

CORRECTED COPY

(0-92-16)

ORDINANCE NUMBER O- 17670 (NEW SERIES)

ADOPTED ON AUG 06 1991

AN ORDINANCE AMENDING ORDINANCE NO. O-17648 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR FISCAL YEAR 1991-92" BY ADDING A NEW SECTION 5.1, ENTITLED "FLSA EXEMPT EMPLOYEE SALARY STATUS."

WHEREAS, the City has attempted to fully comply with the Fair Labor Standards Act; and

WHEREAS, recent court decisions have materially affected interpretation of the Fair Labor Standards Act relating to exempt employees; and

WHEREAS, the City may have unintentionally and inadvertently been noncompliant with the Act in respect to certain employees; and

WHEREAS, it is necessary to revise the City's compensation policies with the express intent to comply fully with said judicial interpretations of the Fair Labor Standards Act; and

WHEREAS, the City Manager has discussed these revisions with affected employee organizations during the meet and confer process in an attempt to reach agreement and is therefore recommended for adoption by the Council; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-17648 (New Series), as amended, entitled "AN ORDINANCE ESTABLISHING A SCHEDULE OF

COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR FISCAL YEAR 1991-92" be and the same is hereby amended by adding a new section 5.1, entitled "FLSA EXEMPT EMPLOYEE SALARY STATUS" to read as follows:

SECTION 5.1 FLSA EXEMPT EMPLOYEE SALARY STATUS

Not withstanding any other provisions of this ordinance, the City Auditor and Comptroller is hereby expressly authorized to compensate all employees who are designated as exempt under and from the provisions of the Fair Labor Standards Act, in recognition of their salaried status, for absences of less than a full work day, in the event such employees do not have sufficient paid leave credits to cover the period of such absence. Such compensation shall be deemed not to constitute a gift of public funds but rather a recognition by Council of the salaried status of designated employees.

The express intent of this provision is to fully comply with the salary status requirements of the Fair Labor Standards Act as interpreted by the courts. Should the Fair Labor Standards Act be amended or reinterpreted by the courts to cause this provision to be noncompliant with the salary

exemption requirements of the Act, or exceed the requirements of the Act, in that event the City Manager, in conjunction with the Personnel Director and the Auditor and Comptroller, shall be and is hereby authorized to take whatever actions are legally required and necessary to implement further revisions to the City's compensation policies which are in full compliance with the Act and in the best interest of The City of San Diego.

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
Jack Katz
Senior Chief Deputy

JK:smm
07/18/91
Or.Dept:Pers.
0-92-16
Form=o.code

5 2

AUG 06 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

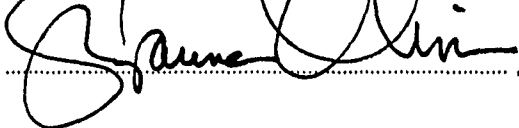
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By  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 23 1991

AUG 06 1991

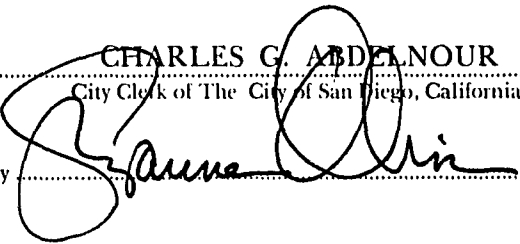
, and on

~~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  Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	0-17670
Adopted	AUG 06 1991

RECEIVED
CITY CLERK'S OFFICE
91 JUL 19 PM 3:38
SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

91 AUG 22 AM 10:00

SAN DIEGO, CALIF. *et*

CITY CLERK'S OFFICE
CITY ADMIN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. 0-17648,
AS AMENDED, ENTITLED "AN ORDINANCE ESTABLISHING..."

ORDINANCE NUMBER 0-17670 (NEW SERIES)
AN ORDINANCE AMENDING ORDINANCE NO. 0-17648 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR FISCAL YEAR 1991-92" BY ADDING A NEW SECTION 5.1, ENTITLED "FLSA EXEMPT EMPLOYEE SALARY STATUS."
This ordinance amends the annual salary ordinance by adding a new section 5.1, entitled "FLSA Exempt Employee Salary Status" to include specific provision and authority to comply with the Fair Labor Standards Act, as interpreted by the courts, as it governs administration of compensation for exempt employees.
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
INTRODUCED ON JULY 23, 1991
Passed and Adopted by the Council of the City of San Diego on AUGUST 6, 1991.
AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA
By SUZANNE OLIVA, Deputy
Pub. August 19 226984

I, Thomas D. Kelleher, 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

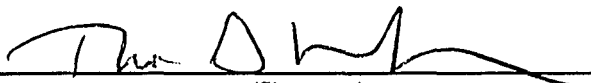
ORDINANCE NUMBER 0-17670

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 19

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

Dated at San Diego, California this 19TH day of AUGUST, 19 91.



(Signature)

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