the local legislative authority therein; and

WHEREAS, it became necessary, as a result of such federal preemption, to amend the salary ordinance to conform to the federal act as made applicable to local government; and

WHEREAS, this Council so amended the salary ordinance to conform to said mandated provisions of the Act; and

WHEREAS, legal proceedings have been instituted on behalf of states and local governments challenging the constitutionality of application of the Act to such governmental entities; and

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MAY 5 1978

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WHEREAS, the applicability and effectiveness of the entire Act as it affects state and local government has been stayed by the United States Supreme Court pending determination of its legality; and

WHEREAS, pending such determination by the Supreme Court, it is the intent of this Council to restore those provisions in the salary ordinance promulgated as a result of the meet and confer process and recommendations of the Management Team and Civil Service Commission; 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 to read as follows:

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

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biweekly work period throughout the fiscal year, except as hereinafter provided.

The Civil Service Commission shall establish and supervise a uniform extra compensation plan which shall provide overtime pay not to exceed one and one-half (1 1/2) times an eligible employee's regular rate of pay, or time off in lieu thereof, 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 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.

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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 definitions and procedures developed by the Civil Service Commission in cooperation with the said appointing authorities, which said definitions and procedures shall be final, conclusive and binding on all appointing authorities and officers and employees, it being the intention of this Council that authority and responsibility for determining eligibility pursuant to the provisions of this ordinance 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

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**MAY 5 1978**

**11521**

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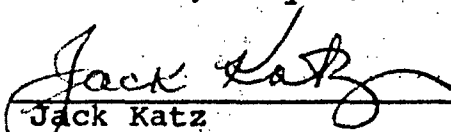
regulations as may be necessary to effectuate and govern the operation of said Educational Incentive Program. Such additional compensation as may be paid under this Program shall be appropriately identified and symbolized on all official payrolls and all records pertaining to said employee's compensation.

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.

APPROVED: JOHN W. WITT, City Attorney

By

  
Jack Katz  
Chief Deputy City Attorney

**MICROFILMED**

**MAY 5 1978**

JK:K:332

2-24-75

Or. Dept.: Manager

-5-

**11521**

**02251**

MAR 13 1975

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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

FEB 27 1975

MAR 13 1975

and on \_\_\_\_\_

~~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.

1975 FEB 25 AM 11:12

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MAY 5 1978

Office of the City Clerk, San Diego, California

Ordinance  
Number

11521

Adopted

MAR 13 1975

02252

RECEIVED  
1975 APR -1 PH 1:45 *fw*  
SAN DIEGO, CALIF.

ATTORNEY(S)

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

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

OVERTIME COMPENSATION

APR 1 1975 *fw*

I, PATRICIA M. APPLESTILL 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; and the

ORDINANCE NO. 11521

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

March 21, 1975

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

March 21, 1975

*Patricia M. Applestill*  
(Signature)

**ORDINANCE NO. 11521**

(New Series)

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WHEREAS, the applicability and effectiveness of the entire Act as it affects state and local government has been stayed by the United States Supreme Court pending determination of its legality; and

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THEREFORE,

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The Civil Service Commission shall establish and supervise a uniform extra compensation plan which shall provide overtime pay not to exceed one and one-half (1 1/2) times an eligible employee's regular rate of pay, or time off in lieu thereof, 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 split by more than two (2) consecutive hours of 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 accented 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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Sworn personnel in the Police Department shall be 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.

Introduced on February 27, 1975.

Passed and adopted by the Council of The City of San Diego on March 13, 1975.

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 FOLGER, Deputy

(SEAL)

Published March 21, 1975

LS-004