

ORDINANCE NO. 0-15302
(New Series)

REVISED
(O. 80-324)

JUL 28 1980

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISIONS 11 AND 12 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 23.1101 [RULE X, SECTION 1]; SECTION 23.1103 [RULE X, SECTION 3]; SECTION 23.1104 [RULE X, SECTION 4]; DELETING SECTION 23.1111 [RULE X, SECTION 11]; RETITLING DIVISION 12 AND ADDING SECTION 23.1209 [RULE XI, SECTION 9]; AND AMENDING CHAPTER II, ARTICLE 2, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 22.1019; ALL RELATING TO LEAVES OF ABSENCE AND RESIGNATION, REMOVAL, SUSPENSION AND REDUCTION IN COMPENSATION.

WHEREAS, the City Council is desirous of amending the City's industrial leave program to provide for a benefit equal to 75% of regular pay and for an informal appeal hearing; and

WHEREAS, such proposals were agreed to by the recognized employee organizations and such proposals are part of the Memoranda of Understanding with those organizations; and

WHEREAS, the injury leave program is applicable only to injuries which were incurred prior to July 7, 1976; and

WHEREAS, the Civil Service Commission, on June 5, 1980, approved certain changes to the Rules of the Civil Service Commission to implement provisions of the fiscal year 1981 Memoranda of Understanding with employee organizations; and

WHEREAS, it is now necessary to forward to Council said changes to the Rules with approval by the Commission for adoption by Council to be included in the Municipal Code of the City; and

WHEREAS, the Commission recommends favorable action by the Council in this matter, 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 amending Sections 23.1101, 23.1103 and 23.1104, to read as follows:

SEC. 23.1101 GENERAL REQUIREMENTS
 [Rule X, Section 1 of the Rules of
 the Civil Service Commission]

Eligible employees shall be entitled to holidays and annual vacation, and shall be allowed sick, emergency and special leaves of absence as hereinafter in this rule provided. In addition, employees may be eligible for other types of leave approved by the City Council. All leaves of absence, whether with or without pay, shall be submitted in writing on prescribed forms, and shall be subject to the provisions of this Rule and/or any applicable section of the Personnel Manual or Administrative Regulations. All leaves contained in this Rule, except as hereinafter provided in the case of Compulsory Leave, Court Leave, and Special Meetings, must meet the approval of the appointing authority and Commission. Except in the case of sick, emergency, or military leave, the time during which any leave of absence shall be taken by an employee shall be designated by the appointing authority. Leaves of absence shall be indicated on the payroll time sheets submitted to the Personnel Director for certification. Failure to submit

leave requests prior to the date on which pay warrants are released will result in withholding the warrants until such requests have been submitted and approved.

SEC. 23.1103 ANNUAL VACATION
[Rule X, Section 3 of the Rules
of the Civil Service Commission]

(1) FULL-TIME ACTIVE SERVICE: A full-time eligible employee shall be entitled to an annual vacation with full pay as follows:

(a) Ten workdays after completion of the first year of active service.

(b) Ten workdays each fifty-two weeks, credited biweekly, cumulative to 30 workdays or 240 hours (cumulative to 200 hours for employees hired after July 1, 1977), during the second through fifth years of active service.

(c) Fifteen workdays each fifty-two weeks, credited biweekly cumulative to 45 workdays or 360 hours (cumulative to 300 hours for employees hired after July 1, 1977), during the sixth through fifteenth years of active service.

(d) Those classifications designated by the Commission and the Council as eligible for the Management Benefits Plan shall be entitled to fifteen workdays after the completion of the first year of service, credited biweekly each fifty-two weeks, cumulative to 45 workdays or 360 hours (cumulative to 300 hours for

employees hired after July 1, 1977), during the second through fifteenth years of active service.

(e) Twenty workdays each fifty-two weeks, credited biweekly, cumulative to 60 workdays or 480 hours (cumulative to 400 hours for employees hired after July 1, 1977), during the sixteenth and succeeding years of active service.

(f) After one year of active service, vacation leave may be taken as accumulated with approval of the appointing authority.

(g) Eligible employees may be granted pay in lieu of vacation as provided in the Personnel Manual.

(2) PART-TIME EMPLOYEES PAID ON A BIWEEKLY BASIS:

Eligible employees who are paid regularly one-half or three-quarters of the biweekly salary for their class shall be entitled to the prorated number of workdays vacation specified in paragraph (1) above, at their usual rate of pay.

(3) VACATION EARNED DURING LAST YEAR: Upon separation from service for any cause, an eligible employee who has completed at least one year of active service shall be entitled to pay in lieu for the number of accumulated vacation days credited to his or her account under the provisions of this Rule. If, in the case of retirement, the employee elects to place himself or herself on terminal vacation leave, the period of terminal vacation leave shall be considered in computing currently earned vacation.

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SEC. 23.1104 SICK AND EMERGENCY LEAVES
[Rule X, Section 4 of the Rules
of the Civil Service Commission]

(1) SICK LEAVE INTENT, DEFINITION, PROVISIONS: The intent of this section is to provide compensation to those employees who are unable on account of illness or injury to perform the duties of their positions or who would expose fellow workers or the public to contagious disease and are thereby forced to be absent from employment, and to provide necessary time off from work for medical and dental care, subject to administrative regulations designed to prevent malingering or abuse of these privileges.

(a) SICK LEAVE DEFINITION: Sick leave is defined as the necessary absence from duty of an employee on account of illness, injury, or exposure to contagious disease suffered by the employee, or the serious disability of the employee while on a scheduled vacation or absence authorized for medical or dental care.

(b) SICK LEAVE CREDITS: Paid sick leave credits shall be earned at the rate of one-half workday at the completion of each biweekly period of active service, and shall be accumulative without restriction. Paid sick leave credits may be used as soon as earned, but only with the approval of the appointing authority.

(c) SICK LEAVE - WORKERS' COMPENSATION: Those employees who are absent from duty because of a temporary disability which is defined as industrial under

the Workers' Compensation Act, but who are not granted industrial leave, may use sick leave; provided, however, that any such employee who receives a temporary disability allowance, as provided under the Workers' Compensation Law, must reimburse the City Auditor and Comptroller in the amount of the authorized compensation, in which case, only that amount of the employee's accumulated sick leave credits as when added to said disability allowance will result in a payment of not more than the employee's full salary or wages shall be charged against said accumulated sick leave credits.

(2) EMERGENCY LEAVE INTENT, DEFINITION, PROVISIONS:

The intent of this Section is to allow the limited use of sick leave credits by an employee who is confronted with serious emergency illness, injury or death in the employee's immediate family.

(a) Emergency leave is defined as the necessary absence from duty of an employee because of emergency illness of a member of the employee's immediate family requiring the attendance of the employee upon said member until professional or other attendance can be obtained, or the absence from duty of an employee because of the death of an immediate family member.

(b) An eligible employee may be granted emergency leave with pay chargeable to accumulated sick leave credits not to exceed a total of 5 workdays for each

instance of emergency illness or death in the employee's immediate family. In the case of illness followed by death, an employee may be granted a maximum of 10 consecutive workdays of emergency leave chargeable to sick leave credits.

(3) NONAPPLICABILITY: None of the foregoing provisions of this rule shall be applicable to employees paid on an hourly or daily basis.

(4) EVIDENCE OF CAUSE OF ABSENCE: In all cases of absence because of sickness or injury of the employee, or illness or death in his immediate family, the employee may be required to furnish the appointing authority satisfactory evidence substantiating the facts justifying such leave. Failure to furnish such evidence upon request shall be sufficient reason for denying the leave of absence with pay.

Section 2. That Chapter II, Article 3, Division 11 of the San Diego Municipal Code be and the same is hereby amended by deleting Section 23.1111 [Rule X, Section 11 of the Rules of the Civil Service Commission] entitled Industrial Leave.

Section 3. That Chapter II, Article 3, Division 12 of the San Diego Municipal Code is hereby amended as follows:

(1) Amending the title of said division to read "RESIGNATION, REMOVAL, SUSPENSION, AND REDUCTION IN COMPENSATION."

(2) Add a new Section 23.1209 to Division 12 to read as follows:

SEC. 23.1209 REDUCTION IN COMPENSATION
 [Rule XI, Section 9 of the Rules
 of the Civil Service Commission.]

The compensation of any employee may be reduced within the salary range of that employee's current classification by the appointing authority. Such reduction in compensation may be put into effect upon a determination that the employee's performance has not met the standards established for the employee's classification and/or position. The procedure for, and appeal of, a reduction in compensation shall be the same as those provided above for suspension.

Section 4. That Chapter II, Article 2, Division 10, of the San Diego Municipal Code be and the same is hereby amended by adding Section 22.1019 to read as follows:

SEC. 22.1019 INDUSTRIAL LEAVE

a. INDUSTRIAL LEAVE INTENT AND DEFINITION. The intent of this section is to provide industrial leave benefits to employees 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.

b. ELIGIBILITY FOR INDUSTRIAL LEAVE: Employees shall be eligible for industrial leave benefits subject to the provisions promulgated by the City Manager.

c. INDUSTRIAL LEAVE BENEFIT: The industrial leave benefit shall be equivalent to 75% of the employee's regular hourly compensation.

(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 promulgated by the City Manager.

(e) APPEAL FROM DENIAL OF INDUSTRIAL LEAVE: An employee may appeal the denial of industrial leave by the Worker's Compensation Administration in writing to the City Manager by stating the specific reasons for the employee's appeal and the issues upon which the appeal is based. The City Manager or his designee shall meet with the employee to discuss the basis for denial. Following that meeting, the City Manager shall report his findings and decision in writing to the employee.

(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 5. 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
Jack Katz
Chief Deputy City Attorney

JK:lco:310x314
6/23/80
Or.Dept.:Personnel

Passed and adopted by the Council of The City of San Diego on JUL 28 1980,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Rita Anderson, 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

JUL 15 1980

JUL 28 1980

, 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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Rita Anderson, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-15302 Adopted JUL 28 1980

CERTIFICATE OF PUBLICATION

San Diego, City of
12th floor, City Admin. Bldg.
202 C St., San Diego, CA 92101
ATTN: Rita Andrews

IN THE MATTER OF

NO.

N ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISIONS
11 AND 12 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING
SECTION 23.1101 (RULE X, SECTION 1); SECTION 23.1103 ETC.

Camille Simpson

I, _____, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above- entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

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is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

August 11, 1980

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 11th day of Aug., 1980

Camille Simpson

(Signature)

7" - \$51.31

ORDINANCE NO. O-15302
(New Series)
AN ORDINANCE AMENDING CHAPTER II, ARTICLE 3, DIVISIONS 11 AND 12 OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTION 23.1101 (RULE X, SECTION 1); SECTION 23.1103 (RULE X, SECTION 3); SECTION 23.1104 (RULE X, SECTION 4); DELETING SECTION 23.1111 (RULE X, SECTION 7); REPEALING DIVISION 12 AND ADDING SECTION 23.1209 (RULE X, SECTION 9); AND AMENDING CHAPTER II, ARTICLE 3, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 22.1019; ALL RELATING TO LEAVES OF ABSENCE AND RESIGNATION, REMOVAL, SUSPENSION AND REDUCTION IN COMPENSATION.
This ordinance amends the San Diego Municipal Code and companion Rules of the Civil Service Commission to incorporate changes agreed to in various Memoranda of Understanding with employee organizations for fiscal year 1981, said changes relating to Leaves of Absence and Reduction in Compensation. This Ordinance will also remove the industrial leave program from the Rules of the Civil Service Commission, establish the benefit to be 75% gross pay and establish that the City Manager shall hear all appeals.
A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on July 15, 1980.
Passed and adopted by the Council of The City of San Diego on July 29, 1980.
AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of
San Diego, California.
CHARLES G. ABDELNOUR,
City Clerk of The City of
San Diego, California.
(SEAL)
By RITA ANDREWS,
Deputy.
Publish August 11, 1980