

RESOLUTION NUMBER R- 315574DATE OF FINAL PASSAGE JUN 11 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE CITY JOB
CLASSIFICATIONS THAT ARE ELIGIBLE FOR OVERTIME
COMPENSATION IN FISCAL YEAR 2025.

WHEREAS, Council Policy 300-02 provides that it is necessary for the efficient and effective administration of the City of San Diego's government to call upon employees to work beyond their normal working hours in certain circumstances, with the need for overtime to be determined by the Mayor or designee, or independent department directors, in accordance with controlling law; and

WHEREAS, the San Diego City Council (Council) has established local overtime rules for certain employees, as specified in Council Policy 300-02, Personnel Manual Index Code H-4, and memoranda of understanding between the City and its recognized employee organizations approved by the Council; and

WHEREAS, local overtime is City-authorized working time beyond an employee's normally scheduled hours. Under these local overtime rules, the City distinguishes between "regular rate overtime," which is compensation for overtime worked at the employee's "base rate" of pay, and "premium rate overtime," which is compensation at one and one-half times the employee's "base rate" of pay; and

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, which sets forth federal minimum wage and overtime provisions, is applicable to states, cities, and local agencies, including the City; and


BE IT RESOLVED, the Council approves the job classifications in the City's Classified Service that are eligible for overtime compensation for Fiscal Year 2025, which are set forth in Addendum A of Personnel Manual Index Code H-4, titled Attachment A – Overtime, on file in the Office of the City Clerk as Document No. RR- 315574. The Council also authorizes overtime compensation for employees in compliance with the FLSA.

BE IT FURTHER RESOLVED, the Council acknowledges that, under 29 U.S.C. § 203, 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, the Council authorizes the Mayor, in consultation with the Personnel Director, Comptroller, and City Attorney, to make any necessary adjustments to overtime calculations or Attachment A in Fiscal Year 2025 to ensure compliance with the FLSA, including applicable regulations and case law interpreting the statute.

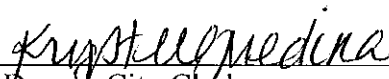
APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Miguel Merrell
Deputy City Attorney

MM:jvg:cm
April 5, 2024
Or.Dept: Human Resources
Doc. No. 3630950

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 04 2024.

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 6/11/24 _____
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUN 04 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 11 2024.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristel Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315574