

ORDINANCE NUMBER O-_____ **20103** _____ (NEW SERIES)

DATE OF FINAL PASSAGE ___ **APR 20 2012**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO ESTABLISHING A SCHEDULE OF
COMPENSATION FOR OFFICERS AND EMPLOYEES OF
THE CITY OF SAN DIEGO FOR THE FISCAL YEAR 2013.

WHEREAS, San Diego Charter (Charter) sections 11.1 and 290 provide, in pertinent part, that the San Diego City Council (City Council) annually adopts a Salary Ordinance, establishing salaries of all officers and employees of the City of San Diego (City), in accordance with Charter section 70; and

WHEREAS, Charter section 290 requires that the Salary Ordinance be proposed by the Mayor for introduction to the City Council by a specific date each year, so that the Salary Ordinance passed by the Council becomes a controlling document for preparation of the Annual Appropriation Ordinance for the ensuing fiscal year; and

WHEREAS, Charter section 290 also requires that the Salary Ordinance be introduced in a form consistent with any existing Memorandum of Understanding (MOU) with any of the City's recognized employee organizations, or otherwise in conformance with procedures governed by the Meyers-Milias-Brown Act (MMBA) or any other legal requirements governing labor relations that are binding upon the City; and

WHEREAS, pursuant to the MMBA and City Council Policy 300-06, represented employees had their compensation reduced by approximately six percent in Fiscal Years 2010, 2011, and 2012, and this reduction in compensation is continuing in Fiscal Year 2013; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team is completing the labor negotiations with the San Diego Municipal Employees' Association (MEA), which began on February 21, 2012; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team began labor negotiations with the Deputy City Attorneys Association (DCAA) on February 27, 2012, and these negotiations are ongoing; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team began labor negotiations with the San Diego City Firefighters, International Association of Fire Fighters Local 145 (Local 145) on February 21, 2012, and these negotiations are ongoing; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team began labor negotiations with the San Diego Police Officers Association (SDPOA) on February 3, 2012, and these negotiations are ongoing; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team is completing labor negotiations with the American Federation of State, County, and Municipal Employees Local 127 (Local 127), which started on February 10, 2012, and these negotiations are ongoing and have not yet been completed; and

WHEREAS, as required by the MMBA and City Council Policy 300-06, the City's Management Team began labor negotiations with the California Teamsters Local 911 (Local 911) on February 16, 2012, and these negotiations are ongoing and have not yet been completed; and

WHEREAS, the Civil Service Commission has studied salaries and provided a report to Council dated April 12, 2012, pursuant to Charter section 130; and

WHEREAS, the United States Supreme Court in *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), held that the provisions of the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.*, as they relate to overtime pay, are applicable to states, cities, and local agencies, including the City; and

WHEREAS, it is necessary to ensure compliance with the FLSA; and

WHEREAS, the Mayor and independent department heads have made recommendations to the City Council regarding salaries for unrepresented unclassified officers and employees; and

WHEREAS, after receipt at a public hearing of information and statistics, and after thorough consideration and deliberation of the Mayor's and Civil Service Commission's recommendations, the City Council, under the authority vested in it by the State Constitution and Charter, finds that the salaries established in this Ordinance are consistent with the submitted information, statistics, and recommendations; and

WHEREAS, pursuant to Charter sections 12.1 and 24.1, on March 5, 2012, the City Council considered the recommendations of the Salary Setting Commission (Commission) for Mayor and City Councilmember salaries for Fiscal Years 2013 and 2014, set forth in the Commission's report dated February 7, 2012, and the City Council rejected the Commission's recommendation for salary increases for the Mayor and City Council; and

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

WHEREAS, Charter section 117 further provides that the exemption of each of these administrative positions must be initiated by the appropriate appointing authority "after receiving the advisory review and comment of the Civil Service Commission and approval of the City Council"; and

WHEREAS, the classifications that the City Council previously exempted from the Classified Service are set forth by classification and salary rate in the “Unclassified Service Classifications and Standard Salary Rates,” attached to this Ordinance as Exhibit C; and

WHEREAS, having analyzed the data and information presented, it is now necessary and appropriate for the City Council to set the salaries, consistent with the established salary tables, for all officers and employees of the City for Fiscal Year 2013; and

WHEREAS, pursuant to established City practices, City employees are paid on a biweekly basis; therefore, where the terms “Monthly Rates” and “Annual Rates” are used with a certain monetary amount, the City Council intends that monetary amount to be an approximation; and

WHEREAS, the City Council intends this Ordinance to be consistent with and to be read in conjunction with established City personnel policies and practices, including Civil Service Rules, Personnel Manual Index Code, Administrative Regulations, and payroll practices as established for the Human Capital Management module of the Enterprise Resource Planning system; and

WHEREAS, on March 26, 2010, the City Council adopted Resolution R-305686, which terminated the Annual Leave benefit for the position of City Attorney starting with the term of office beginning December 2012; and

WHEREAS, all exhibits referenced in this Ordinance are attached to and incorporated into this Ordinance; NOW, THEREFORE,

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

Section 1. SALARIES ESTABLISHED FOR ELECTED OFFICERS

Pursuant to Charter sections 12.1 and 24.1, the City Council adopts the following annual salaries for the Mayor and City Councilmembers for Fiscal Year 2013:

Mayor	\$100,464
Councilmember	\$ 75,386

Pursuant to Charter section 40, the City Council sets the City Attorney's annual salary at \$193,648 for Fiscal Year 2013. Beginning December 3, 2012, the position of City Attorney will not accrue annual leave.

An elected officer may choose to receive a reduced amount of pay by submitting a Payroll Change Request (CS-1522) to the Personnel Department.

Section 2. SALARY SCHEDULES ESTABLISHED

The City Council adopts the "Unclassified Service Classifications and Standard Salary Rates" (Exhibit C), as the salary schedule for all City officers and employees in the Unclassified Service. The City Council adopts an "Executive" category within the Unclassified Service with classifications of Executive I through Executive V, for all officers and employees serving in the positions listed under "Executive" in Exhibit C. The City Council further adopts a "Managerial" category within the Unclassified Service with classifications of Managerial A, B, and C, for all officers and employees serving in the positions listed under "Managerial" in Exhibit C. The City Council also adopts a "Miscellaneous Executive and Managerial" category within the Unclassified Service with classifications A through F, and a "Professional Legal" category within the Unclassified Service, as set forth in Exhibit C. The salary rates and ranges listed in Exhibit C may be changed only by official City Council action.

For all positions in the Classified Service, the City Council adopts the "Classified Service Classifications and Standard Salary Rates," attached to this Ordinance as Exhibit B. The City Council further adopts the "Salary Table," attached to this Ordinance as Exhibit A, as the salary schedule for all City employees in the Classified Service. The biweekly salaries and steps for Classified Employees, set forth in the Salary Table (Exhibit A), are effective July 1, 2012.

Special salary adjustments identified and approved for specific classifications are awarded only 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. Exhibit A includes any special salary adjustments for specified classifications, in addition to any general overall increases authorized.

Every employee working in a classification that is represented by a recognized employee organization will receive the salary consistent with the applicable MOU or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations between the City and the recognized employee organization representing that classification. Unrepresented employees will not receive a general salary increase for Fiscal Year 2013. An unrepresented employee may, however, be granted an individual salary increase pursuant to Section 6 of this Ordinance, based on merit, performance, or changes in duties.

Except for the Accountant IV class, the salary steps for all Classified Service classifications, as set forth in Exhibit A, are calculated and established at approximate five percent increments. The Accountant IV class has a minimum and a maximum salary rate, but no intermediate steps. Employees in the Accountant IV class may be paid any amount within the minimum and maximum salary rates, at the appointing authority's discretion.

Section 2.1. Salary Reductions

Pursuant to the MMBA and City Council Policy 300-06, represented employees had their compensation reduced by approximately 6 percent in Fiscal Years 2010, 2011 and 2012. This reduction in compensation continues for Fiscal Year 2013. The reduction in compensation is also applicable to unrepresented employees, as established by this Ordinance.

Effective July 1, 2006, and continuing through June 30, 2013, employees in the SDPOA and DCAA bargaining units who are participating in the Deferred Retirement Option Plan (DROP) must take a 3.2 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

Effective July 1, 2009, and continuing through June 30, 2013, all unrepresented employees participating in DROP will receive a 3 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

For Fiscal Year 2013, employees in the MEA bargaining group must take an approximate 3 percent reduction in compensation as follows. Full-time employees in the MEA bargaining group hired before July 1, 2009 must take 52 hours of mandatory unpaid furlough. Full-time employees in the MEA bargaining group hired on or after July 1, 2009 must take both of the following: (1) 52 hours of mandatory unpaid furlough, and (2) a 3 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document. The mandatory unpaid furlough will be adjusted on a pro rata basis for employees who work half or three-quarter time. Employees in the MEA bargaining group who are eligible for SPSP-H must take a 3 percent reduction of their SPSP-H eligible pay.

Effective July 1, 2011, and continuing through June 30, 2013, all employees in the Local 911 bargaining group must take 52 hours of mandatory unpaid furlough, subject to the following exceptions: (1) Employees in the Local 911 bargaining unit who work half or three-quarter time must also take mandatory unpaid furlough, however, the number of hours will be adjusted pro rata to reflect the number of hours they work per year; (2) employees in the Local 911 bargaining unit who are eligible for SPSP-H are not required to take mandatory unpaid furlough, but must take a 3 percent reduction in their SPSP-H eligible compensation.

For Fiscal Year 2013, all unclassified Police Safety employees must take a 1.9 percent reduction in “compensation,” and all unclassified Fire Safety employees must take a 1.7 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

For Fiscal Year 2013, Lifeguard Safety Member employees who are both unrepresented and unclassified, and all unrepresented General Member employees, will receive a 3 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

For Fiscal Year 2013, all unrepresented employees eligible for SPSP-H, and all Provisional employees, will receive a 3 percent reduction in “compensation,” as “compensation” is defined in the SPSP plan document.

Section 2.2. Mandatory and Voluntary Furloughs

As provided in Section 2.1 above, employees in the MEA and Local 911 bargaining groups who must take 52 hours of mandatory unpaid furlough in Fiscal Year 2013 will have compensation deducted pro rata from each pay check over the course of the fiscal year.

Employees in the DCAA bargaining unit must take 32 hours of mandatory unpaid furlough each fiscal year, which will be deducted pro rata from each pay check over the course of the fiscal year. Employees in the DCAA bargaining unit who work half or three-quarter time must also take mandatory unpaid furlough; however, in accordance with the City’s agreement with the DCAA, a pro rata adjustment in the number of mandatory unpaid furlough hours will be made for those employees who work less than full-time and for any employee hired after the beginning of the fiscal year.

Employees have the option of participating in a voluntary work furlough program with the approval of the employee’s appointing authority, consistent with the Mayor’s Voluntary Work Furlough Program.

Section 3. COMPLIANCE WITH THE FLSA

Full-time employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group A are non-exempt under FLSA and are eligible for premium rate overtime based on the employee's scheduled workweek. Full-time employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Groups B and C, are eligible for premium rate overtime based on the employee's scheduled workweek. Full-time employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group D are eligible for premium rate overtime for hours worked in excess of 40 hours in their workweek.

Employees eligible for SPSP-H are non-exempt under FLSA and are eligible for premium rate overtime as required by the FLSA.

Employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group E whose normal work schedule is 40-hours per week are eligible for premium rate overtime based on a 40-hour workweek. Employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group E whose normal work schedule is greater than 40 hours per work week are non-exempt under FLSA section 207(k) and eligible for premium rate overtime based on a 28-day work period.

Part-time employees paid hourly are not eligible for overtime pay except as required by the FLSA.

Section 4. FLSA-EXEMPT EMPLOYEE SALARIES

Employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group F are exempt under FLSA and are not eligible for overtime pay. Unclassified employees who are not eligible for SPSP-H are exempt under FLSA and are not eligible for overtime pay. Time entry documentation and time sheet posting for exempt full-time

employees may not reflect more than 80 hours per pay period, even though they may work differing hours as a result of varying duties, responsibilities, and time demands. Exempt employees, except as otherwise specifically authorized, may not receive credit for hours worked in excess of 80 hours per bi-weekly pay period.

The Mayor and independent department directors are responsible for administering the above-authorized time documentation and time posting process and limits, subject to review by the Personnel Director and Comptroller. Warrant checks issued by the Comptroller for salaries paid to exempt officers and employees must be for the appropriate amount within the Salary Rate range attached to the position in Exhibit A (for classified employees) or Exhibit C (for unclassified employees), or as set forth in Section 1 of this Ordinance for the Mayor, City Council, and City Attorney, and for additional amounts authorized in this Ordinance.

The Comptroller is expressly authorized to pay FLSA-exempt employees for absences of less than one work day. This pay is based upon the City Council's recognition of the designated employees' salaried status and does not constitute a gift of public funds. This provision is intended to fully comply with the FLSA salary exemption requirements as interpreted by the courts. If the FLSA is reinterpreted by the courts or amended in a way that causes this provision to be noncompliant with the FLSA's salary exemption requirements, or to exceed FLSA requirements, the Mayor, in conjunction with the Personnel Director and the Comptroller, is authorized to take whatever actions are legally required to implement further revisions to the City's pay policies.

Section 5. DEDUCTIONS REQUIRED BY LAW

For purposes of determining the amount of any deductions required by law from an elected officer's biweekly pay, the Comptroller will use the annual salaries established in Section 1 of this Ordinance as the base rate of pay, adjusted by any pay reductions requested

under Section 1. For all other City employees, the Comptroller will determine the amount of deductions using the salaries established in Exhibit A (for classified employees) and Exhibit C (for unclassified employees) and, where required by law, any additional pay authorized by this Ordinance or granted by City Council action.

Section 6. SALARY INCREASES

The appropriate appointing authorities may grant salary increases consistent with Personnel Manual Index Code H-8. The appropriate appointing authorities may set the salaries for employees in the Accountant IV class within the salary range attached to the Accountant IV class, as set forth in Exhibit A. The appropriate appointing authorities may grant salary increases to unclassified officers and employees listed in Exhibit C within the salary ranges attached to the position based on seniority, efficiency, and merit.

Section 7. BASE WORK PERIOD AND COMPUTATIONS ESTABLISHED

The Comptroller is authorized to use an employee's "base rate of pay" and "scheduled workweek" (as those terms are defined in the Personnel Manual Index Code H-4) to compute vacations, leaves of absence, and terminal leave pay for employees. For part-time employees and employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group E, the Comptroller is authorized to use appropriate computations to compute vacations, leaves of absence, and terminal leave pay, as established in cooperation with the Mayor and Personnel Director.

When computing overtime pay for employees in the classifications listed in Personnel Manual Index Code H-4, Addendum A, Group E, the Comptroller must use the computations set forth in the applicable provisions of the FLSA pertaining to those employees.

If the FLSA is interpreted to permit the payment of overtime to employees who would otherwise be exempt under the FLSA, the Comptroller is authorized to use, for overtime purposes, calculations based upon a 40-hour work week or other hourly provision set forth in the exemption.

Section 8. ELIGIBILITY FOR EXTRA PAY

Section 8.1. Overtime Pay Plan

The Civil Service Commission has established and supervises, in accordance with the FLSA, a uniform overtime pay plan that provides overtime pay not to exceed one and one-half times an eligible classified employee's "base rate of pay" or "time off in lieu of pay" (as those terms are defined in Personnel Manual Index Code H-4).

The Mayor or applicable independent department head and the Civil Service Commission will designate, and the City Council must approve, the classified employee classifications that are eligible for overtime pay, before those classifications are officially designated in the City's Personnel Manual. The City Council must approve the classifications eligible for overtime pay annually in conjunction with its adoption of the Salary Ordinance. Determination of eligibility and payment must be consistent with the definitions and procedures developed by the Civil Service Commission and the Comptroller pursuant to City Council Policy 300-02 and in cooperation with the appointing authorities. These definitions and procedures are final, conclusive, and binding on all appointing authorities and officers and employees.

Section 8.2. Shift Differential Pay

The Civil Service Commission has established and supervises a uniform Shift Differential Plan that provides extra pay of approximately five percent whenever an eligible employee is required, for a significant period, to work at times substantially unusual for his or her employment classification, as set forth in Personnel Manual Index Code H-6 and any

applicable MOUs or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations between the City and its recognized employee organizations. When one or more of the working conditions that justify extra pay under the Shift Differential Plan are commonly accepted conditions for an employment classification, the Civil Service Commission will consider working conditions in establishing the pay for the classification, and shift differential pay will be eliminated for that class.

Section 8.3. Call Back Pay

An eligible employee who has been released from work and has left the work premises will, if called back to duty, be paid for the reasonable estimate of the time required for the employee to travel from and to his or her residence and the work area and for the time the employee actually works, as more fully described in Personnel Manual Index Code H-4 and applicable MOUs or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations between the City and its recognized employee organizations.

Section 8.4. Stand-By Pay

An eligible employee who is required to be within immediate reach by telephone and ready to report to work without delay, other than necessary dressing and travel time, during all hours and days other than the employee's regularly scheduled working hours will receive stand-by pay of approximately five percent of his or her regular rate of pay, as more fully described in Personnel Manual Index Code H-7.

Section 8.5. Special Assignment Pay

The Mayor must identify and the City Council must approve the employee classifications serving in special assignments, which are eligible for Special Assignment Pay. Determination of eligibility and payment for Special Assignment Pay will be in accordance with the definitions

and procedures developed by the Mayor, in cooperation with the Civil Service Commission and Comptroller. These definitions and procedures are final, conclusive, and binding after approval by the City Council. Special Assignment Pay is memorialized in any applicable MOUs or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations between the City and its recognized employee organizations.

Special Assignment Pay is applicable only during the period of the employee's eligibility. For represented employees, Special Assignment Pay is limited to the amount set forth in the applicable MOU or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations. For unrepresented employees, Special Assignment Pay is limited to the amount set forth in the Personnel Manual. Absent a ratified and executed MOU, Special Assignment Pay is limited to the amount authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations. Special Assignment Pay is in addition to salaries and other amounts enumerated in this Ordinance.

Special Assignment Pay must be appropriately identified and designated on all official payrolls and all other records pertaining to the employee's pay. It is the intent of the City Council that the Special Assignment Pay program is a program authorized by the City Council on an annual basis and is not a property right or continuing vested entitlement to extra pay from year to year.

Section 8.6. Police Educational Incentive Program

The Police Educational Incentive Program is set forth in the MOU between the City and the SDPOA, or as authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations. Sworn personnel in the Police

Department who are eligible for extra pay under the Educational Incentive Program are entitled to receive the additional pay during the period of their eligibility. The extra pay paid under the Educational Incentive Program must be appropriately identified and designated on all official payroll records and all other records pertaining to the employee's pay.

Section 8.7. Bilingual Pay

The City will pay \$0.70 per hour as bilingual pay, in addition to salary, to an officer or employee who is not represented by the SDPOA or Local 145, when: (1) the appropriate appointing authority certifies that the officer or employee is serving in a position that requires knowledge and use of a language other than English in performing his or her duties, (2) the language has been approved for additional pay in the Personnel Manual, applicable MOU or authorized under the City's last, best and final offer, if unilaterally imposed by the City Council following Fiscal Year 2013 labor negotiations, and (3) the employee has satisfactorily demonstrated his or her bilingual ability pursuant to an examination administered by the Personnel Department. For an eligible employee represented by SDPOA or Local 145, the City will pay an extra 3.5 percent of the employee's salary as bilingual pay.

Section 9. AUTOMOBILE ALLOWANCE

The monthly automobile allowance for the Mayor, City Councilmembers, Chief Operating Officer, and City Attorney, for expenses related to the operation and maintenance of their personal automobiles in the performance of their duties, is \$800, as previously authorized by San Diego Resolution R-263924, adopted on August 19, 1985.

The monthly automobile allowance for the Independent Budget Analyst, Chief Financial Officer, City Auditor, Assistant Chief Operating Officer, Assistant City Attorneys, Deputy Chief Operating Officers, and Public Utilities Director is \$475. The monthly automobile allowance is

\$300 for Department Directors and Managerial Employees at the Department Director level that are designated as eligible by the Mayor and listed in Exhibit F, attached to this Ordinance.

If the Mayor, a Councilmember, the Chief Operating Officer, or the City Attorney elects to use a City-owned or City-leased automobile in the performance of his or her duties instead of receiving the automobile allowance, the City will reimburse that official for the actual costs incurred for gasoline, oil, and other normal minor expenses upon submission of paid invoices or other documentation. The City will provide liability protection to the Mayor, City Councilmembers, Chief Operating Officer, and City Attorney providing coverage if they are involved in an automobile accident while driving a City automobile on their personal time.

Section 10. SICK LEAVE REIMBURSEMENT

Officers and employees currently eligible for sick leave reimbursement, under provisions of the Sick Leave Reimbursement Program (Sick Leave Program) set forth in Administrative Regulation 95.90 or San Diego Civil Service Rule X, are deemed to have vested rights to sick leave reimbursement and continue to be entitled to this benefit even though the Sick Leave Program has been repealed.

Section 11. CITY-PAID OFFSET OF EMPLOYEES' RETIREMENT CONTRIBUTIONS

The City will pay into the Retirement System a portion of eligible officers' or employees' biweekly employee contributions, as set by the Retirement System's Board of Administration. For Fiscal Year 2013, these "Retirement Offset" contributions for eligible employees are set forth below and are expressed as a percentage of the employee's "Base Compensation," as defined under the Retirement System (in Municipal Code section 24.0103). No Retirement Offsets are authorized, other those set forth in this Section. But, the Retirement Offset rates in this Ordinance may be modified for represented employees through MOUs or the imposition of

the City's last, best and final offer, pursuant to the MMBA and City Council Policy 300-06, during the term of this Ordinance.

Effective July 1, 2011, and continuing through June 30, 2013, the Retirement Offset for employees hired before July 1, 2009 in the Local 911 bargaining group is 2.3 percent. There is no Retirement Offset for Local 911-represented employees hired on or after July 1, 2009.

For Fiscal Year 2013, the Retirement Offset for employees hired before July 1, 2009 in the MEA bargaining group is .4 percent. There is no Retirement Offset for MEA-represented employees hired on or after July 1, 2009.

It is the City Council's intent that the Retirement Offset is a benefit authorized by the City Council on an annual basis. No City employee has a property right or continuing vested entitlement to the Retirement Offset. Retirement Offset contributions are deemed employer contributions for tax purposes; they are not credited to the employees' individual retirement contribution accounts, but remain an asset of the Retirement System.

Section 12. EXCEPTIONAL PERFORMANCE PAY

The Mayor has implemented an Exceptional Merit Cash Payments Program (EMCP Program), as set forth in Administrative Regulation 95.91, which includes the criteria used to evaluate employee performance under the EMCP Program. Employees who are exceptional performers may be granted one or more performance payments, not to exceed \$1,000 in any fiscal year. These payments are not part of an employee's Base Compensation under the Retirement System or for any other purpose, except as provided in Section 6 of this Ordinance. No employee who receives a payment under the EMCP Program has a right, vested or otherwise, to receive future exceptional merit payments.

Section 13. MANAGEMENT ADMINISTRATIVE LEAVE

The City Council authorizes Management Administrative Leave for officers and employees working in designated management positions, to recognize the significant extra working time inherent in such positions. Management Administrative Leave is limited to 80 hours per fiscal year for each eligible officer or employee. Management Administrative Leave must be used in the year it is authorized and cannot be carried forward from one fiscal year to the next.

Managers identified in Exhibit G attached to this Ordinance are eligible for Management Administrative Leave pursuant to the following authorization process, and subject to any additional guidelines established by the Mayor or other appointing authorities as listed below:

1. The Mayor must specifically and individually authorize the granting of Management Administrative Leave for eligible employees who report to the Mayor.
2. The Council President must specifically authorize the granting of Management Administrative Leave for the Independent Budget Analyst.
3. The City Attorney must specifically and individually authorize the granting of Management Administrative Leave for eligible employees who report to the City Attorney.
4. The Civil Service Commission must specifically authorize the granting of Management Administrative Leave for the Personnel Director.
5. The Retirement Board of Administration must specifically authorize the granting of Management Administrative Leave for the Retirement Administrator.
6. The Ethics Commission must specifically authorize the granting of Management Administrative Leave for the Ethics Commission Executive Director.

7. The City Auditor and City Clerk are authorized and granted 80 hours of Management Administrative Leave unless the City Council specifically denies this Management Administrative Leave.

Section 14. ADDITIONAL BENEFIT PROGRAMS

The City Council may, upon the Mayor's recommendation, establish additional benefit programs for represented and unrepresented officers and employees by separate and specific City Council action. For represented employees, these additional benefit programs must be based on ratified and executed Memoranda of Understanding with recognized employee organizations. For unrepresented officers or employees, these programs must be based on other conditions of qualification that are established by the City Council in its sole discretion.

The City Council continues to authorize the Supplemental Pension Savings Plan (SPSP), established July 1, 1986, for eligible employees. The City Council also continues to authorize, pursuant to the intent of this section, the Supplemental Pension Savings Plan for hourly employees (SPSP-H), which was established effective July 1, 1991. City employees hired on or after July 1, 2009, who are General Members of the Retirement System, are not eligible to participate in SPSP. City employees hired on or after January 1, 2011, who are Safety Members of the Retirement System and employed in the Lifeguard Services, are also not eligible to participate in SPSP.

Section 15. APPRENTICE SALARIES

The pay for Apprentices is established pursuant to the Apprentice Salary Schedule, attached to this Ordinance as Exhibit D. The Civil Service Commission has established in the Personnel Manual the necessary rules and regulations to govern training programs and the advancement of Apprentices.

Section 16. INCORPORATION OF APPROVED MEMORANDA OF UNDERSTANDING AND TERMS AND CONDITIONS OF EMPLOYMENT DETERMINED THROUGH COMPLIANCE WITH THE MEYERS-MILIAS-BROWN ACT

As required by Charter section 290(a), this Ordinance is intended to be consistent with all existing MOUs with any of the City's recognized employee organizations or otherwise in conformance with procedures governed by the MMBA or any other legal requirements governing labor relations that are binding upon the City. Where applicable, actions that the City Council takes pursuant to the MMBA will control the interpretation, application, and enforcement of this Ordinance.

Section 17. Pursuant to Charter section 117(a)(17), the City Council exempts the positions listed in Exhibit E attached to this Ordinance from the Classified Service and declares them to be in the Unclassified Service, based upon the Civil Service Commission's review and favorable comment.

Section 18. The City Council does not intend to ratify the implementation or funding of any illegal employment or retirement benefit by adopting this Ordinance.


Section 19. That a full reading of this Ordinance is dispensed with before its passage, a written or printed copy having been available to the City Council and the public before the day of its passage.

I certify that the following Ordinance was introduced by the Council of the City of San Diego, at its meeting of APR 16 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: A-20-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

I certify that the foregoing Ordinance was introduced by the Council of the City of San Diego on APR 16 2012; approved by the Mayor pursuant to San Diego Charter section 290 on APR 20 2012; and passed by the City Council at its meeting of MAY 1 2012.


ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

A Corrected Copy of this ordinance, reflecting a non-substantive correction, was submitted by the City Attorney's Office (see attached Memo) on May 15, 2012. This change, being non-substantive in nature, did not require the Mayor's signature. A copy of the Attorney's Memo and the Corrected Copy are attached herewith.

Section 20. This Ordinance will take effect and be in force on the thirtieth day from and after its final passage, with the provisions relating to Fiscal Year 2013 pay to be effective on July 1, 2012.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Roxanne Story Parks
Deputy City Attorney

RSP:ccm
05/15/2012 COR. COPY
04/12/2012
Or.Dept: Human Resources
Doc. 370326.docx

I certify that the following Ordinance was introduced by the Council of the City of San Diego, at its meeting of APR 16 2012.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk