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[Administrative Code Revisions, Chapter 16, Article I]

AMENDING CHAPTER 16, ARTICLE I, OF PART I OF THE SAN FRANCISCO MUNICIPAL

CODE (ADMINISTRATIVE CODE), BY AMENDING SECTIONS 16.2 (MILITARY LEAVE

FOR SEA DUTY), 16.4 (CITY OFFICE HOURS), 16.9-2 (PEACE OFFICER TRAINING), 16.9-

24 (EQUAL EMPLOYMENT OPPORTUNITY PLANS), AND 16.9-25 (SEXUAL

HARASSMENT POLICY), AND BY REPEALING SECTIONS 16.3, 16.3-1, 16.3-2, 16.3-8,

16.6-3, 16.6-4, 16.6-5, 16.6-6, 16.6-7, 16.6-8, 16.6-9, 16.6-10, 16.6-11, 16.6-12, 16.7, 16.8,

16.8-1, 16.9-1, 16.9-3, 16.9-4, 16.9-5, 16.9-6, 16.9-7, 16.9-8, 16.9-9, 16.9-10, 16.9-11, 16.9-

16, 16.9-17, 16.9-18, 16.9-19, 16.9-20, 16.9-23, 16.9-26, 16.9-27, 16.9-28, AND 16.9-30, TO

ELIMINATE OUTDATED AND OBSOLETE PROVISIONS.

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Note: Additions are <u>underlined</u>; deletions are in ((double parentheses)).

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Be it ordained by the People of the City and County of San Francisco:

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Section 1. Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Section 16.2, to read as follows:

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SEC. 16.2. MILITARY LEAVES - AUTHORIZED FOR SEA DUTY ABOARD GOVERNMENT OPERATED SHIPS.

((Pursuant to the provisions of Section 8.361 of the Charter, and subject)) Subject to rules of the Civil Service Commission, leaves of absence shall be granted to officers and employees of the City and County and to noncertificated officers and employees of the Unified School District for sea duty as licensed officers aboard ships operated by or for the United States government. The duration of such leaves of absence, under such Civil Service Commission rules, shall be limited to the period of any emergency declared by the president

of the United States or by the Congress, or to the life of any act authorizing compulsory military service or training.

Section 2. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.3.

((SEC. 16.3. DESIGNATION OF STATE LEGISLATIVE REPRESENTATIVE.

The Board of Supervisors does hereby delegate to the Mayor authority to appoint, on a full-time basis, a state legislative representative for the City and County. The appointment of such representative shall be subject to ratification by the Board of Supervisors. The various policies and programs proposed by the Mayor for execution by such legislative representative shall be subject to approval by the Board of Supervisors.))

Section 3. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.3-1.

((SEC. 16.3-1. DESIGNATION OF FEDERAL LEGISLATIVE REPRESENTATIVE.

The Board of Supervisors does hereby delegate to the Mayor authority to appoint, on a full-time basis, a federal legislative representative for the City and County, provided that funds are available for such purpose. The appointment of such representative shall be subject to ratification by the Board of Supervisors, and the various policies and programs proposed by the Mayor for execution by such federal legislative representative shall be subject to approval by the Board of Supervisors; provided, however, that, in matters requiring immediate action, the Mayor may direct the federal legislative representative to execute a certain policy or program which shall become the policy or program of the City and County unless and until the Board of Supervisors shall adopt a resolution contrary thereto.))

Section 4. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.3-2.

((SEC. 16.3-2. STATE AND FEDERAL LEGISLATIVE REPRESENTATIVES TO TAKE NO ACTION WHEN MAYOR AND BOARD DISAGREE ON CITY POSITION ON STATE OR FEDERAL LEGISLATION.

Notwithstanding the provisions of Sections 5.10, 5.11, 16.3 and 16.3-1 of the Administrative Code, the State and Federal Legislative Representatives shall take no action with respect to particular proposed state or federal legislation or any other related issue if the Board of Supervisors, by resolution, takes a position on proposed legislation or on an issue, the Mayor vetoes the resolution, and the Board does not override the veto. If the veto is overridden by the Board of Supervisors, or if the Mayor does not veto the resolution of the Board of Supervisors, then the position taken by the Board in its resolution shall be the position of the City and County, and the State and Federal Legislative Representatives shall advocate the position reflected in the Board's resolution.))

Section 5. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.3-8.

((SEC. 16.3-8. CONSOLIDATION OF THE DUTIES OF THE COUNTY CLERK AND THE COUNTY RECORDER.

Pursuant to California Government Code Section 24300, the duties of the office of the Recorder and the duties of the office of the County Clerk shall be consolidated into one office to be known as the Office of the County Clerk/Recorder.))

Section 6. Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Section 16.4, to read as follows:

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(a) Except where otherwise provided by law, all public offices shall be open for business every day, except legal holidays other than days on which an election is held throughout the State, from 8:30 a.m., until 5:00 p.m., except where additional hours are set for the department by the department head.

(b) The offices of the City and County ((named in this Section)) shall be closed on Saturday of each week during the year, except where otherwise determined by the department head. ((with the exceptions and qualifications herein indicated:

Administrative Services.

Airport (general office only).

Art Commission.

Art Museum.

Assessor.

City Administrator.

City Attorney.

City Planning Commission.

Civil Service Commission.

Controller.

County Clerk.

Disaster Council and Disaster Corps.

District Attorney (Juvenile Court offices only).

Education, Board of (offices County Board of Education and County Superintendent of

Schools).

Elections.

Electricity, Department of, except Fire Alarm Office.

1	Ethics.
2	Finance and Records, Director of.
3	Fire Department (general office only).
4	Hetch Hetchy Project.
5	Mayor.
6	Municipal Government Survey Advisory Committee.
7	Municipal Railway (general offices only).
8	Parking Authority, upon the approval of such authority.
9	Permit Appeals, Board of.
10	Public Administrator.
11	Public Health Department (central office only).
12	Public Utilities Commission, Bureau of Personnel and Safety.
13	Public Utilities Commission, Bureau of Public Service and Employees' Relations.
14	Public Utilities Commission (general office).
15	Public Utilities Commission, Light, Heat and Power Bureau.
16	Public Works Department.
17	Purchasing Department.
18	Real Estate Department, except Civic Auditorium.
19	Recorder.
20	Recreation and Park Department, except Kezar Stadium and Pavilion.
21	Redevelopment Agency, upon the approval of such agency.
22	Retirement System.
23	Sheriff (Civil Department only).
24	Social Services Department.
25	Supervisors Board of

Tax Collector.

Treasurer.

War Memorial.

Water Department.

Weights and Measures, Department of.

If the head of any office set forth in this Section determines that the opening of the office is necessary on any certain Saturday morning for the performance of essential public services, such head person may apply to the Board of Supervisors, and on its prior approval by resolution, may direct that such office remain open with only such personnel present as he or she may deem necessary.))

Section 7. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-3.

((SEC. 16.6-3. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTER-GOVERNMENTAL BODY - DUTIES.

The Board of Supervisors of the City and County of San Francisco does hereby assume the position that all intergovernmental bodies, decision-making boards, organizations and groups on which a member of the San Francisco Board of Supervisors sits shall provide a channel for public comment in the form of a citizens advisory committee; or in the case that a body is charged with the operation of an existing physical property, shall provide for regular public hearings to accept comment on the performance of that body.))

Section 8. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-4.

((SEC. 16.6-4. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTER-GOVERNMENTAL BODY - PROGRAM OF PUBLIC HEARING.

Should a member of the board presently sit with such a group he will forthwith exert all effort to assist the formation of a citizens advisory committee or commence a regular program of public hearing.))

Section 9. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-5.

((SEC. 16.6-5. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY - ESTABLISHMENT OF CITIZENS ADVISORY COMMITTEE.

It is the policy of the San Francisco Board of Supervisors that in a new body, the supervisor appointed thereto must work toward the establishment of a citizens advisory committee in the body's bylaws.))

Section 10. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-6.

((SEC. 16.6-6. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTER-GOVERNMENTAL BODY - ASSESSOR.

The Assessor is hereby authorized to accept appointment as a member of the Tax Advisory Committee of the County Supervisors Association of California and the Legislative and Executive Committee of the Association of County Assessors.

The Assessor, or the Assessor's duly authorized representative, is hereby authorized to attend meetings of the Tax Advisory Committee of the County Supervisors Association of

California, and the Legislative and Executive Committee of the Association of County Assessors, provided that funds have been specifically appropriated for such purpose.

The Assessor or his duly authorized representatives, or both, are hereby authorized to attend meetings of the California State Legislature or its committees, the State Board of Equalization, and the Bay Area Conference of Assessors; provided, that funds have been specifically appropriated for such purpose.))

Section 11. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-7.

((SEC. 16.6-7. JUVENILE COURT EMPLOYEES TO ATTEND SOCIAL SERVICES CERTIFICATE PROGRAM.

The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that officers and employees of the Juvenile Court enroll in, attend and complete a certificate program in the social services conducted by the University of California through its Graduate School of Social Welfare and its Extension Division, the said program consisting of courses offered on evenings plus a concluding two-week residence seminar on the campus at the University of California.

The Chief Probation Officer of the Juvenile Court of the City and County of San Francisco is hereby authorized to assign officers and employees under his jurisdiction to attendance at the two-week residence seminar of the University of California certificate program in social services, provided such officers and employees have completed the prerequisite courses and will receive their certificates in social services upon the satisfactory completion of the residence seminar and provided, further, that such officers and employees shall meet their own expenses incident to attendance at the residence seminar.))

Section 12. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-8.

((SEC. 16.6-8. CITIZENS ADVISORY COMMISSION FOR CONSTITUTIONAL REVISION.

The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that officers and employees of the City and County accept appointment to the Citizens Advisory Commission for Constitutional Revision, which commission analyzes, considers and recommends revisions to constitutional provisions, many of which affect the conduct of City and County government.

Appointing officers are accordingly authorized to permit City and County officers and employees under their jurisdiction who are members of the Citizens Advisory Commission for Constitutional Revision to attend meetings of such commission during normal work hours of such officers and employees.))

Section 13. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-9.

((SEC. 16.6-9. HUMAN RIGHTS EMPLOYEES TO ATTEND CERTAIN CONFERENCES, WORKSHOPS, SEMINARS, AND TRAINING COURSES.

The Human Rights Commission is authorized to assign commission members, its director, and, upon recommendation of its director, employees of the Human Rights Commission to attend certain conferences, workshops, seminars and training courses sponsored by other public agencies, employers, labor unions, property owners associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations, social welfare organizations and such other private organizations and institutions concerned with interracial, interreligious and intercultural understanding.

The Controller of the City and County of San Francisco is hereby authorized to reimburse commissioners and employees for expenses incurred while attending such conferences, workshops, seminars and training courses, provided funds have been appropriated for such purpose.))

Section 14. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-10.

((SEC. 16.6-10. ASSESSOR'S OFFICE EMPLOYEES TO ATTEND TRAINING COURSES ON ASSESSMENT PRACTICES.

The Assessor of the City and County of San Francisco is authorized to assign employees of the Assessor's office to attend training courses on assessment practices and procedures sponsored by the Division of Assessment Standards of the State Board of Equalization at universities or colleges located within the State of California.

The Controller of the City and County of San Francisco is hereby authorized to reimburse employees for expenses incurred while attending such training courses, provided funds have been appropriated for such purpose.))

Section 15. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-11.

((SEC. 16.6-11. MEMBERSHIP OF DIRECTOR OF PUBLIC WORKS IN TOPICS.

The Director of Public Works of the City and County of San Francisco, be and he is authorized and directed and appointed to serve as the official representative of the City and County of San Francisco to assist the State Department of Public Works in the administration of the Federal TOPICS (Traffic Operations Program to Increase Capacity and Safety) program within the boundaries of said City and County.))

Section 16. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.6-12.

((SEC. 16.6-12. TRAFFIC ENGINEERING IMPROVEMENTS - FORMULATION BY DIRECTOR OF PUBLIC WORKS.

The Director of Public Works is authorized to formulate traffic engineering improvements designed to reduce congestion and improve traffic flow on a system of urban streets pursuant to the intent of the TOPICS program and subject to approval by the Board of Supervisors of the City and County of San Francisco.))

Section 17. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.7.

((SEC. 16.7. APPROVAL OF EXPENSES OF APPLICANTS FOR CIVIL SERVICE APPOINTMENT.

Whenever the Civil Service Commission deems it advisable or necessary to bring applicants for civil service appointment into the City and County for interviews or other examination purposes - and it is contemplated that the City and County shall defray all or any portion of the expenses to be incurred by the applicants in traveling to and from their places of domicile - prior authorization for such expenditures must be granted by resolution of the Board of Supervisors.))

Section 18. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.8.

((SEC. 16.8. APPROVAL OF SECTION 3 CIVIL SERVICE RULE 34 RELATING TO REDUCTION OF FORCES DUE TO INSTALLATION OF MECHANICAL EQUIPMENT.

Section 3 of Rule 34 of the Civil Service Commission of the City and County providing for transfers of employees, which Section of such rule is herein set forth, is hereby approved, as follows:

"Whenever a surplus of employees is created in a department by the installation of mechanical equipment, and when the appointing officer shall so certify, such surplus employees may, with the approval of the appointing officers concerned and the Civil Service Commission, be transferred to vacant positions of the same classification in other departments, and such employees shall retain in their new departments the same salary and seniority status as they had in the department from which transferred. The 30-day waiting period provided in Section 1 hereof is not required when transfers are made under the provisions of this Section."))

Section 19. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.8-1.

((SEC. 16.8-1. PAYMENT OR RECEIPT OF GRATUITY FOR EARLY RETIREMENT PROHIBITED.

No officer or employee of the City and County occupying a position under civil service appointment shall offer or pay any sum of money or any other gratuity or consideration to any other civil service officer or employee, or representative of such officer or employee, with the intent of inducing or encouraging such officer or employee to apply for early retirement for the purpose of creating a vacancy in the position occupied by such officer or employee, nor shall he become directly or indirectly involved in any such transaction. No officer or employee occupying a position under civil service appointment shall solicit or accept any sum of money or any other gratuity or consideration, or become directly or indirectly involved in any transaction with another civil service officer or employee, or representative of such officer or

employee, for the purpose of creating a vacancy in his position through application for early retirement.

Violation of the provisions of this ordinance shall constitute insubordination within the meaning of Section 8.341 of the Charter and shall subject the offender to the disciplinary procedures thereof.

The provisions of this ordinance shall not apply to the members of the uniformed forces of the Police and Fire Departments. The Police Commission and Fire Commission shall prescribe and enforce rules and regulations to effectuate the purposes and intent of this ordinance with respect to the officers and men of their respective departments.))

Section 20. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-1.

((SEC. 16.9-1. INTERNSHIP FOR LAW STUDENTS AND ATTORNEYS.

The City Attorney, District Attorney and the Public Defender are hereby authorized to institute systems of internship for duly qualified law students and attorneys to serve in the office of the City Attorney, District Attorney or Public Defender and thereby acquire experience in the fields of civil and criminal law. Said service is to be entirely voluntary and under the supervision of the appointing officer and permanent members of his or her staff.

Law students and attorneys serving under this system of internship shall be designated by and shall serve at the pleasure of the appointing officer. Each attorney so designated must be qualified to practice in all the courts of the State.

There shall be no salary, wages or compensation of any kind or nature paid to said law students, or attorneys, nor shall any such person be eligible to be a member of the retirement system of the City and County of San Francisco or have any rights thereunder by reason of such service.))

Section 21. Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Section 16.9-2, to read as follows:

SEC. 16.9-2. PEACE OFFICER TRAINING.

The City and County of San Francisco declares that it desires to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the State of California.

Pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco, while receiving aid from the State of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission On Peace Officer Standards And Training.

The Chief of Police is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards and Training pursuant to said Section 13522 for the training of regularly employed and paid officers of the Police Department and the Housing Authority.

The Sheriff is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards and Training pursuant to said Section 13522 for the training of regularly employed and paid officers of the Sheriff's Office.

The District Attorney is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards and Training pursuant to said Section 13522 and Section 13524 of the California Penal Code for the training of regularly employed and paid inspectors and investigators of the District Attorney's Office, as defined in Section 830.1 of the California Penal Code, who conduct criminal investigations.

((The Chief of Police is hereby authorized to apply to the California Commission on Peace Officer Standards and Training for any certificates, reimbursements for training or other benefits bestowed by P.O.S.T. on those officers who were members of the Housing Authority Police.))

Section 22. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-3.

((SEC. 16.9-3. EMPLOYEE TRAINING.

The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco to assist, encourage, or assign employees and officers to attend certain courses given by accredited schools, colleges, and universities when such courses pertain directly to the present or promotional duties and responsibilities of officers and employees and such courses cannot be given as part of the in-service training program.

Courses pertaining "directly to the present or promotional duties and responsibilities" may also include those courses which are required to complete a degree or certificate program which is so related.))

Section 23. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-4.

((SEC. 16.9-4. TRAINING FOR PROMOTION.

Upon written application to the Civil Service Commission through an appointing officer, by an employee or officer to enroll in a training course outside of working hours, given by an accredited educational institution pertaining to the duties of a higher classification, the appointing officer may recommend and the Civil Service Commission may approve enrollment at this course. The Civil Service Commission shall be the judge of whether an educational

shall consider the employee's record of performance in making the recommendation. The employee or officer shall be reimbursed one-half of the cost for tuition for said course if attendance has been approved within time limits as provided by rule of the Civil Service Commission; and funds have been appropriated for said purpose to the Civil Service Commission and are available; and the Civil Service Commission has verified that the employee or officer has satisfactorily completed the course. No reimbursement shall be made if the employee or officer is eligible to receive reimbursement for said tuition under a Veteran's benefit program or from other public funds.))

institution is properly accredited for the purpose of this ordinance, and the appointing officer

Section 24. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-5.

((SEC. 16.9-5. TRAINING FOR PRESENT DUTIES.

Upon written application to the Civil Service Commission through an appointing officer by an employee or officer to enroll in a training course during or outside of working hours for the purpose of improving in his present assignment or classification, the Commission may approve enrollment in such course within time limits as provided by rule of the Civil Service Commission. The Civil Service Commission shall be the judge of whether an educational institution is properly accredited for the purpose of this ordinance. The Civil Service Commission shall be the judge of whether training meets the criteria of improving performance in the employee's present job and whether training can be provided through available in-service facilities. The officer or employee shall be reimbursed for tuition, supplies, books and other fees, when funds have been appropriated for said purpose to the Civil Service Commission. If attendance is during duty hours, it shall be considered a duty assignment for the purposes of payment of salary.))

Section 25. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-6.

((SEC. 16.9-6. APPEAL TO CIVIL SERVICE COMMISSION (SECTION 16.9-4).

An employee whose application for training under the provisions of Section 16.9-4 of this ordinance does not receive the recommendation of his appointing officer may appeal to the Civil Service Commission. Upon such appeal, the Civil Service Commission shall inquire into the reasons for the appointing officer's disapproval of such application, and the Civil Service Commission shall thereupon make such order as it deems just, which said order shall be final.))

Section 26. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-7.

((SEC. 16.9-7. APPEAL TO CIVIL SERVICE COMMISSION (SECTION 16.9-5).

An employee whose application for training under the provisions of Section 16.9-5 of the ordinance does not receive the recommendation of his appointing officer may appeal to the Civil Service Commission. Upon such appeal the Civil Service Commission shall inquire into the reasons for the appointing officer's disapproval of such application, and the Civil Service Commission shall thereupon advise the appointing officer as it deems just.))

Section 27. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-8.

((SEC. 16.9-8. TRAINING PROCEDURES.

The Civil Service Commission shall establish by rule procedures to carry out the provisions of Sections 16.9-3 through 16.9-7.))

by repealing Section 16.9-9.

((SEC. 16.9-9. PEACE OFFICER TRAINING.

The City and County of San Francisco declares that it desires to receive aid from the

Section 28. Chapter 16 of the San Francisco Administrative Code is hereby amended

The City and County of San Francisco declares that it desires to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the State of California.

Pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco, while receiving aid from the State of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission On Peace Officer Standards And Training.

The Sheriff is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards And Training pursuant to said Section 13522.))

Section 29. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-10.

((SEC. 16.9-10. SUPPLEMENTAL TRAINING AND EMPLOYMENT PROGRAM.

It is hereby declared to be the policy of the City and County of San Francisco to cooperate with the State of California, through its Department of Human Resources Development, to provide and make available suitable skilled training and experience slots in certain departments of the City and County under a program funded by the Manpower Administration of the United States Department of Labor and known as "Supplemental Training and Employment Program" (STEP), which has the purpose of providing temporary

financial assistance, work experience and training to individuals who have been displaced from employment or are unable to secure employment.))

Section 30. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-11.

((SEC. 16.9-11. ENROLLEES IN STEP PROGRAM.

The General Manager, Personnel, Civil Service Commission, with the approval of the Civil Service Commission, is hereby authorized to execute contracts with the California State Department of Human Resources Development respecting the service of enrollees in the STEP program in any department or office of the City and County subject to the following terms and conditions as specified in that certain form of contract on file with the Board of Supervisors under File No. 375-71:

- (a) The term of service for each enrollee in the STEP program shall be for 13 weeks subject to further extension by the State for two additional 13-week periods or a maximum period of 39 weeks for each enrollee, with the State retaining the right to terminate an enrollee's participation in the program.
- (b) The enrollee in such program shall not perform the duties of any regularly established civil service position. The STEP program shall not be used to displace full-time or part-time employees of the City and County of San Francisco, nor shall such program in any way impair the employment or earning opportunities of such full-time or part-time City and County employees.
- (c) The City and County department to which the enrollee is assigned shall supervise the enrollee for 40 hours per week of full-time service or training.

(e) The City and County of San Francisco shall not be liable for injury or damage caused by the activity of any enrollee; nor shall it assume any liability for injuries or damage suffered by any enrollee. The State shall provide general liability and workers' compensation insurance to protect each enrollee and the City and County of San Francisco.))

Section 31. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-16.

((SEC. 16.9-16. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE.

It is hereby declared to be the policy of the City and County of San Francisco to cooperate with universities, colleges, and educational or training institutions in the development and establishment of programs of intern training for public service, for the purpose of enabling qualified persons to become better fitted to enter public careers and of developing a greater number of qualified aspirants for positions in the government of the City and County of San Francisco.))

Section 32. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-17.

((SEC. 16.9-17. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE - AUTHORITY OF CIVIL SERVICE COMMISSION.

For the purpose of carrying out said policy, the Civil Service Commission of the City and County of San Francisco shall have the power and is hereby authorized to establish and

develop a program of internship training for public service within the San Francisco municipal service.))

Section 33. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-18.

((SEC. 16.9-18. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE - COOPERATION OF AFFECTED DEPARTMENTS.

It shall be duty of all officers, boards, commissions, and departments of the City and County of San Francisco to cooperate with the Civil Service Commission in the development of a public service internship program. They are hereby authorized to accept for such public service training persons recommended by the Civil Service Commission for placement of interns; provided, however, that no placement shall be made which, in the judgment of such department head, will encumber or impair the operation of the department.))

Section 34. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-19.

((SEC. 16.9-19. INTERNS SELECTED FROM ACCREDITED COLLEGES OR UNIVERSITIES.

Interns for such public service training shall be selected by the Civil Service Commission from persons recommended for such training by colleges and universities accredited by the Association of American Universities or by the Northwest Association of Secondary and Higher Schools, and by educational and training institutions approved by the Department of Education of the State of California for the training of veterans in governmental service within Title II, Public Law 346, 78th Congress; provided that any educational or training

institution by which any such person is recommended must first be approved by the Civil Service Commission.))

Section 35. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-20.

((SEC. 16.9-20. QUALIFICATIONS FOR SELECTION AS INTERN.

The Civil Service Commission shall, by rules and regulations, prescribe such qualifications as it may deem advisable with respect to persons and educational or training institutions desiring to become eligible for participation in such internship training program, and shall make such other rules and regulations as may be necessary to carry out the provisions of this ordinance, and to govern the administration of such internship training program.))

Section 36. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-23.

((SEC. 16.9-23. ESTABLISHMENT OF AN INTERNSHIP PROGRAM IN THE OFFICE OF THE MAYOR.

Subject to the budget and fiscal provisions of the Charter, the Mayor is hereby authorized to institute an internship program in the office of the Mayor and in the offices, boards, or commissions of the City and County which are under the jurisdiction of the Mayor. In connection therewith, the Mayor is further authorized to prepare and submit applications to private foundations for supplemental funds to defray the cost incurred in the operation of said program and to accept and use any such funds for said purpose.

Persons participating in said internship program shall be selected by the Mayor and shall be either graduate students or law students recommended by colleges and universities

in the San Francisco Bay Area. Interns selected by the Mayor shall perform such duties as may be assigned by the Mayor or by the department head of the office, board, or commission to which the intern is assigned, provided that no intern shall assume the functions normally performed by any regular employee of said office, board, or commission. Only those projects and services which are not an assigned function of any employee shall be undertaken by interns. Each intern shall be assigned for an 8-month period and shall be compensated at the rate of no more than \$300 per month and for no more than a 30-hour work week. All interns shall serve at the pleasure of the Mayor; may be removed by the Mayor at any time during his assignment for failure to fulfill his obligations under the program; and must be residents of the City and County of San Francisco in conformance with the provisions of Section 16.98 of the San Francisco Administrative Code.))

Section 37. Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Section 16.9-24, to read as follows:

SEC. 16.9-24. EQUAL EMPLOYMENT OPPORTUNITY PLANS. ((PREPARATION AND IMPLEMENTATION OF OFFICE, BOARD AND DEPARTMENT AFFIRMATIVE ACTION PLANS IN COORDINATION WITH THE CIVIL SERVICE COMMISSION IN COMPLIANCE WITH RELEVANT FEDERAL, STATE AND LOCAL LAW AND GUIDELINES.))

Each board or commission, each elective officer in charge of an administrative office, the Controller, the Mayor, and each department head appointed by the Mayor shall be responsible for the preparation and implementation of ((an affirmative action)) <u>a</u> plan ((in order)) to provide equal employment opportunities to all persons. Each such plan shall address all employment-related subjects the control of which is vested by the Charter in the board, commission, officer, or department.

Such subjects shall include, but not be limited to, the following:

- (a) Policy statements;
- (b) Designation of <u>equal employment opportunity</u> ((affirmative action)) responsibilities within the office, board or department, and establishment of a mechanism to evaluate the specific plan adopted;
- (c) Analysis of workforce utilization in each job category by race or national origin, sex, age and salary, as compared to qualified representatives in the relevant market;
- (d) Specific ((affirmative action)) steps to be undertaken within stated timetables to ensure that all persons, regardless of race, national origin, or sex, have equal opportunities for employment ((nondiscriminatory personnel relations to each race or national origin group and each sex, as determined by the availability of qualified representatives thereof in the community)); and
- (e) The method of dissemination of the <u>equal employment opportunity</u> ((affirmative action)) plan.

All such plans shall be prepared in consultation with the Civil Service Commission ((, the Human Rights Commission, and the Commission on the Status of Women)) in order to provide technical assistance and recommendations on effective steps to achieve equal employment opportunity. Prior to adoption, the Civil Service Commission ((, the Human Rights Commission, and the Commission on the Status of Women)) shall also approve each equal employment opportunity ((affirmative action)) plan in cooperation with the City Attorney to ensure that compliance is made with all relevant federal, State and local equal opportunity laws or regulations. Should the Civil Service Commission ((, the Human Rights Commission, or the Commission on the Status of Women)) find any such plan not in compliance with the above, it shall immediately so report to the Mayor's Office and Board of Supervisors. ((In the event that the Civil Service Commission, the Human Rights Commission, and/or the Commission on the Status of Women disagree, the matter shall be submitted to the Mayor's

Office for resolution.)) All such plans shall, upon adoption, be filed with the Civil Service Commission ((, the Human Rights Commission, and the Commission on the Status of Women)) for public or other inspection.

In order to facilitate the development of information necessary to the formulation of such plans, the Controller is directed to make appropriate data processing facilities available and to process annual workforce utilization plans as required by this Section, the California Fair Employment Practices Commission, the Equal Employment Opportunity Commission, the Human Rights Commission, the Commission on the Status of Women or any other regulatory agency charged with reviews of nondiscrimination provisions of local, State or federal law.

All such plans shall be periodically reviewed, amended and updated as appropriate on at least an annual basis. An annual report on the performance and progress of such plans shall be prepared and submitted to the Mayor and Board of Supervisors by the Civil Service Commission ((in cooperation with the Human Rights Commission and the Commission on the Status of Women)) by the first day of March of each year during the annual budget process.

Section 38. Chapter 16 of the San Francisco Administrative Code is hereby amended by amending Section 16.9-25, to read as follows:

SEC. 16.9-25. SEXUAL HARASSMENT POLICY. ((ESTABLISHING A POLICY ON SEXUAL HARASSMENT FOR ALL CITY EMPLOYEES, DEPARTMENTS, AGENCIES, BOARDS AND COMMISSIONS; DEFINING SEXUAL HARASSMENT; REQUIRING EDUCATION AND DISTRIBUTION OF THIS POLICY.))

- (a) Sexual Harassment Policy.
- (1) It is the policy of the City and County of San Francisco that, in accord with State and federal laws, each city employee has the right to work in an environment free of discrimination, including sexual harassment, and that sexual harassment is unacceptable and

will not be tolerated in the workplace. The City and County of San Francisco will take all reasonable steps within its control to provide a workplace in which all individuals are treated with respect and dignity. The City and County of San Francisco recognizes that the elimination of sexual harassment in the workplace will create a better working environment, increase productivity, and improve relationships for all employees.

- (2) Sexual harassment of a City official or employee is, in accord with State and federal laws, strictly prohibited by another City official or employee. This policy applies to all officials and employees and to all phases of employment, including, but not limited to, recruitment, testing, hiring, promotion or demotion, transfer, layoff, termination and selection for training.
- (3) It is further the policy of the City and County of San Francisco to take reasonable steps, in accord with State and federal laws, to provide its employees with a workplace free of sexual harassment by non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public. It is also the policy of the City and County of San Francisco to take reasonable steps to prohibit its City officials and employees, acting within the scope of their official duties and employment, from sexually harassing non-employees, including, but not limited to: contractors and subcontractors of the City and County of San Francisco, clients, volunteers, interns, and members of the general public.
- (4) In order to create and maintain a workplace free from sexual harassment of employees, the City and County of San Francisco will, in accord with State and federal laws, take all reasonable steps to:
- (A) Set an example through its leadership and management that sexual harassment will not be tolerated;

- (B) Train and educate management and public officials as to their responsibility to carry out the policy of the City and County; and
 - (C) Train and educate employees regarding sexual harassment issues and policy.
- (5) It shall be a violation of this policy to engage in harassing conduct that does not meet the definition of sexual harassment under state and federal law, but that, if repeated or allowed to continue, might meet that definition.
- (6) (((5))) Pursuant to the Charter, the sexual harassment discrimination complaint procedure established by the Civil Service Commission and Human Resources Director is available to review and resolve all allegations of sexual harassment.

Persons wishing to file a complaint are urged to contact the Human Resources

Department Equal Employment Opportunity Unit for copies of the forms and procedures.

- (b) Definition.
- (1) For purposes of this Section and in accord with federal and State laws, sexual harassment is defined as any unwelcome sexual advance, request for sexual favors and other verbal or physical conduct of a sexual nature or directed at an individual because of his or her sex when:
- (A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- (B) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting said individual; or
- (C) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- (2) Examples of behavior which may, in accord with State and federal laws, constitute sexual harassment, include, but are not limited to, the following:

- (A) Acts from male to female, female to male and between individuals of the same sex which are sexual in nature and unwelcome; sexual harassment may be directed against a particular person, persons or group;
- (B) Verbal conduct which is sexual in nature and unwelcome, e.g., epithets, jokes, comments or slurs, repeated requests for dates which are unwelcome;
- (C) Nonverbal behavior which is sexual in nature and unwelcome, e.g., staring, leving, leving,
- (D) Physical conduct which is sexual in nature and unwelcome, e.g., assault, sexual advances such as touching, patting or pinching, impeding or blocking movement or any physical interference with normal work or movement;
- (E) Visual effects which are sexual in nature and unwelcome, e.g., posters or signs, letters, poems, graffiti, faxes, cartoons or drawings, pictures, calendars, electronic mail and computer programs;
- (F) Consensual romantic relationships between a supervisor or manager and a subordinate do not constitute sexual harassment per se and are not prohibited by this policy, but may create a potential for conflict or an appearance of impropriety.
- (3) For purposes of this Section, retaliation against any official, employee or applicant for employment for having made a good faith complaint or report of sexual harassment, or participating or aiding in an investigation of sexual harassment shall be prohibited. Examples of retaliation may, in accord with State and federal laws, include, but are not limited to, the following:
 - (A) Transferring the complainant or witness against his or her will;
 - (B) Ignoring the complainant or witness;
 - (C) Spreading rumors and innuendoes about the complainant or witness;

- (D) Changing work assignments of the complainant or witness without a valid work-related rationale;
 - (E) Sabotaging of tools, materials or work of the complainant or witness; and
 - (F) Withholding work-related information from the complainant or witness.
- (c) Right to File Other Complaints. This policy shall not alter or affect the right of any person to make a charge of discrimination with any State or federal agency with jurisdiction over such claims, file a grievance under a collective bargaining agreement, or consult a private attorney.
- (d) Education and Training. Prevention is the best tool for the elimination of sexual harassment. All City and County commissions, departments, boards and agencies shall provide to each of their supervisory employees a copy of this ordinance with a written explanation of the most current procedure for filing a complaint. Each appointing officer shall require his or her supervisory personnel to instruct all employees under their supervision of the contents of this ordinance and of the Civil Service and Human Resources Department procedures for filing and processing a complaint. Each appointing officer shall provide to or acquire for its supervisory personnel a periodic training program designed to educate and thereby prevent sexual harassment.
 - (e) Department of Human Resources Reports.
- (1) Quarterly Reports. The Human Resources Director shall provide, on a quarterly basis, to the Commission on the Status of Women a written report on the number of sexual harassment complaints filed and the departments that were involved. The report also shall include information on the dispositions of complaints that are concluded and the status of complaints that are pending. The reports shall not include names or other identifying information regarding the parties or the alleged harassers.

(2) Annual Report. The Human Resources Director shall provide annually to the Mayor, the Board of Supervisors, the Human Rights Commission, and the Commission on the Status of Women a written report on the number of claims of sexual harassment filed, including information on the number of claims pending and the departments in which claims have been filed. The reports shall not include names or other identifying information regarding the parties or the alleged harassers.

- (f) Commission on the Status of Women. The Commission on the Status of Women is available to offer technical advice on this City and County policy, assistance and referrals for sexual harassment complainants, technical assistance and additional resources to supervisory employees and managers regarding sexual harassment, and to assist in the prevention of sexual harassment incidents.
- (g) The City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, any obligations for which it is liable in money damages or otherwise to any person who claims that such breach proximately caused injury.

Section 39. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-26.

((SEC. 16.9-26. BACKGROUND QUALIFICATIONS VERIFICATION OF APPLICANTS TO CIVIL SERVICE EXEMPT POSITIONS OR PERSONAL SERVICES CONTRACTS.

(a) All appointing officers shall conduct a background investigation of an individual who applies either for a civil service exempt position or an award of a personal services contract pursuant to San Francisco Charter Sections 8.300(a) or 8.300-1. This background investigation includes but is not limited to verification of the applicant's prior employment, consultation with at least three references, and verification of education.

(b) This background qualifications verification may be waived by the appointing officer for those positions whose annual compensation is less than \$35,000; provided, that the appointing officer determines that a background investigation is not necessary. When the appointing officer waives a background qualifications verification, the appointing officer shall set forth the grounds for the waiver in a memorandum to be maintained in the personnel or contract services records of the individual in the office of the appointing officer.))

Section 40. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-27.

((SEC. 16.9-27. DISTRICT ATTORNEY INVESTIGATORS.

The City and County of San Francisco declares that it desires to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the State of California.

Pursuant to Section 13522 of said Chapter, the City and County of San Francisco, while receiving aid from the State of California pursuant to said chapter, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

The District Attorney is hereby authorized and directed to execute such application forms as may be required by said California Commission on Peace Officer Standards and Training pursuant to said Section 13522 and Section 13524 of the California Penal Code for the training of regularly employed and paid inspectors and investigators of the District Attorney's Office, as defined in Section 830.1 of the California Penal Code, who conduct criminal investigations.))

Section 41. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-28.

((SEC. 16.9-28. EMPLOYEE ASSISTANCE PROGRAM - NOTICE TO CITY EMPLOYEES.

- (a) Program Schedule. Employees of the City and County of San Francisco shall be issued notices of scheduled workshops, meetings, and confidential counseling services offered by the Employee Assistance Program. Such notices shall be issued or posted by department heads of the City and County to employees under his or her jurisdiction every three months, or at such time when the Employee Assistance Program releases a schedule of program activities.
- (b) New Employees. Department heads of the City and County of San Francisco shall ensure that all new employees of his or her respective department are provided material informing him or her of services offered by the Employee Assistance Program within thirty days of the effective date of his or her appointment in any position as an employee of the City and County.
- (c) Departmental Contribution. Whenever an employee utilizes services of the Employee Assistance Program, either by referral or voluntarily, the cost for services rendered to such employee shall be charged to the employee's department.))

Section 42. Chapter 16 of the San Francisco Administrative Code is hereby amended by repealing Section 16.9-30.

((SEC. 16.9-30. PROVISION OF SERVICES TO THE SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY.

The officers of the City and County of San Francisco are hereby authorized to negotiate and execute agreements with the San Francisco Transportation Authority to perform

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the duties of their offices on behalf of the Authority and to enter into hold harmless agreements with the Authority.))

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney



City and County of San Francisco Tails

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

Ordinance

File Number:

000696

Date Passed:

Ordinance amending Chapter 16, Article I of Part I of the San Francisco Municipal Code (Administrative Code), by amending Sections 16.2 (Military Leave for Sea Duty), 16.4 (City Office Hours), 16.9-2 (Peace Officer Training), 16.9-24 (Equal Employment Opportunity Plans), and 16.9-25 (Sexual Harassment Policy), and by repealing Sections 16.3, 16.3-1, 16.3-2, 16.3-8, 16.6-3, 16.6-4, 16.6-5, 16.6-6, 16.6-7, 16.6-8, 16.6-9, 16.6-10, 16.6-11, 16.6-12, 16.7, 16.8, 16.8-1, 16.9-1, 16.9-3, 16.9-4, 16.9-5, 16.9-6, 16.9-7, 16.9-8, 16.9-9, 16.9-10, 16.9-11, 16.9-16, 16.9-17, 16.9-18, 16.9-19, 16.9-20, 16.9-23, 16-9-26, 16.9-27, 16.9-28, and 16.9-30, to eliminate outdated and obsolete provisions.

June 12, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 8 - Ammiano, Becerril, Kaufman, Leno, Newsom, Teng, Yaki, Yee Absent: 3 - Bierman, Brown, Katz

June 19, 2000 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 000696

I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 19, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young

Clerk of the Board

JUN 3 0 2000

Date Approved

Mayor Willie L. Brown Jr.