

ORDINANCE NO. 11861
(New Series)

JUL 7 1976

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 23.1111 [RULE X, SECTION 11 OF THE RULES OF THE CIVIL SERVICE COMMISSION] RELATING TO INDUSTRIAL LEAVE.

WHEREAS, The City of San Diego has executed Memoranda of Understanding with employee organizations providing for an industrial leave program to provide benefits similar to and thereby eventually replace the existing injury leave program now contained in the Civil Service Rules; and

WHEREAS, the Civil Service Commission on May 12, 1976, voted to amend Rule X, Leaves of Absence, to add a new section which describes the basic provisions of the industrial leave program; and

WHEREAS, it is now necessary to amend, by Council ordinance, the San Diego Municipal Code to place such program in full force and effect; NOW, THEREFORE,

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

Section 1. That Chapter II, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by adding Section 23.1111 [Rule X, Section 11 of the Rules of the Civil Service Commission] to read as follows:

SEC. 23.1111 INDUSTRIAL LEAVE
[Rule X, Section 11 of the Rules
of the Civil Service Commission]

MICROFILMED a. INDUSTRIAL LEAVE INTENT AND DEFINITION:

The intent of this section is to provide industrial leave benefits in lieu of injury leave to employees

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who are temporarily and totally disabled from performing productive City work by reason of injury or illness, arising out of or in the course of their employment, while properly performing the duties of their classification. Participation in the industrial leave program shall be limited to employees in classifications approved by the Civil Service Commission.

b. ELIGIBILITY FOR INDUSTRIAL LEAVE: Employees shall be eligible for industrial leave benefits subject to the provisions approved by the Civil Service Commission.

c. INDUSTRIAL LEAVE BENEFIT: The industrial leave benefit shall be the employee's net take-home pay as defined by the Civil Service Commission.

d. DURATION OF INDUSTRIAL LEAVE: An employee's maximum industrial leave benefit shall not exceed the number of hours equivalent to the employee's work year for each injury, including any recurrence or aggravation to an injury previously approved for industrial leave. Industrial leave will terminate when the employee no longer qualifies for industrial leave under the provisions approved by the Civil Service Commission.

e. APPEAL FROM DENIAL OF INDUSTRIAL LEAVE: An employee may appeal the denial of industrial leave by the Worker's Compensation Administration in writing

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to the Personnel Director by stating the specific reasons for the employee's appeal and the issues upon which the appeal is based. The Personnel Director, in conjunction with the Worker's Compensation Administration, shall review all pertinent facts and written information and shall report the findings and decision in writing to the employee and the Civil Service Commission.

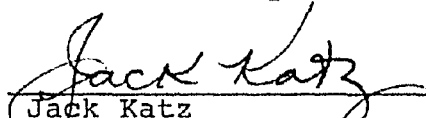
f. TOTAL COMPENSATION OF EMPLOYEE: Industrial leave is granted in lieu of Worker's Compensation Temporary Disability.

g. WORKER'S COMPENSATION AND INDUSTRIAL LEAVE: Nothing herein contained shall be deemed to affect the employee's entitlement to medical, surgical and hospital treatment as provided in Division 4 of the California Labor Code nor be deemed to affect the employee's entitlement to receive such Temporary Disability payments as also provided in Division 4. Industrial leave is not within the jurisdiction of the California Labor Code nor the adjudication of the Worker's Compensation Appeals Board.

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

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JK:k:301, 314

5-21-76

Or.Dept.: Personnel

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Passed and adopted by the Council of The City of San Diego on JUL 7 1976
 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"/>
Tom Gade	<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"/>
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 Kathleen Martinez, 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 JUN 22 1976, and on JUL 7 1976

~~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.

By Kathleen Martinez, Deputy.

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CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California		
Ordinance Number	11861	JUL 7 1976
	Adopted	01740