

50

(O-94-112 COR. COPY)
(05/17/94)

ORDINANCE NUMBER O- 18072 (NEW SERIES)

ADOPTED ON MAY 31 1994

AN ORDINANCE ESTABLISHING A SCHEDULE OF
COMPENSATION FOR OFFICERS AND EMPLOYEES OF
THE CITY OF SAN DIEGO FOR THE FISCAL YEAR
1994-95.

WHEREAS, The Management Team of The City of San Diego has met and conferred with the Police Officers Association (POA), Local 145 (Firefighters), Local 127, AFSCME, AFL-CIO and the Municipal Employees Association (MEA) regarding salaries and wages for employees represented by those organizations in the Classified Service, and has made detailed recommendations to the City Council in relation thereto; and

WHEREAS, the Civil Service Commission of The City of San Diego has conducted studies of salaries and wages pursuant to section 130 of the Charter of The City of San Diego and has issued a report to the City Council identifying classifications of employees in the Classified Service which merit special consideration because of recruitment or retention problems, changes in duties or responsibilities, or other special factors; 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 (FLSA), 29 U.S. Code section 201 et seq., as they relate to overtime compensation, are applicable to states, cities and local

agencies, including The City of San Diego; and

WHEREAS, it is now necessary to ensure compliance with the FLSA and provisions therefor as set forth herein; and

WHEREAS, the City Manager and nonmanagerial department heads have made recommendations to the City Council in respect to salaries and wages for officers in unrepresented classes and the Unclassified Service; and

WHEREAS, after receipt at public hearing of information and statistics, oral and written, and after detailed evaluation and deliberation by the City Council upon the recommendations of the Management Team and the Civil Service Commission, the City Council of The City of San Diego, pursuant to and under the authority vested in it by the State Constitution and Charter of The City of San Diego, hereby finds and determines that the salaries and wages established herein are in consonance with the information and statistics provided and recommendations submitted; and

WHEREAS, pursuant to the provisions of Charter sections 12.1 and 24.1, the Salary Setting Commission's recommendations for Mayor and Council salaries for fiscal years 1994-95 and 1995-96, set forth in its report on said matter dated February 8, 1994, were considered and its recommended schedule of compensation for the Mayor and members of the City Council for the period July 1, 1994 through June 30, 1995 was rejected and not adopted by Resolution No. R-283472, adopted on March 1, 1994 and consideration of its recommended schedule of compensation to be effective July 1, 1995 through June 30, 1996 was deferred until

consideration of the Fiscal Year 1996 Budget and Salary Ordinance; and

WHEREAS, the Council deems it appropriate to act thereon for incorporation in the annual salary ordinance in the same action as is used for the City at large; and

WHEREAS, section 117 of the Charter provides for exemption from the Classified Service of certain administrative positions including "managerial employees having significant responsibilities for formulating or administering departmental policies and programs"; and

WHEREAS, that section provides further that such exemption shall be upon "initiation of the appropriate appointing authority and after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council"; and

WHEREAS, those classifications previously approved by the City Council for exemption from the Classified Service are set forth by classification and salary rate in the Managerial category, attached hereto in Exhibit C; and

WHEREAS, it is the responsibility of the City Council to identify within established ranges the level of pay for those officers whose compensation is determined and set by the legislative body; and

WHEREAS, the City Auditor and Comptroller has developed a new payroll system for The City of San Diego which will provide additional compensation flexibility by eliminating specified pay steps within specified Minimum and Maximum pay rates for UNCLASSIFIED EXECUTIVE, MANAGERIAL AND MISCELLANEOUS EXECUTIVE

and MANAGERIAL categories to be implemented during the 1994-95 Fiscal Year; and

WHEREAS, having analyzed data and information presented, it is now necessary and appropriate to identify the salary level within range, for those certain positions at which compensation for fiscal year 1995 shall be set; NOW, THEREFORE,

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

Section 1. LEGISLATIVE BODY, COMPENSATION ESTABLISHED

Pursuant to sections 12.1 and 24.1 of the Charter of The City of San Diego and the recommendations of the Salary Setting Commission, set forth in its report dated February 8, 1994, and adopted by Resolution No. R-283472, dated March 1, 1994, there is hereby established and adopted a schedule of compensation for the Mayor and Councilmembers for the period July 1, 1994 through June 30, 1995, as follows:

Mayor	\$65,300 per annum
Councilmember	\$49,000 per annum

The Mayor and each Councilmember may choose to receive a reduced amount of compensation in order to participate in a voluntary work furlough program by so informing the City Auditor.

The Auditor and Comptroller shall calculate and establish a table which shall be and is hereby adopted as the appropriate table of biweekly salaries most closely approximating the above authorized per annum compensation.

Section 1.1. AUTOMOBILE ALLOWANCE

The monthly automobile allowance for members of the City

Council, the City Attorney and the City Manager, for expenses related to the operation and maintenance of their personal automobiles in the performance of their duties, shall continue to be based on the national average costs of operating an automobile as computed by Runzheimer and Company, transportation consultants, for the American Automobile Association as previously authorized pursuant to Resolution No. R-263924 adopted on August 19, 1985.

Any of the above named officials electing to utilize a City-owned or leased automobile in the performance of their duties shall be reimbursed upon submission of paid invoices or other documents for actual costs of gasoline and oil and other normal minor expenses incurred.

The City of San Diego shall provide liability protection to the Mayor, members of the Council, the City Attorney, and City Manager in the event that they are involved in an automobile accident while driving City equipment on their personal time.

In addition to the above benefits, the City Manager, upon recommendation of the Chief of Police, may continue, for security reasons, the policy adopted in January of 1993 of providing the Mayor, any member of the City Council, or the City Attorney with police escorted transportation in the conduct of official City business.

Section 2. EXECUTIVE COMPENSATION SET BY COUNCIL

For those executive positions whose compensation is established by Council, rates and monthly compensation for each such position shall be established within the position ranges

authorized in Exhibit C and shown in Exhibit A, by the appropriate appointing authority, processed by payroll change notice and placed in force effective on or after July 1, 1994.

Section 3. STANDARD SALARY RATES ADOPTED

For all positions in the Classified Service of The City of San Diego, the table of Classes and Standard Rate numbers providing uniform compensation for like service, attached hereto as Exhibit B, is hereby adopted.

For all positions in the Unclassified Service of The City of San Diego, which are identified by the letters "UC", and listed under appropriately designated categories, the table of Classes and Standard Salary Rate numbers, attached hereto as Exhibit C, is hereby adopted.

Section 4. SCHEDULES OF COMPENSATION ESTABLISHED

As a schedule of compensation for all officers and employees of The City of San Diego, including the EXECUTIVE, MANAGERIAL and MISCELLANEOUS EXECUTIVE AND MANAGERIAL categories of the Unclassified Service as hereinafter enumerated, there is hereby established and adopted a Table of Pay for Standard Rates indicating biweekly salaries, and containing minimum, maximum and intermediate range steps for each Standard Rate.

Included in such schedule of compensation shall be any special salary adjustments for certain specified classifications, in addition to the general overall increase authorized, said special salary adjustment awarded as a result of retention or recruitment problems, changes in duties or responsibilities or other special factors identified by the Civil Service Commission

or City Council.

Biweekly salaries and ranges thereof for said Standard Rates are set forth in the Salary Schedules attached hereto as Exhibits, to be effective July 1, 1994 as appropriate and determined by agreements reached between The City of San Diego and any recognized employee organization prior to the date of adoption of this ordinance. Base biweekly salaries and ranges set forth in Exhibit A shall be increased by one percent (1%) (based on an hourly rate calculation rounded to the nearest cent per hour) for all classifications represented by the Police Officers Association (POA) effective December 31, 1994; for all classifications represented by Local 145 (Firefighters) effective March 25, 1995 and all classifications represented by the Municipal Employees Association (MEA) and Local 127, AFSCME, AFL-CIO with signed and ratified MOUs and all unrepresented classifications effective June 3, 1995. All employees in the EXECUTIVE, MANAGERIAL, and MISCELLANEOUS EXECUTIVE AND MANAGERIAL categories shall receive a one percent (1%) pay increase effective June 3, 1995. In the event agreement is not reached with any particular recognized employee organization, said Salary Schedules shall reflect the City's last best offer. Classified unrepresented employees shall have the option of participating in a voluntary work furlough program.

There is hereby established and adopted an EXECUTIVE category within the Unclassified Service of The City of San Diego containing classification ranges of Executive I through Executive V for all officers and employees serving in the positions listed

in Exhibit C under EXECUTIVE. There is hereby further established and adopted a MANAGERIAL category within the Unclassified Service of The City of San Diego containing classification ranges of Managerial A, B and C for all officers and employees serving in those positions enumerated in Exhibit C under MANAGERIAL. Also established is a MISCELLANEOUS EXECUTIVE AND MANAGERIAL category within the Unclassified Service containing classifications in ranges of A, B, C, D, and E.

The EXECUTIVE, MANAGERIAL, or MISCELLANEOUS EXECUTIVE AND MANAGERIAL classification range of any position listed in Exhibit C may be changed from one range to another only by official action of the City Council.

The "Equivalent Monthly Rates," whenever used and referred to, are approximations and are for comparative and informational purposes only. The steps set forth for all rates contained in Exhibit A for positions in the Classified Service are calculated and established at approximate five percent (5%) increments. All references to step increases of five percent (5%) are and shall be deemed to mean approximations thereof.

**Section 4.1 EXEMPTING NEW POSITIONS FROM
THE CLASSIFIED SERVICE**

Pursuant to section 117(a)17 of the City Charter, after having been reviewed and commented upon favorably by the Civil Service Commission as meeting the Charter criteria for exemption from the classified service, except for the position of Graffiti Program Manager which was reviewed and commented upon unfavorably by the Civil Service Commission, and after having considered and

reviewed the reports thereon from the Civil Service Commission, attached hereto as Exhibit E, the Council deems exemption appropriate and the positions identified in Exhibit E be and the same are hereby exempted from the classified service and declared to be in the unclassified service of The City of San Diego.

Section 5. INCREASES IN BASE COMPENSATION, COUNCIL ACTION

In fixing and approving Standard Rates for the officers and employees of the City, this Council has recognized the necessity to increase certain salaries heretofore paid, and, in so doing, the Council has intended and does hereby intend that in increasing said salaries, where a Standard Rate of pay has been increased from that heretofore paid, said officer and employee whose rate of pay has thus been increased shall be entitled to the increase granted, and that such new rate of pay shall be fixed so as to apply to the Standard Rate step occupied by said officer or employee on the effective date of this ordinance.

Notwithstanding the above express Council intent and action, all appointing authorities shall have and are hereby granted the authority to limit such increase for personnel in the EXECUTIVE, MANAGERIAL, MISCELLANEOUS EXECUTIVE AND MANAGERIAL, and PROFESSIONAL LEGAL categories as may, in their sound discretion, be warranted. In such case, the appointing authority shall cause to be processed an adjusting payroll change notice and forward such notice to the Auditor and Comptroller for appropriate payroll application. Further, an appointing authority may permit unclassified employees the option of participating in a voluntary work furlough program.

Members of the Classified Service, other than "excepted" fire fighters and salaried part-time employees, shall receive the salaries provided herein as compensation in full for work performed by them during an average eighty (80) hour biweekly work period throughout the fiscal year, except as hereinafter provided. "Excepted" fire fighters and salaried part-time employees shall be compensated in accordance with appropriate calculations and procedures established by the Auditor and Comptroller in cooperation with the City Manager and Personnel Director. For purposes of this ordinance, "excepted" fire fighters are defined as those fire fighters assigned to work other than forty (40) hour per week work schedules or other than the average eighty (80) hour biweekly work schedules and for which a FLSA exemption is declared.

There is further declared to be, as previously established by Council action, a FLSA section 7(k) exemption for employees in fire classes and a twenty-eight day work period for said employees.

Salaried members of the EXECUTIVE, MANAGERIAL, MISCELLANEOUS EXECUTIVE AND MANAGERIAL, and PROFESSIONAL LEGAL categories, all other unclassified classes as may exist, and unrepresented employees not eligible for overtime pay shall receive the salaries provided herein as compensation in full for work performed by them during an average eighty (80) hour biweekly work period throughout the fiscal year. Time card documentation and time sheet posting for full-time members shall reflect an average of eighty (80) hours per pay period, to consist of ten

(10) eight-hour days. The above process is authorized for time card and time sheet purposes even though the unclassified or unrepresented employee may work hours not so reflected as a result of varying duties, responsibilities, and demands of time. Salaried unclassified and unrepresented members, except those otherwise specifically authorized to the contrary, may not receive, for any purpose, credit for hours otherwise worked in excess of eighty (80) hours per pay period. The City Manager and nonmanagerial department directors shall be responsible for administering the above authorized time documentation and time posting process and limits, with review thereupon by the Personnel Director and Auditor and Comptroller.

Warrant checks issued for compensation to such officers and employees by the City Auditor and Comptroller shall be for the appropriate amount set forth in the schedule of compensation for the Mayor and Council or in the Standard Rate or incremental step attached to the position as indicated in exhibits attached hereto and for other additional amounts authorized in this ordinance.

Section 5.1. FLSA EXEMPT EMPLOYEE SALARY STATUS

Notwithstanding 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 work day. 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 6. CONTRIBUTORY DEDUCTIONS REQUIRED BY LAW

For purposes of deduction for contributions of officers and employees required by law, the City Auditor and Comptroller shall use as a base rate that amount heretofore established in section 1 herein as per annum compensation for the Mayor and Council. For all other personnel, Classified and Unclassified, the Auditor and Comptroller shall use that amount fixed in the Standard Rate or incremental step hereinafter set forth in exhibits hereto and, where applicable and required, any additional compensation authorized by sections of this ordinance. The Auditor and Comptroller shall also consider, where applicable and required by law, other monetary benefits and program reimbursements as may, from time to time, be authorized and granted by Council action pursuant to the authority of this ordinance.

Section 7. CLASSIFIED AND UNCLASSIFIED COMPENSATION, DETERMINATION THEREOF

Increases in compensation for employees in the Classified Service within the range limits of the Standard Rate number attached to the position may be granted by the appointing authority upon the basis of efficiency and seniority after first receiving the approval of the Civil Service Commission therefor. Range or incremental steps shall be as set forth in Exhibit A attached hereto.

Compensation for all officers and employees in the Unclassified Service listed in Exhibit C, shall be determined and set by the appropriate appointing authority within the range of the Standard Salary Rate numbers attached to the position. In the case of the City Attorney, said determination and setting shall be made by the City Council pursuant to section 40 of the Charter of The City of San Diego.

Increases in compensation for all officers and employees in the Unclassified Service within the range limits of the Standard Salary Rate number attached to the position may be granted by the appropriate appointing authority upon the basis of seniority, efficiency and merit.

There is hereby established and adopted a schedule of salary rates and pay adjustments within the EXECUTIVE category to be effective July 1, 1994, unless otherwise indicated, for those positions set forth in section 2 above, the determination and setting of which the City Council is directly responsible.

**Section 8. ESTABLISHMENT OF BASE WORK PERIOD,
COMPUTATIONS THEREON**

For the purpose of computing vacations, leaves of absence,

and terminal leave pay for personnel (other than "excepted" fire fighters and salaried part-time employees) the Auditor and Comptroller is hereby authorized to utilize compilations based upon an eighty (80) hour biweekly work period. For "excepted" fire fighters and salaried part-time employees, the Auditor and Comptroller is authorized to utilize appropriate computations established in cooperation with the City Manager and Personnel Director.

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 FLSA of 1938, as amended.

For the purpose of computing overtime for safety service personnel, the Auditor and Comptroller shall be guided by the appropriate provisions of the FLSA pertaining to Safety Service personnel and utilize computations in accordance therewith and predicated thereupon. In the event that the FLSA is interpreted so as to permit the payment of overtime to employees who would otherwise be exempt from the provisions of the FLSA, the Auditor and Comptroller is hereby authorized to utilize for overtime purposes calculations based upon an eighty (80) hour work period or such other hourly provision as is set forth in the exemption. Part-time employees compensated on an hourly basis shall not be eligible for any benefits set forth herein except overtime compensation as may be applicable and other plans that may from time to time be declared applicable by Council.

Section 9. 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 ($1\frac{1}{2}$) times an eligible employee's regular base rate of pay, as established herein, or time off in lieu thereof, where and to the extent 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, except, however, for Police and Fire bargaining unit members and certain other designated classifications shall not be less than four (4) hours, and shall be computed at the employee's regular rate or at one and one-half (1½) 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 10. SPECIAL ASSIGNMENT PAY

The City Manager shall identify those personnel in special assignments who shall be eligible for special assignment pay. Provision shall be made, pursuant to the authority of this section, to provide extra compensation for such assignment. Determination of eligibility and payment therefor shall be in accordance with the definitions and procedures developed by the City Manager, with the cooperation of the Civil Service Commission and City Auditor and Comptroller, which definitions

and procedures shall be final, conclusive and binding. The City Manager shall thereafter promulgate rules and regulations as may be necessary to effectuate and govern the Special Assignment Pay Program.

Extra compensation shall be limited to that amount agreed to and set forth in the executed and ratified Memorandum of Understanding or the Personnel Manual for unrepresented employees and shall be applicable only during the period of said individual's eligibility and entitlement. In the event a ratified and executed Memorandum of Understanding is not in existence, the extra compensation authorized herein shall be limited to that amount authorized under the City's last best offer in the FY 1995 meet and confer negotiations. Such extra compensation shall be in addition to base compensation and other sums enumerated in this ordinance.

Such additional compensation as may be paid under this program shall be appropriately identified and symbolized on all official payrolls and all other records pertaining to said employee's compensation. It is the intent of the Council that the Special Assignment Pay Program is a program authorized and granted by Council on an annual basis and shall not be deemed or construed to constitute a property right in or continuing vested entitlement to such extra compensation from year to year.

Section 11. EDUCATIONAL INCENTIVE PROGRAM

Sworn personnel in the Police Department who are or become eligible for extra compensation pursuant to the provisions of the Police Educational Incentive Program contained in the executed

and ratified Memorandum of Understanding 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. Such educational incentive compensation shall be in addition to base compensation and other sums enumerated in this ordinance. 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 other records pertaining to said employee's compensation.

Section 12. BILINGUAL PAY

Officers and employees of the City, other than "excepted" fire fighters, shall be paid, in addition to base compensation and other sums enumerated in this ordinance, the sum of sixty cents (\$0.60) per hour as bilingual pay when they are certified by the appointing authority to be serving in a position which requires knowledge and use of a language other than English, which has been approved for additional compensation in a ratified Memorandum of Understanding or in the Personnel Manual, in the performance of their duties and have satisfactorily demonstrated such bilingual qualification pursuant to established standards; provided, however, that sworn Police Officers shall receive the sum of seventy cents (\$.70) per hour; and further provided that bilingual certified dispatchers in the Fire and Police Departments shall be paid the sum of seventy cents (\$.70) per

hour. "Excepted" fire fighters shall be paid that sum per hour which, when calculated by the City Auditor and Comptroller based upon assigned week or biweekly work schedules, would approximate sixty cents (\$0.60) per hour when based upon a forty (40) hour per week or an average eighty (80) hour biweekly work schedule. The City Manager, in cooperation with the Personnel Director, shall promulgate appropriate criteria and standards as may be necessary to effectuate and govern the operation of this bilingual program.

Section 13. SICK LEAVE REIMBURSEMENT

Officers and employees currently eligible for sick leave reimbursement, under provisions of the Sick Leave Reimbursement Program heretofore established and adopted by the City Council, shall be deemed to have vested rights thereto and shall continue to be entitled to receive such benefit pursuant to the provisions of said program, repeal thereof notwithstanding. The City Manager shall promulgate appropriate rules and regulations as may be necessary to effectuate and govern the operation of a Sick Leave Reimbursement Program. The sick leave reimbursement paid pursuant to the established program shall not, under any circumstances, be deemed as compensation for purposes of calculating average final compensation earnable as may be required or called for by other provisions of law.

Section 14. RETIREMENT CONTRIBUTION

In accordance with the following schedule, the City shall pay into the Retirement System an actuarial equivalent of employee base compensation as additional employer contribution

for Retirement System contributory purposes for those officers and employees who are members of the System.

1. All Legislative Officers 6.9%
2. All Unclassified Officers and Employees and all unrepresented classified employees with the exception of such personnel in the Police and Fire classifications. 6.0%
3. All represented classified employees with the exception of those listed in 4. below including civilian Fire Inspectors. 5.0%
4. All employees in the Police and Fire Bargaining Units and all unclassified officers and employees in the Police and Fire classifications, who are members of the safety retirement system. 7.3%
5. All Lifeguard personnel, classified or or unclassified, in the safety retirement system. 6.5%

It is the intent of this Council that the above provided retirement contributions are a benefit and option authorized and granted by Council on an annual basis and shall not be deemed or construed to create a property right in or continuing vested entitlement to such benefit from year to year. The amount of retirement offset shall not be credited to or deposited in the participant's contributory account but shall remain an asset of the system. It is the further intent of this Council that the additional retirement contributions provided herein shall be in lieu of a like amount paid heretofore by the above designated officers and employees and that the contribution by those eligible officers and employees be reduced by a like amount.

Section 15. EXCEPTIONAL PERFORMANCE COMPENSATION

The City Council hereby authorizes the City Manager to establish and implement an Exceptional Performance Compensation Program. Such program shall include criteria under which employee performance shall be evaluated. Those employees judged to be exceptional performers may be granted one or more successive performance payments in an amount not to exceed an approximate net total (after taxes) of one thousand dollars (\$1,000) in any one fiscal year. Such payments shall not be considered to be a part of an employee's base compensation for any purpose, except as provided in section 6 of this ordinance, nor shall such employee acquire any right, vested or otherwise, to receive future exceptional performance payments.

A Managerial Exceptional Performance Plan is further implemented pursuant to the criteria for evaluation promulgated by the City Manager or nonmanagerial appointing authority. Such performance award shall not exceed a total (net after taxes) of three thousand dollars (\$3,000) in any calendar year and shall be paid in not more than two increments. Such payments shall be considered as part of base compensation and shall be net after taxes and the City shall further pay the recipients SPSP and retirement contributions based on the gross award, said gross to be determined by the Auditor and Comptroller. The recipient of the performance award shall not acquire any right, vested or otherwise, to receive future exceptional performance payments.

Section 16. ADDITIONAL BENEFIT PROGRAMS

The City Council may, and does hereby declare its intent to establish, from time to time, upon recommendation of the City

Manager, additional benefit programs for represented and unrepresented officers and employees via separate and specific Council action. Such additional benefit programs shall be and are hereby declared to be predicated upon the existence of ratified and executed Memoranda of Understanding with recognized employee organizations or such other conditions of qualification for unrepresented officers and employees as the legislative body, in its sole discretion, may establish.

There is hereby continued, pursuant to the intent of this section, a new Supplemental Pension Savings Plan, established July 1, 1986, for all eligible employees of The City of San Diego hired on or after July 1, 1986. Said Plan shall be similar to the Plan established on January 4, 1982 by Council Resolution No. R-255609, with the exception that the voluntary contribution rate for eligible employees shall not exceed 3.05 percent. Future increases in medicare and/or social security taxes mandated by an act of Congress shall result in corresponding reductions in the specified Plan contributions. There is also hereby continued, pursuant to the intent of this section, a new SPSP-H plan established, effective July 1, 1991, for hourly employees and Police Recruits with a contribution rate of 3.75 percent. The City Manager and City Attorney are directed to promulgate said new Supplemental Pension Savings Plans with provisions consistent herewith or as may hereafter be required.

Section 17. TERMINAL EMPLOYEE

There is hereby created a class to be known as "Terminal Employee." Any employee, Classified or Unclassified, granted

terminal leave prior to termination of City service, shall be transferred to the class of "Terminal Employee" as of the date said terminal leave commences and is reflected upon the official payroll time sheet of the City. Upon transfer to said class and for the entire period of said terminal leave, such employee shall be paid at the rate and step established for the position occupied by that employee at the time of his transfer and he shall accrue no benefits while assigned such status except as may be otherwise authorized and provided by appropriate provision of law. Such employee shall be considered an employee of the department in which he was serving at the time of his transfer to terminal status, for purposes of accountability only, but his position as authorized by the annual appropriation ordinance shall be deemed vacated for the purpose of replacing the "Terminal Employee." The Civil Service Commission shall promulgate appropriate rules and regulations as may be necessary to effectuate and govern the status of "Terminal Employee."

Section 18. APPRENTICE SALARIES

The compensation for Apprentices is hereby established pursuant to the Apprentice Salary Schedule attached hereto as Exhibit D. The Civil Service Commission shall establish rules and regulations as may be necessary to govern training programs and the advancement of Apprentices.

Section 19. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, with the provisions relating to fiscal year 1995 compensation to be effective on July 1, 1994.

APPROVED: JOHN W. WITT, City Attorney

By Stuart H. Swett
Stuart H. Swett
Senior Chief Deputy

SHS:smm
05/12/94
05/17/94 COR. COPY
05/26/94 COR. COPY
Or.Dept:Pers.
O-94-112
Form=o.anso

MAY 31 1994

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

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<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"/>
Christine Kehoe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Barbara Warden	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING
Mayor of The City of San Diego, California.

(Seal)

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

By *John Lewis*, 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

MAY 17 1994

MAY 31 1994

~~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 *John Lewis*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-18072

Adopted MAY 31 1994

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

94 JUN 17 AM 10:14

SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK
2ND FLOOR, CITY ADMIN BLDG
202 C. STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION
FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO...

ORDINANCE NUMBER 0-18072 (NEW SERIES)

AN ORDINANCE ESTABLISHING A SCHEDULE OF COMPENSATION FOR OFFICERS AND EMPLOYEES OF THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 1994-5.

This ordinance establishes a schedule of compensation for fiscal year 1995 and also provides employees with the option of participating in a voluntary work furlough program and approximate increases over fiscal year 1994 as follows:

MEA represented employees	1% effective June 3, 1995
Local 127 represented employees	1% effective June 3, 1995
POA represented employees	1% effective December 31, 1994
Local 145 represented employees	1% effective April 8, 1995
Unrepresented	1% effective June 3, 1995

The ordinance also provides for a continuation of the Supplemental Pension Savings Plan under provisions previously established on January 4, 1992, July 1, 1988 and July 1, 1991.

The ordinance continues the retirement system contribution by the City on behalf of officers and employees at the same rate as provided in fiscal year 1994.

In addition, pursuant to section 12.1 and 24.1 of the City Charter, pay levels for the Mayor and Councilmembers for fiscal year 1995 are to be at the same level as in fiscal year 1994, respectively \$65,300 and \$49,000 per annum, and the Mayor and Councilmembers may receive a reduced amount of compensation by participating in a voluntary work furlough program by so informing the City Auditor.

The ordinance provides monthly compensation ranges for senior executive positions to be established by processing of payroll change notices by the appropriate appointing authority.

The ordinance also includes special salary adjustments for certain classifications, and delineates new classifications, title changes and classification deletions.

The ordinance further establishes base work periods; establishes salary ranges for those officers and employees in the unclassified service; and provides for overtime and extra compensation based on unusual work period; educational incentive; bilingual pay; sick leave reimbursement; call back pay; exceptional performance pay; and additional benefits.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON May 17 1994. Passed and adopted by the Council of the City of San Diego on May 31, 1994.

AUTHENTICATED BY:
SUSAN GOLDING
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL)

By Esther Cerezo, Deputy

288401

Pub. June 14

I, Corey Donahue, 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 0-18072 (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:

JUNE 14

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

Dated at San Diego, California this 14th day of JUNE, 19 94.

Corey Donahue

(Signature)

44 " X 2 = \$ 128.00