

RESOLUTION NUMBER R- 311766

DATE OF FINAL PASSAGE MAY 30 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO IN ACCORDANCE WITH THE FISCAL YEAR 2019 SALARY ORDINANCE, APPROVING THE JOB CLASSIFICATIONS IN THE CITY OF SAN DIEGO THAT ARE ELIGIBLE FOR PREMIUM OR REGULAR RATE OVERTIME, EFFECTIVE JULY 1, 2018 THROUGH JUNE 30, 2019.

WHEREAS, in *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985), the United States Supreme Court concluded that the Fair Labor Standards Act (FLSA), at 29 U.S.C. §§ 201-219 (2016), which sets forth federal minimum wage and overtime provisions, is applicable to states, cities, and local agencies, including the City of San Diego (City); and

WHEREAS, it is necessary to ensure compliance with the FLSA and the regulations and case law interpreting it, including the regulations set forth at 29 C.F.R. Parts 541, 553, 778, and 785 (2016); and

WHEREAS, section 11.1 of the Fiscal Year 2019 Salary Ordinance (San Diego Ordinance O-20927 (Apr. 24, 2018))(Salary Ordinance) requires that the San Diego City Council (Council) approve the job classifications for employees in the Classified Service that are eligible for overtime compensation, based upon designations made by the San Diego Civil Service Commission (Commission), and the Mayor or applicable non-mayoral department head; and

WHEREAS, the Council wishes to approve the job classifications in the Classified Service that are eligible for overtime compensation, in accordance with the FLSA and related federal regulatory provisions, as well as applicable local procedures; and

WHEREAS, the classifications now recommended to the Council for approval have been determined to be eligible for overtime compensation by the Commission, and the Mayor or applicable non-mayoral department head; and

WHEREAS, the Council also intends to ensure that the City complies with the FLSA in compensating employees in the Unclassified Service; and

WHEREAS, the FLSA provides a number of exemptions from the requirement to pay an employee overtime when the employee works more than 40 hours in a work week; and

WHEREAS, in accordance with 29 C.F.R. §§ 541.600, 541.607 (2016), and other regulatory provisions promulgated by the United States Department of Labor, certain employees are designated as exempt from overtime pay if they meet minimum requirements related to their primary job duties and they are paid on a salary basis of not less than the minimum amounts as specified in the regulations; and

WHEREAS, the minimum salary to be exempt from overtime is presently \$455 a week or \$23,660 a year; and

WHEREAS, in May 2016, the United States Department of Labor finalized a regulation that updated the salary level required for the exemption for executive, administrative, and professional employees, which increased the minimum wage for exemption from overtime from no less than \$455 per week to no less than \$913 per week (\$22.83 an hour) or \$47,476 per year; and

WHEREAS, this updated regulation was to take effect on December 1, 2016; however, on November 22, 2016, a United States District Court judge, in the Eastern District of Texas, enjoined the United States Department of Labor from implementing and enforcing the final rule, in *State of Nevada et al v. United States Department of Labor* (Case No. 4:16-CV-00731); and

WHEREAS, following the November 22, 2016 ruling, the United States District Court judge granted summary judgment against the United States Department of Labor in consolidated cases challenging the overtime regulation, concluding that the regulation's salary level exceeded the rule-making authority of the United States Department of Labor and invalidating the regulation; and

WHEREAS, on October 30, 2017, the United States Department of Justice, on behalf of the United States Department of Labor, appealed the district court's decision to the United States Court of Appeals for the Fifth Circuit; and

WHEREAS, on November 6, 2017, the Fifth Circuit granted the government's motion to hold the appeal in abeyance while the Department of Labor undertakes further rule-making to determine what the salary level should be; and

WHEREAS, given the uncertainty of this regulation, the Council authorizes the Mayor, in consultation with the Personnel Director, Comptroller, and City Attorney, to make any necessary adjustments to overtime calculations in Fiscal Year 2019 to ensure compliance with the FLSA, including applicable regulations and case law interpreting the statute; and

WHEREAS, section 5 of the Salary Ordinance states, in part, that employees in the classifications listed in the Personnel Manual Index Code H-4, Addendum A, Group F are exempt under the FLSA and are not eligible for overtime pay; and

WHEREAS, section 5 of the Fiscal Year 2019 Salary Ordinance also states that unclassified, salaried employees are exempt under the FLSA and are not eligible for overtime pay, provided they are paid the minimum salary each week to satisfy the salary basis requirements as defined in 29 C.F.R. § 541.600; and

WHEREAS, the FLSA, at 29 U.S.C. § 203 (2016), expressly excludes those City employees, who are not subject to the City's civil service provisions, and who (1) hold City elective office, (2) are selected by the elected officer to be a member of his or her personal staff, (3) are appointed by a City elective officer to serve on a policymaking level, (4) serve as an immediate advisor to the elective officer on constitutional or legal powers of the office, or (5) are employees in the legislative branch or body of the City; and

WHEREAS, in accordance with this definition, the Council acknowledges that the following classifications are excluded from the FLSA and its regulatory provisions, including those defining overtime eligibility, and are not entitled to overtime under any circumstances:

Assistant to Mayor (UC 2120)

Mayor Representative I (UC 2165)

Principal Assistant to Mayor (UC 2174)

Mayor Representative II (UC 2178)

Principal Assistant to City Attorney (UC 2182)

Council Representative I (UC 2211)

Council Representative II (UC 2212)

Council Representative II (UC 2213)

Assistant Executive Services Director (UC 2128)

Confidential Secretary to City Attorney (UC 2205)

Confidential Secretary to City Council (UC 2206)

Confidential Secretary to Mayor (UC 2208)

Council Committee Consultant (UC 2210)

Senior Council Committee Consultant (UC 2223); NOW THEREFORE,

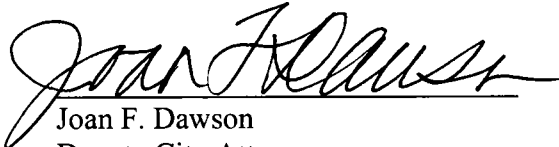
BE IT RESOLVED, pursuant to section 11.1 of the Salary Ordinance, the Council approves the job classifications in the City's Classified Service that are eligible for premium or regular rate overtime compensation for Fiscal Year 2019, set forth in Personnel Manual Index Code H-4, Addendum A: Overtime Compensation, and as Attachment A to this Resolution.

BE IT FURTHER RESOLVED, that the Council acknowledges that, under 29 U.S.C. § 203 (2016), the following classifications are excluded from the FLSA and not entitled to overtime under any circumstances:

- Assistant to Mayor (UC 2120)
- Mayor Representative I (UC 2165)
- Principal Assistant to Mayor (UC 2174)
- Mayor Representative II (UC 2178)
- Principal Assistant to City Attorney (UC 2182)
- Council Representative I (UC 2211)
- Council Representative II (UC 2212)
- Council Representative II (UC 2213)
- Assistant Executive Services Director (UC 2128)
- Confidential Secretary to City Attorney (UC 2205)
- Confidential Secretary to City Council (UC 2206)
- Confidential Secretary to Mayor (UC 2208)
- Council Committee Consultant (UC 2210)
- Senior Council Committee Consultant (UC 2223).

BE IT FURTHER RESOLVED, that the Council authorizes the Mayor, in consultation with the Personnel Director, Comptroller, and City Attorney, to make any necessary adjustments to overtime calculations in Fiscal Year 2019 to ensure compliance with the FLSA, including applicable regulations and case law interpreting the statute.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Joan F. Dawson  
Deputy City Attorney

JFD:jdf  
05/08/18  
Or.Dept: Human Resources  
Doc. No.:

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 22 2018.

ELIZABETH S. MALAND  
City Clerk

By:   
Deputy City Clerk

Approved: 5/30/18  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP A – Classes which are eligible for premium rate overtime.

Account Audit Clerk  
Account Clerk  
Accountant Trainee  
Administrative Aide I  
Administrative Aide II  
Airport Operations Assistant  
Apprentice  
Aquatics Technician I  
Aquatics Technician II  
Asbestos and Lead Program Inspector  
Assistant Fleet Technician  
Assistant Laboratory Technician  
Assistant Park Designer  
Assistant Recreation Center Director  
Assistant Reservoir Keeper  
Assistant Wastewater Plant Operator  
Assistant Water Distribution Operator  
Assistant Water Plant Operator  
Auto Messenger I  
Auto Messenger II  
Benefits Representative I  
Benefits Representative II  
Biologist I  
Boat Operator  
Body and Fender Mechanic  
Bookmobile Driver  
Building Service Technician  
Business Systems Aide  
Buyer's Aide I  
Buyer's Aide II  
Cal-ID Technician  
Carpenter  
Cashier  
Cement Finisher  
Cement Gun Operator  
City Attorney Investigator  
Claims Aide  
Claims Clerk  
Claims Representative I  
Claims Representative II  
Clerical Assistant I  
Clerical Assistant II  
Code Compliance Officer  
Collections Investigator I

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ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Collections Investigator II  
Collections Investigator Trainee  
Combination Inspector I  
Combination Inspector II  
Communications Technician  
Construction Estimator  
Contracts Processing Clerk  
Council Secretary  
Court Support Clerk I  
Court Support Clerk II  
Crime Scene Specialist  
Criminalist I  
Custodian I  
Custodian II  
Custodian III  
Customer Services Representative  
Deputy City Clerk I  
Dispatcher I  
Dispatcher II  
Disposal Site Representative  
Dispute Resolution Officer  
Document Examiner I  
Document Examiner II  
Document Examiner III  
Drafting Aide  
Editor/Proofreader  
Electrical Inspector I  
Electrical Inspector II  
Electrician  
Electronic Publishing Specialist  
Electronics Technician  
Emergency Medical Technician  
Engineering Trainee  
**Environmental Biologist I**  
Equipment Operator I  
Equipment Operator II  
Equipment Operator III  
Equipment Painter  
Equipment Technician I  
Equipment Technician II  
Equipment Technician III  
Field Representative  
Fire Dispatcher  
Firearms Technician



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ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Fleet Attendant  
Fleet Team Leader  
Fleet Technician  
Forensic Alcohol Analyst  
Generator Technician  
**Geographic Information Systems Technician**  
Golf Starter  
Greenskeeper  
Grounds Maintenance Worker I  
Grounds Maintenance Worker II  
Grounds Maintenance Worker III  
Hazardous Materials Inspector I  
Hazardous Materials Inspector II  
Hazardous Material/Pretreatment Trainee  
Heating Technician (Terminal)  
Heavy Truck Driver I  
Heavy Truck Driver II  
Helicopter Mechanic  
Housing Inspector I  
Housing Inspector II  
HVACR Technician  
Hydrography Aide  
Information Systems Technician  
Instrumentation and Control Technician  
Interview and Interrogation Specialist I  
Interview and Interrogation Specialist II  
Interview and Interrogation Specialist III  
Irrigation Specialist  
Junior Chemist  
Junior Engineer - Civil  
Junior Engineer - Electrical  
**Junior Engineer - Fire Protection**  
Junior Engineer - Mechanical  
Junior Engineering Aide  
Junior Planner  
Junior Property Agent  
Laboratory Assistant  
Laboratory Technician  
Laborer  
Lake Aide I  
Lake Aide II  
Lake Ranger  
Landfill Equipment Operator  
Latent Print Examiner I

**ADDENDUM A: OVERTIME COMPENSATION**

GROUP A (Continued)

Latent Print Examiner II  
**Latent Print Examiner III**  
**Latent Print Examiner Aide**  
Lead Cemetery Groundskeeper  
Legal Secretary I  
Legal Secretary II  
Legislative Recorder I  
Legislative Recorder II  
Librarian I  
~~Library Aide~~ *Library Assistant I*  
~~Library Assistant~~ *Library Assistant III*  
~~Library Clerk~~ *Library Assistant II*  
Library Technician  
Lifeguard I  
Lifeguard II  
Lifeguard III  
**Life Safety Inspector I**  
**Life Safety Inspector II**  
Light Equipment Operator  
Locksmith  
Machinist  
Management Trainee  
Marine Biologist I  
Marine Mechanic  
Master Fleet Technician  
Mechanical Inspector I  
Mechanical Inspector II  
Micrographics Clerk  
Millwright  
Motive Service Technician  
Motive Service Trainee  
Motor Sweeper Operator  
Nursery Gardener  
Offset Press Operator  
Painter  
Paralegal  
Paramedic I  
Paramedic II  
Parking Enforcement Officer I  
Parking Enforcement Officer II  
Parking Meter Technician  
Payroll Audit Specialist I  
Payroll Audit Specialist II  
Payroll Specialist I

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP A (Continued)

Payroll Specialist II  
Personnel Assistant I  
Personnel Assistant II  
Pesticide Applicator  
Plan Review Specialist I  
Plan Review Specialist II  
Plan Review Specialist III  
Plan Review Specialist IV  
Planning Technician I  
Planning Technician II  
Planning Technician III  
Plant Operator Trainee  
Plant Process Control Electrician  
Plant Technician I  
Plant Technician II  
Plant Technician III  
Plasterer  
Plumber  
Police Code Compliance Officer  
Police Dispatcher  
Police Investigative Service Officer I  
Police Investigative Service Officer II  
Police Lead Dispatcher  
Police Property and Evidence Lead Specialist  
Police Property and Evidence Specialist  
Police Records Clerk  
Police Records Data Specialist  
Police Service Officer I  
Police Service Officer II  
Pool Guard I  
Pool Guard II  
Power Plant Operator  
Power Plant Supervisor  
Principal Backflow and Cross Connection Specialist  
Principal Corrosion Engineering Aide  
Principal Drafting Aide  
Principal Engineering Aide  
Principal Paralegal  
Principal Survey Aide  
Principal Traffic Engineering Aide  
Procurement Contracting Trainee  
Procurement Trainee (Terminal)  
Programmer Analyst I  
Public Information Clerk

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ADDENDUM A: OVERTIME COMPENSATION

GROUP A (Continued)

Public Information Officer  
Public Information Specialist  
Public Service Career Trainee  
Public Works Dispatcher  
Publishing Specialist I  
Publishing Specialist II  
Pump Station Operations Supervisor  
Pump Station Operator  
Pump Station Operator Trainee  
Ranger/Diver I  
Ranger/Diver II  
Recreation Aide  
Recreation Leader I  
Recreation Leader II  
Reservoir Keeper  
Retirement Assistant  
Roofer  
Safety Representative I  
Safety Representative II  
Sanitation Driver I  
Sanitation Driver II  
Sanitation Driver III  
Sanitation Driver Trainee  
**Security Representative I**  
**Security Representative II**  
Senior Account Audit Clerk  
Senior Account Clerk  
Senior Airport Operations Assistant  
Senior Backflow and Cross Connection Specialist  
Senior Boat Operator  
Senior Cashier  
Senior Corrosion Engineering Aide  
Senior Drafting Aide  
Senior Engineering Aide  
Senior HVACR Technician  
Senior Locksmith  
Senior Offset Press Operator  
Senior Parking Meter Technician  
Senior Police Records Data Specialist  
Senior Publishing Specialist  
Senior Stable Attendant  
Senior Stadium Groundskeeper  
Senior Survey Aide  
Senior Wastewater Plant Operator

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP A (Continued)

Senior Zoning Investigator  
Seven-Gang Mower Operator  
Sign Painter  
Sign Shop Supervisor  
Special Events Traffic Controller I  
Special Events Traffic Controller II  
Stable Attendant  
Stadium Groundskeeper  
Stadium Maintenance Technician  
Stock Clerk  
Storekeeper I  
Stores Operations Supervisor  
Storm Water Inspector I  
Storm Water Inspector II  
Structural Inspector I  
Structural Inspector II  
Student Engineer  
Student Worker  
Swimming Pool Manager I  
Swimming Pool Manager II  
Swimming Pool Manager III  
Tank Service Technician I  
Tank Service Technician II  
Test Administration Specialist  
Test Monitor I  
Test Monitor II  
Therapeutic Recreation Leader  
Traffic Signal Technician I  
Traffic Signal Technician II  
Traffic Striper Operator  
Tree Maintenance Crewleader  
Tree Trimmer  
Utility Supervisor  
Utility Worker I  
Utility Worker II  
Vehicle and Fuel Clerk  
Victim Services Coordinator  
Wastewater Operations Supervisor  
Wastewater Plant Operator  
Wastewater Pretreatment Inspector I  
Wastewater Pretreatment Inspector II  
Water Distribution Operations Supervisor  
Water Distribution Operator  
Water Distribution Operator Trainee

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP A (Continued)

Water Operations Supervisor  
Water Plant Operator  
Water Systems District Manager  
Water Systems Technician I  
Water Systems Technician II  
Water Systems Technician III  
Water Systems Technician IV  
Water Systems Technician Supervisor  
Water Utility Supervisor  
Water Utility Worker  
Welder  
Word Processing Operator  
Work Service Aide  
Workers' Compensation Claims Aide  
Workers' Compensation Claims Representative I  
Workers' Compensation Claims Representative II  
Zoning Investigator I  
Zoning Investigator II

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP B - Classes which are eligible for premium rate overtime.

Airport Manager  
Aquatics Technician Supervisor  
Area Refuse Collection Supervisor  
Building Services Supervisor  
Building Supervisor  
Carpenter Supervisor  
Code Compliance Supervisor  
Collections Investigator III  
Communications Technician Supervisor  
Deputy City Clerk II  
Development Project Manager I  
Development Project Manager II  
Development Project Manager III  
Disposal Site Supervisor  
District Refuse Collection Supervisor  
Electrician Supervisor  
Electronics Technician Supervisor  
Equipment Repair Supervisor  
Equipment Service Supervisor  
Equipment Trainer  
~~Executive Secretary~~ *Executive Assistant*  
Fire Dispatch Administrator  
Fire Dispatch Supervisor  
Fleet Repair Supervisor  
Golf Course Superintendent  
Golf Starter Supervisor  
Graphic Designer  
Graphic Design Supervisor  
Greenskeeper Supervisor  
Grounds Maintenance Supervisor  
Heating, Ventilating, and Air Conditioning Supervisor  
Instrumentation and Control Supervisor  
Lifeguard Sergeant  
Metal Fabrication Services Supervisor  
Metal Fabrication Supervisor  
Motor Sweeper Supervisor  
Multimedia Production Coordinator  
Multimedia Production Specialist  
Nursery Supervisor  
Offset Press Supervisor  
Painter Supervisor  
Parking Enforcement Supervisor  
Parking Meter Supervisor  
Payroll Audit Supervisor

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**ADDENDUM A: OVERTIME COMPENSATION**

**GROUP B (Continued)**

Payroll Supervisor  
Pesticide Supervisor  
Photographer  
Plant Process Control Supervisor  
Plant Technician Supervisor  
Plumber Supervisor  
Police Code Compliance Supervisor  
Police Dispatch Administrator  
Police Dispatch Supervisor  
Police Records Data Specialist Supervisor  
Principal Clerk  
Principal Customer Services Representative  
Principal Legal Secretary  
Principal Plan Review Specialist  
Principal Plant Technician Supervisor  
Principal Police Records Clerk  
Principal Test Administration Specialist  
Print Shop Supervisor  
Police Property and Evidence Supervisor  
Public Information Supervisor  
Public Works Dispatch Supervisor  
Roofing Supervisor  
Senior Accounts Payable Audit Clerk  
Senior Benefits Representative  
Senior Claims Representative  
Senior Clerk/Typist  
Senior Communications Technician  
Senior Customer Services Representative  
Senior Disposal Site Representative  
Senior Legal Secretary  
Senior Legislative Recorder  
Senior Library Technician  
Senior Paralegal  
Senior Parking Enforcement Supervisor  
Senior Plant Technician Supervisor  
Senior Police Records Clerk  
Senior Power Plant Supervisor  
Senior Test Administration Specialist  
Senior Utility Supervisor  
Senior Wastewater Operations Supervisor  
Senior Water Distribution Operations Supervisor  
Senior Water Operations Supervisor  
Senior Water Utility Supervisor  
Senior Workers' Compensation Claims Representative



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**ADDENDUM A: OVERTIME COMPENSATION**

**GROUP B (Continued)**

Special Events Traffic Control Supervisor  
Stadium Maintenance Supervisor  
Storekeeper II  
Storekeeper III  
Supervising Cal-ID Technician  
Supervising Crime Scene Specialist  
Supervising Custodian  
Supervising Disposal Site Representative  
Supervising Field Representative  
Supervising Latent Print Examiner  
Supervising Meter Reader  
Supervising Plan Review Specialist  
Traffic Signal Supervisor  
Tree Maintenance Supervisor

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP C - Classes which are eligible for premium rate overtime.

Accountant I  
Accountant II  
Accountant III  
Agricultural Lease Manager  
Airport Noise Abatement Officer  
Area Manager I  
Area Manager II  
Asbestos Program Manager  
Assistant Budget Development Analyst  
Assistant Chemist  
Assistant Customer Services Supervisor  
Assistant Dispute Resolution Officer  
Assistant Economist  
Assistant Engineer - Civil  
Assistant Engineer - Corrosion  
Assistant Engineer - Electrical  
**Assistant Engineer - Fire Protection**  
Assistant Engineer - Mechanical  
Assistant Engineer - Traffic  
Assistant Facility Manager  
Assistant Management Analyst  
Assistant Planner  
Assistant Procurement Contracting Officer  
Assistant Property Agent  
Assistant Rate Analyst  
Assistant Trainer  
Associate Budget Development Analyst  
Associate Chemist  
Associate Communications Engineer  
Associate Economist  
Associate Engineer - Civil  
Associate Engineer - Corrosion  
Associate Engineer - Electrical  
**Associate Engineer - Fire Protection**  
Associate Engineer - Mechanical  
Associate Engineer - Traffic  
Associate Management Analyst  
Associate Planner  
Associate Procurement Contracting Officer  
Associate Property Agent  
Biologist II  
Biologist III  
Building Maintenance Supervisor  
Cemetery Manager

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP C (Continued)

Community Development Specialist I  
Community Development Specialist II  
Community Development Specialist III  
Criminalist II  
**Criminalist III**  
Customer Services Supervisor  
Deputy Noise Abatement Officer  
District Manager  
DNA Technical Manager  
Economist  
**Environmental Biologist II**  
**Environmental Biologist III**  
Fitness Specialist  
Fleet Parts Buyer  
Fleet Parts Buyer Supervisor  
General Utility Supervisor  
General Water Utility Supervisor  
Golf Course Manager  
Graphic Communications Manager  
Grounds Maintenance Manager  
Hazardous Materials Inspector III  
Hazardous Materials Program Manager  
Horticulturist  
Investigation Support Manager  
Lakes Program Manager  
Land Surveying Assistant  
Land Surveying Associate  
Librarian II  
Librarian III  
Librarian IV  
Marine Biologist II  
Marine Biologist III  
Marine Safety Lieutenant  
Noise Abatement Officer  
Park Designer  
Park Ranger  
Park Ranger Aide  
Power Plant Superintendent  
Principal City Attorney Investigator  
Principal Procurement Specialist (Terminal)  
Principal Utility Supervisor  
Principal Water Utility Supervisor  
Procurement Specialist (Terminal)  
Programmer Analyst II

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP C (Continued)

Programmer Analyst III  
Project Assistant  
Project Officer I  
Project Officer II  
Property Agent  
Public Works Superintendent  
Public Works Supervisor  
Ranger/Diver Supervisor  
Rate Analyst  
Recreation Center Director I  
Recreation Center Director II  
Recreation Center Director III  
Recreation Specialist  
Recycling Specialist I  
Recycling Specialist II  
Recycling Specialist III  
Refuse Collection Manager  
Safety and Training Manager  
Safety Officer  
**Security Officer**  
Senior Biologist  
Senior Budget Development Analyst  
Senior Building Maintenance Supervisor  
Senior Chemist  
Senior City Attorney Investigator  
Senior Civil Engineer  
Senior Code Compliance Supervisor  
Senior Combination Inspector  
Senior Communications Engineer  
Senior Communications Technician Supervisor  
Senior Corrosion Specialist  
Senior Disposal Site Supervisor  
Senior Electrical Engineer  
Senior Electrical Inspector  
Senior Electrical Supervisor  
Senior Engineer Fire Protection  
Senior Engineering Geologist  
Senior Housing Inspector  
Senior Land Surveyor  
**Senior Life Safety Inspector**  
Senior Management Analyst  
Senior Marine Biologist  
Senior Mechanical Engineer  
Senior Mechanical Inspector

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ADDENDUM A: OVERTIME COMPENSATION

GROUP C (Continued)

Senior Park Ranger  
Senior Planner  
Senior Procurement Contracting Officer  
Senior Procurement Specialist (Terminal)  
Senior Police Property and Evidence Supervisor  
Senior Public Information Officer  
Senior Structural Inspector  
Senior Systems Analyst  
Senior Traffic Engineer  
Stadium/Field Manager  
Stadium Turf Manager  
Storm Water Environmental Specialist  
~~Storm Water Inspection Manager~~ *Storm Water Compliance Manager*  
Storm Water Inspector III  
Structural Engineering Assistant  
Structural Engineering Associate  
Structural Engineering Senior  
Supervising Academy Instructor  
Supervising Criminalist  
Supervising Hazardous Materials Inspector  
Supervising Librarian  
Supervising Procurement Contracting Officer  
Supervising Property Agent  
Supervising Public Information Officer  
Supervising Recreation Specialist  
Supervising Storm Water Inspector  
Supervising Therapeutic Recreation Specialist  
Supervising Wastewater Pretreatment Inspector  
Therapeutic Recreation Specialist  
Trainer  
Training Supervisor  
Wastewater Pretreatment Inspector III  
Wastewater Pretreatment Program Manager  
Wastewater Treatment Superintendent  
Water Production Superintendent  
Work Control Manager

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP D - Police classes which are eligible for premium rate overtime.

Community Relations Assistant to the Police Chief

Police Detective

Police Officer I

Police Officer II

Police Officer III

Police Recruit

Police Sergeant

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**ADDENDUM A: OVERTIME COMPENSATION**

GROUP E - Fire classes which are eligible for premium rate overtime under specific conditions.

Air Operations Chief (7K exemption)  
Assistant Fire Marshal (7K exemption)  
Fire Battalion Chief (7K exemption)  
Fire Captain (7K exemption)  
Fire Engineer (7K exemption)  
Fire Fighter I (7K exemption)  
Fire Fighter II (7K exemption)  
Fire Fighter III (7k exemption)  
Fire Helicopter Pilot (7K exemption)  
Fire Prevention Inspector I (7K exemption)  
Fire Prevention Inspector II (7K exemption)  
Fire Prevention Supervisor (7K exemption)  
Fire Recruit (7K exemption)

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ADDENDUM A: OVERTIME COMPENSATION

GROUP F - Classes in the No Representation Unit which are not eligible for overtime.

Accountant IV  
Applications Programmer I  
Applications Programmer II  
Applications Programmer III  
ARJIS Administrator  
Assistant Department Human Resources Analyst<sup>1</sup>  
Assistant Personnel Analyst<sup>1</sup>  
Associate Department Human Resources Analyst  
Associate Personnel Analyst  
Building Code and Noise Abatement Supervisor  
Business Systems Analyst I  
Business Systems Analyst II  
Business Systems Analyst III  
Claims and Insurance Manager  
Collections Manager  
Community Development Coordinator  
Community Development Specialist IV  
Compliance and Metering Manager  
Customer Information and Billing Manager  
Employee Assistance Counselor  
Employee Assistance Program Manager  
Employee Benefits Administrator  
Employee Benefits Specialist I<sup>1</sup>  
Employee Benefits Specialist II  
Fleet Manager  
**Geographic Information Systems Analyst I<sup>1</sup>**  
**Geographic Information Systems Analyst II**  
**Geographic Information Systems Analyst III**  
**Geographic Information Systems Analyst IV**  
Information Systems Administrator  
Information Systems Analyst I<sup>1</sup>  
Information Systems Analyst II  
Information Systems Analyst III  
Information Systems Analyst IV  
Information Systems Manager  
Literacy Program Administrator  
Marine Safety Captain  
Organization Effectiveness Specialist I<sup>1</sup>

<sup>1</sup> These employees may be eligible for overtime compensation, consistent with employees in Groups A, B, and C, under Personnel Manual Index Code H-4, depending on the outcome of litigation in State of Nevada et al v. United States Department of Labor, Case No. 4:16-CV-00731 (State of Nevada). In 2016, the United States Department of Labor (DOL) published a Final Rule, to update 29 C.F.R. §§ 541.600, 541.607 (2016), as set forth in DOL Regulatory Information Number (RIN) 1235-AA11 (May 23, 2016). The Final Rule was intended to update the minimum salary level required for exemption from overtime compensation from a weekly salary level of \$455 (\$23,660 a year) to a minimum of \$913 a week or \$47,476 a year, to take effect on December 1, 2016. On November 22, 2016, a judge in the United States District Court of the Eastern District of Texas enjoined the DOL from implementing and enforcing the Final Rule. On December 1, 2016, the United States Department of Justice on behalf of the DOL filed a notice to appeal the preliminary injunction to the U.S. Court of Appeals for the Fifth Circuit. On October 30, 2017, the United States Department of Justice on behalf of the DOL, appealed the district court's decision to the U.S. Court of Appeals for the Fifth Circuit. On November 6, 2017, the Fifth Circuit granted the government's motion to hold the appeal in abeyance while the DOL undertakes further rulemaking to determine what the salary level should be. The DOL is undertaking rulemaking to revise the regulations located at 29 C.F.R. §§ 541, which govern the exemption of executive, administrative, and professional employees from the Fair Labor Standards Act's minimum wage and overtime pay requirements. Until the DOL issues its final rule, it will enforce 29 C.F.R. §§ 541 regulations in effect on November 30, 2016, including the \$455 per week standard salary level. These regulations are available at: <https://www.dol.gov/whd/overtime/regulations.pdf>.



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**PERSONNEL MANUAL**

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**ADDENDUM A: OVERTIME COMPENSATION**

**GROUP F (Continued)**

Organization Effectiveness Specialist II  
Organization Effectiveness Specialist III  
Organization Effectiveness Supervisor  
Police Captain<sup>2</sup>  
Police Lieutenant<sup>2</sup>  
Police Property and Records Administrator  
Police Special Projects Manager  
Public Art Program Administrator  
Recycling Program Manager  
Rehabilitation Coordinator  
Senior Department Human Resources Analyst  
Senior Personnel Analyst  
Supervising Budget Development Analyst  
Supervising Claims Representative  
Supervising Department Human Resources Analyst  
Supervising Economist  
Supervising Management Analyst  
Supervising Personnel Analyst  
Supervising Recycling Specialist  
Supervising Workers' Compensation Claims Representative  
Systems Administrator I  
Systems Administrator II  
Systems Administrator III

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<sup>2</sup> Represented by POA, but ineligible for overtime.

Passed by the Council of The City of San Diego on MAY 22 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 30 2018

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By *Hy Bready*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311766