

(O-86-42)

ORDINANCE NUMBER O-16505 (NEW SERIES)

ADOPTED ON SEP 16 1985

AN ORDINANCE AMENDING ORDINANCE NO. O-16434
(NEW SERIES) ENTITLED "AN ORDINANCE
ESTABLISHING A SCHEDULE OF COMPENSATION FOR
OFFICERS AND EMPLOYEES OF THE CITY OF SAN
DIEGO FOR THE FISCAL YEAR 1985-86" BY AMENDING
SECTIONS 7 AND 8 THEREOF.

WHEREAS, the annual salary ordinance provides in sections 7 and 8 for the establishment of base work periods and compensation and overtime and eligibility for extra compensation; and

WHEREAS, the United States Supreme Court in Garcia v. San Antonio Metropolitan Transit Authority, 83 L.Ed.2d 1016, 105 U.S. 1005 (1985) held that the provisions of the Fair Labor Standards Act, 29 U.S. Code § 201, et seq. are applicable to states, cities and local agencies, including The City of San Diego; and

WHEREAS, it is now necessary to amend sections 7 and 8 to ensure compliance with the Fair Labor Standards Act; NOW,
THEREFORE,

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

Section 1. That Ordinance No. O-16434 (New Series), entitled "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1985-86" be and the same is hereby amended to amend sections 7 and 8 to read as follows:

SEC 7. ESTABLISHMENT OF BASE WORK PERIOD,
COMPUTATIONS THEREON.

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 work week 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".)

For the purpose of computing overtime for safety service personnel, 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. Those personnel not covered by the Act or exempted therein from the provisions contained in the Act, the Auditor and Comptroller is hereby authorized to utilize for overtime purposes calculations based upon an eighty (80) hour work period. Part-time employees

compensated on an hourly basis shall not be eligible for any benefits set forth herein except overtime compensation.

SEC. 8. EXTRA COMPENSATION PLAN; ELIGIBILITY

The Civil Service Commission shall establish and supervise, in accordance with provisions set forth herein, 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 base rate as established herein, or time off in lieu where permitted by law, and shall provide for extra compensation of approximately five percent (5%) whenever an eligible employee is required, for a significant period, to work at times substantially unusual for his or her class of employment, such as: (1) working a night shift in which the majority of the hours or work scheduled for said employee throughout any pay period is 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 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 an approximate five percent (5%) 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 other 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 and such determination shall be final.

Those positions within the Classified Service experiencing special recruiting problems, as determined and declared by the Personnel Director and City Manager, may be awarded an additional pay increment of ten percent (10%) above the base rate established in this ordinance. Such increase shall be identified and symbolized on all official

payrolls and all other records pertaining to the compensation for that position. The special recruiting problem pay shall be authorized only for the period determined by the Personnel Director, in cooperation with the City Manager, and shall not be deemed or construed to constitute a property right in or create any continuing vested entitlement to such extra compensation from year to year. 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 callback 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 provided the employee is designated as eligible for premium overtime pay. The employees in the Classified Service who shall be eligible for and entitled to receive overtime compensation, as herein provided, shall be determined by the Civil


Service Commission and City Manager and/or nonmanagerial department heads and approved thereafter by Council resolution prior to being officially designated in the Personnel Manual of The City of San Diego. Such approval by the City Council shall be required annually in conjunction with adoption of this Annual Salary Ordinance. Determination of eligibility and payment therefor shall be in accordance with definitions and procedures developed by the Civil Service Commission and the City Auditor and Comptroller pursuant to Council Policy and in cooperation with the aforesaid appointing authorities, which definitions and procedures shall be final, conclusive and binding on all appointing authorities and officers and employees prior to Council approval, it being the intention of this Council that authority and responsibility for determining eligibility for overtime compensation shall be pursuant to the provisions of this ordinance and Council policy.

Section 2. The provisions of this amendment shall be effective on September 27, 1985.

Section 3. 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


John M. Kaheny, Deputy

JMK:smm
9/9/85
Or.Dept:Pers.
O-86-42
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Passed and adopted by the Council of The City of San Diego on SEP 16 1985,
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 7-vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK
Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Bovard, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on SEP 16 1985, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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 Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16505</u>	Adopted <u>SEP 16 1985</u>

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 "C" STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. O-16434 (NEW SERIES)

ORDINANCE NUMBER O-16505 (NEW SERIES)
ADOPTED ON SEP 16, 1985
AN ORDINANCE AMENDING ORDINANCE NO. O-16434 (NEW SERIES) ENTITLED "AN ORDINANCE ESTABLISHING SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1985-86" BY AMENDING SECTIONS 7 AND 8 THEREOF.
This Ordinance amends the Annual Salary Ordinance in order to bring compliance with the overtime provisions of the Fair Labor Standards Act, 29 U.S. Code section 201, et seq.
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.
A true and correct copy of this Ordinance is being produced, reading dispensed with and adopted by the City Council of the City of San Diego on September 16, 1985.
ATTEST:
CITY CLERK
CITY OF THE CITY OF SAN DIEGO, CALIFORNIA
CITY CLERK
CITY OF SAN DIEGO, CALIFORNIA
SEP 20 1985

I, Michael L. Ungashick, 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

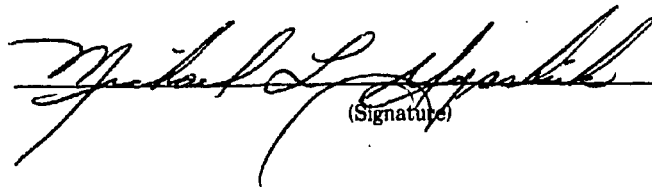
ORDINANCE NUMBER O-16505 (NEW SERIES)

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:

September 30, 1985

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

Dated at San Diego, California this 30th day of Sept., 19 85.


(Signature)

C1311

$2\frac{3}{8} \times 2 \times 9.76 = 46.36$