

Notification List

Report of Expired Exempt Appointments under Charter Sections 10.104-16 through 10.104-18 for the period of January 1, 2023 to June 30, 2023

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MEMORANDUM

DATE: August 10, 2023
TO: Honorable Civil Service Commission
THROUGH: Carol Isen
Human Resources Director
FROM: Shawn Sherburne, Assistant Director of Employment Services
Lisa Pigula, Client Services Consulting Manager
SUBJECT: Report of Expired Exempt Appointments for the period of January 1, 2023 – June 30, 2023 under Charter Sections 10.104-16 through 10.104-18

Executive Summary

This is a semiannual report requested by the Civil Service Commission. The report provides an update to the Civil Service Commission on exempt appointments under Charter sections 10.104-16 (Category 16), 10.104-17 (Category 17), and 10.104-18 (Category 18) that have exceeded the permissible duration for the period of January 1, 2023 – June 30, 2023.

Background

This report is separate from the original Department of Human Resources (DHR) report on appointments and position requests exempt from Civil Service Rules under Charter sections 10.104-16 through 10.104-18 and was requested by the Commission to highlight and monitor Charter section 10.104-16 through 10.104-18 appointments that exceed their Charter authorized durations.

Pursuant to Charter sections 10.104.16 through 10.104.18, appointments made under these exempt categories are not to exceed the following durations (Attachment A):

- Category 16: The equivalent of half-time during any fiscal year (1,040 hours)
- Category 17: Two (2) years
- Category 18: Three (3) years.*

This report includes information for all City departments except the Municipal Transportation Agency, Trial Courts, Community College District, and the Unified School District.

The Mayor's Proclamation of Covid-19 Local Emergency Supplemental Declarations #3 and #16 gave the HR Director authority to waive Charter limits on Charter sections 10.104-16 – 10.104-18 appointments (Attachment B & C). As such, reporting was paused during the emergency declaration because there were temporarily no limits on Charter sections 10.104-16 – 10.104-18 appointments and this report was last delivered at the March 2, 2020 Civil Service Commission meeting. With the November 15, 2021 termination of the Mayoral

*For Charter section 10.104-18 appointments, the 48th supplement granted a 1-year extension beyond the expiration date for appointments that expire on or before 12/31/2022 (Attachment F). Accordingly, Charter section 10.104-18 appointments are considered expired once they have passed a 4 year duration for those hired on 6/30/2019 or earlier. For those appointments expiring after 12/31/2022, there is no extension and so they are considered expired once they have passed a 3 year duration for those hired on 1/1/2020 or later.

Emergency Supplemental Declaration #3 and the March 1, 2023 termination of the Mayoral Emergency Supplemental Declaration #16, the Charter limits are back in place and DHR is resuming this report (Attachment D & E).

Program Overview

While departments are expected to monitor and track their use of Charter sections 10.104-16 through 10.104-18 appointments to ensure incumbents do not exceed Charter specified appointment durations, DHR provides appointment data to the departments from the People and Pay System (PeopleSoft) to identify appointments exceeding Charter duration limitations. The DHR Client Services Consultants also provide available options to address the appointment in advance of the expiration (e.g., separating employees who have completed their special projects, transitioning employees to more appropriate appointment types, etc.)

For the reporting period of January 1, 2023 to June 30, 2023, there are **no** appointments under Charter sections 10.104-16, 10.104-17 and 10.104-18 that exceed the Charter authorized durations.

Recommendation

Adopt the report.

Attachments

Attachment A: Charter Section 10.104 - Categories 16, 17 and 18

Attachment B: Third Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

Attachment C: Sixteenth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

Attachment D: Termination of Orders Issued Under Proclamation of Local Emergency effective November 15, 2021

Attachment E: Termination of Orders Issued Under Proclamation of Local Emergency effective March 1, 2023

Attachment F: Forty-Eighth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency Dated February 25, 2020

Attachment A

CHARTER SECTION 10.104, EXCLUSIONS FROM CIVIL SERVICE APPOINTMENT

All employees of the City and County shall be appointed through competitive examination unless exempted by this Charter. The following positions shall be exempt from competitive civil service selection, appointment and removal procedures, and the person serving in the position shall serve at the pleasure of the appointing authority:

16. Temporary and seasonal appointments not to exceed the equivalent of half-time during any fiscal year, except that such positions may be filled through regular civil service procedures.
17. Appointments, which shall not exceed two years and shall not be renewable, as substitutes for civil service employees on leave, except that such positions may be filled through regular Civil Service procedures.
18. Appointments, which shall not exceed three years and shall not be renewable, for special projects and professional services with limited term funding, except that such positions may be filled through regular Civil Service Commission procedures.

Attachment B



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**THIRD SUPPLEMENT TO MAYORAL PROCLAMATION ^{BY} ~~DECLARING~~ ^{AK} THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020 and on March 13, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

WHEREAS, There are currently 43 confirmed cases of COVID-19 within the City, more than 600 confirmed cases in California, and there have been 11 COVID-19-related deaths in California; and

WHEREAS, It is in the public interest that the City take steps to encourage employees in the City to stay home when they are sick or caring for a sick family member, and providing financial assistance to City employers who are willing to increase paid sick leave benefits and pass the City's contribution on to employees will reduce the financial and health impacts associated with the COVID-19 pandemic; and

WHEREAS, Many City employees have been reassigned from their normal duties or deployed as Disaster Service Workers to assist in the emergency response effort; other City employees must prioritize and for many employees devote all their work time to the emergency response; City departments have been directed to support telecommuting to the extent possible; the City must hire workers, such as nurses, to perform critical duties necessary to respond to the pandemic; in light of the need for quick action to deploy the City workforce effectively in these emergent circumstances and to protect the City workforce from health impacts caused by COVID-19, it is in the public interest to temporarily waive certain provisions of the City's civil service rules and rules regarding hiring to the extent such modifications are necessary to respond to the emergency; and

WHEREAS, Many City workers affected by the shelter in place order cannot perform their duties remotely and must stay home, and it is in the public interest to support such employees through the duration of the order with paid leave; and

WHEREAS, The March 16, 2020 order of the Local Health Officer prohibited restaurants from operating in-person dining but allowed restaurants to continue operating delivery and takeout; removing barriers in local law that would otherwise prohibit a restaurant from operating a delivery or take-out only business is necessary to support these restaurants and to conform with the intent of the Local Health Officer's order; and



WHEREAS, Given the March 16, 2020 shelter in place order of the Local Health Officer restricting movement within the City, the ongoing threat of community spread of COVID-19, and the need to reduce social interaction to control that spread, only essential meetings of the City's boards and commissions should be held during the Local Health Officer's shelter in place order; and

WHEREAS, The Mayor does hereby proclaim that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation, in the March 11, 2020 Supplement to the Proclamation, and in the March 13, 2020 Second Supplement to the Proclamation, it is further ordered that:

(1) The Director of the Office of Economic and Workforce Development is authorized to implement a program under which the City will provide financial assistance to employers that agree to supplement their existing paid sick leave policies by providing additional paid sick leave to employees who work in the City or on City-owned property. Funds the City provides employers under this program shall be designated to fund additional paid sick leave the employer provides. The Director is delegated authority to develop and promulgate criteria for employer and employee eligibility and other rules related to the program, including but not limited to the amount the City will fund per eligible employee. The program shall last for an initial period of 90 days, for sick leave taken on or after March 16, 2020. The Mayor may extend the program if conditions warrant. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors; and

(2) The Human Resources Director or designee, and the Director of Transportation or designee for San Francisco Municipal Transportation Agency service critical employees, is delegated authority during the local emergency to temporarily waive provisions of Civil Service Commission Rules and provisions of the Charter regarding hiring, if the Human Resources Director or Director of Transportation deems such waiver necessary to



comply with public health orders issued by local, state, or federal health officials or to ensure continuity of City operations in response to the emergency. In addition, the Human Resources Director or designee is delegated authority during the local emergency to temporarily waive the limitation on the hours worked for employees appointed under Charter section 10.104(16). This Order ratifies any prior such waivers; and

(3) The Director of Transportation for San Francisco Municipal Transportation Agency service critical employees is authorized, with concurrence of the Controller, to create a paid leave program for those employees who are not working, including working from home, through April 17, 2020 to mitigate the financial impacts of the emergency, and for all other City employees the Human Resources Director is authorized, with concurrence of the Controller, to create a paid leave program for employees who are not working, including working from home, through April 17, 2020, to mitigate the financial impacts of the emergency; and

(4) Any local law requiring a restaurant use to have dine-in operations is suspended. Consistent with the shelter in place order of the Local Health Officer, restaurants may prepare and provide ready-to-eat cooked foods to customers for take-out or delivery purposes without providing an option for consumption on the premises, for the duration of that order as it may be modified or extended; and

(5) From March 18, 2020 through April 7, 2020, City policy and advisory bodies shall not hold public meetings, unless the Board of Supervisors, acting by written motion, or the Mayor or the Mayor's designee directs otherwise, based on a determination that a policy body has an urgent need to take action to ensure public health, safety, or essential government operations. This order applies to all City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees.

DATED: March 17, 2020

A handwritten signature in black ink that reads "London N. Breed".

London N. Breed
Mayor of San Francisco

Attachment C



**SIXTEENTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 2,473 confirmed cases of COVID-19 within the City and 41 COVID-19-related deaths in the City; there have been more than 100,000 confirmed cases in California and more than 3,900 COVID-19-related deaths in California; and

WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also



because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, The Stay Safe At Home Order provides that individuals experiencing homelessness should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and that government agencies should provide restroom and hand washing facilities for individuals in encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness. Implementation of these measures will reduce the risk of outbreaks and spread of the virus in this extremely vulnerable population and among all City residents. To comply with this guidance and to provide a safe and sanitary location for individuals experiencing homelessness to get through the emergency, the City must open additional space to allow individuals to set up tents and for the City to provide proper facilities and other services. It is in the public interest to suspend provisions of City law that would inhibit the use of City property that is appropriate to accomplish this goal; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, the Mayor prohibited meetings of City boards, commissions, and advisory bodies, other than the Board of Supervisors, through April 7, 2020, unless authorized by the Mayor or the Board of Supervisors; the Mayor extended this order through May 31, 2020. Given the ongoing public health concern, closure of City buildings, and restrictions and recommendations in the Stay Safe At Home Order it is necessary to continue some limitations on meetings of these bodies to protect public health. The Governor and the Mayor have issued emergency orders allowing public meetings to occur remotely, provided the public can observe and participate; and

WHEREAS, The disruption to City operations caused by the pandemic, including closure of City offices, deployment of City employees as disaster service workers, and City employees working remotely, and the physical distancing measures required by the Stay Safe at Home Order, have prevented the City from conducting civil service examinations to establish eligible lists to make permanent civil service appointments. To ensure continuity of City services and avoid unduly separating employees from employment, the City needs flexibility to allow employees in appointments with time limitations to continue working beyond the time limit applicable to the appointment. It is in the public interest to authorize the temporary waiver of the Charter provisions setting time restriction for such appointments; and



WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safe At Home Order cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program through April 17, 2020, to mitigate financial impacts of the emergency on City employees; the Mayor extended the program to May 31, 2020 through a further orders in the Seventh and Twelfth Supplements to the Emergency Proclamation; due to the ongoing restrictions of the Stay Safe At Home Order, it is in the public interest to further extend this paid leave program; and

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, April 1, April 10, April 14, April 23, April 30, May 11, May 13, and May 18, 2020, it is further ordered that:

(1) The Department of Emergency Management and the Mayor’s Office of Housing and Community Development (“MOHCD”) may authorize the use of any property under the jurisdiction of MOHCD to (a) erect, provide, or accommodate temporary shelter, including shelter in tents or similar structures, for people experiencing homelessness, and (b) provide attendant services for people experiencing homelessness and erect temporary structures for that purpose. The Director of Emergency Management in consultation with the Director of the MOHCD is authorized to select property for this purpose. Any provision of local law that would prohibit the use of property for this purpose, including any provision of the Planning Code, is suspended and any local permitting requirement is waived. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor.

(2) Public meetings of City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees must comply with the following conditions for all public meetings:



- a. The meetings must occur by teleconference or other electronic means without providing a physical meeting place, and the commission, board, or advisory body must comply with all applicable law governing public meetings during the emergency, including allowing public observation and participation;
- b. The commission, board, or advisory body must prioritize any urgent action items necessary for public health, safety, and essential government function; and
- c. Before scheduling a meeting, a policy body that is not established in the Charter must confer with the department that provides administrative and clerical support to the body, to ensure that the meeting will not unreasonably require the time of staff who are otherwise deployed or participating in the City's response to the COVID-19 pandemic.

This Order shall take effect on June 1, 2020 and shall remain in place for 60 days unless terminated earlier by the Mayor or unless the Governor rescinds his executive order authorizing public meetings to occur by electronic means without providing a physical meeting place under state law.

(3) The Human Resources Director or designee is delegated authority during the emergency, as determined appropriate in the exercise of their discretion, to temporarily waive the maximum number of years employees may work in appointments under Charter Sections 10.104(17) and (18). The Director of Transportation or designee is delegated authority during the emergency, as determined appropriate in the exercise of their discretion, to temporarily waive the maximum number of years employees may work in "service critical" appointments under Charter Sections 10.104(17) and (18). Employees have no right to a waiver of these Charter time limitations. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor.

(4) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for City employees, first authorized on March 17, 2020 in the Third Supplement to the Emergency Proclamation, through June 30, 2020, to mitigate the financial impacts of the emergency on these City employees. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Agency first authorized on March 17, 2020 by the Third Supplement to the Emergency Proclamation, through June 30, 2020. This paid leave



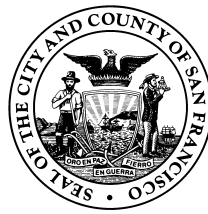
program is for employees who are available to work, but not working, including working from home, due to the Stay Safe At Home Order.

DATED: May 29, 2020

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

Attachment D



TERMINATION OF ORDERS ISSUED UNDER PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation of Local Emergency under California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative, in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, Certain orders issued under the Proclamation of Local Emergency remain necessary to the City’s response to the emergency conditions presented by ongoing COVID-19 pandemic; and

WHEREAS, In light of the current state of the pandemic, the status of the City’s pandemic response, the City’s policies regarding vaccination of City employees and employee return-to-work, the vaccination rates in San Francisco, and the current public health indicators, it is appropriate to terminate several orders issued under the Proclamation of Local Emergency as specified below; and

WHEREAS, Section 1 of the First Supplement to the Proclamation of Local Emergency authorized the Controller to issue a policy allowing continued funding of non-profit City grantees unable to provide services due to COVID-19 disruptions; Section 2 of the First Supplement suspended City deadlines for policy bodies to take action if they were unable to hold meetings; and Section 4 of the First Supplement authorized the Department of Human Resources to create a program for City employees to advance sick and vacation leave due to COVID-19 impacts; and

WHEREAS, Section 5 of the Second Supplement to the Proclamation of Local Emergency, and Section 7 of the Fifth Supplement to the Proclamation of Local Emergency suspended certain provisions of the San Francisco Sunshine Ordinance relating to public records; and

WHEREAS, Section 2 of the Third Supplement to the Proclamation of Local Emergency authorized the Human Resources Director to waive the limitation on hours worked for employees appointed to certain temporary positions; and



WHEREAS, Section 1 of the Fifteenth Supplement to the Proclamation of Local Emergency waived permitting requirements and fees for occupancy of sidewalks for curbside pickup of goods and merchandise authorized by the Health Officer; and

WHEREAS, The Seventeenth Supplement to the Proclamation of Local Emergency authorized the Director of Public Health to establish a grant program for individuals financially impacted by COVID-19 who had medical reimbursement accounts; and

WHEREAS, Section 4 of the Thirty-Fifth Supplement to the Proclamation of Local Emergency authorized the Controller to adopt a policy for expedited payment of cost-of-doing-business increases for non-profit City grantees in the current fiscal year;

NOW, THEREFORE

I, London N. Breed, Mayor of the City and County of San Francisco terminate the following Orders, effective at 11:59 p.m. on November 14, 2021:

- (1) Sections 1, 2, and 4 of the [First Supplement](#) to the Proclamation of Local Emergency, dated March 11, 2020.
- (2) Section 5 of the [Second Supplement](#) to the Proclamation of Local Emergency, dated March 13, 2020.
- (3) The provision of Section 2 of the [Third Supplement](#) to the Proclamation of Local Emergency, dated March 17, 2020, authorizing the Human Resources Director to waive the limitation on hours worked for employees appointed under Charter section 10.104(16); the remainder of Section 2 of the Third Supplemental Proclamation remains in place.
- (4) Section 7 of the [Fifth Supplement](#) to the Proclamation of Local Emergency, dated March 23, 2020.
- (5) Section 1 of the [Fifteenth Supplement](#) to the Proclamation of Local Emergency, dated May 18, 2020.
- (6) The [Seventeenth Supplement](#) to the Proclamation of Local Emergency, dated June 2, 2020.



(7) Section 4 of the [Thirty-Fifth Supplement](#) to the Proclamation of Local Emergency, dated February 19, 2021.

DATED: November 2, 2021

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco

Attachment E



TERMINATION OF ORDERS ISSUED UNDER PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation of Local Emergency (“Proclamation”) under California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code, in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, The Mayor subsequently updated the Proclamation through the issuance of 48 Supplements to the Proclamation, including over 100 individual orders, many of which have been amended and in some cases terminated based on the status of the ongoing emergency and the public health response; and

WHEREAS, On October 17, 2022, the Governor of the State of California announced that the statewide Declaration of Emergency (“Declaration”) due to COVID-19, which originally issued on March 4, 2020, will terminate effective February 28, 2023; and

WHEREAS, While certain of the Mayor’s supplemental orders are still pending and remain necessary at this time, as summarized below, it is also appropriate to prepare for the orderly termination of these remaining orders given the scheduled termination of the Governor’s Declaration, the current state of the pandemic, the status of the City’s pandemic response, the City’s policies regarding vaccination of City employees and employee return-to-work, the vaccination rates in San Francisco, and the current public health indicators; and

WHEREAS, With respect to public meetings, Section 3 of the First Supplement suspended the requirement in the Charter that commissions, boards, and other City policy bodies meet in-person; Sections 6 and 8 of the 5th Supplement suspended various provisions of the Sunshine Ordinance for public meetings during the emergency; and Section 1 of the 45th Supplement allowed for the continuation of remote meetings under certain conditions; and

WHEREAS, With respect to City employment and human resource practices, Section 3 of the 16th Supplement authorized the City to waive the time restrictions that limit how long employees appointed under certain Charter provisions can remain employed by the City; and Section 1 of the 37th Supplement temporarily waived provisions of City law



to expedite the process of filling positions left vacant due to vaccination policy-related suspensions or terminations; and

WHEREAS, With respect to vaccination requirements, Section 1 of the 38th Supplement imposed vaccination requirements on employees of City contractors who work in close proximity with City employees; and Section 2 of the 38th Supplement, as updated by Section 2 of the 41st Supplement, required members of City policy bodies to be fully vaccinated; and

WHEREAS, With respect to facilitating the City's public health response, Section 3 of the 5th Supplement suspended provisions of the Planning Code and other local laws to enable temporary medical and public health facilities on City streets; Section 1 of the 21st Supplement waived provisions of the Planning Code to allow schools to temporarily expand their premises to accommodate physical distancing requirements or increases in enrollment; and Section 1 of the 43rd Supplement authorized the City Administrator to issue fines for violations of the Health Officer's order requiring certain healthcare facilities to offer testing to patients within designated timeframes and to provide reports to the Department of Public Health; and

WHEREAS, With respect to housing, Section 4 of the 5th Supplement suspended provisions of local law to facilitate the use of private hotel rooms for the COVID-19 response effort; Section 1 of the 6th Supplement waived the City's hotel tax on such hotel rooms; Section 1 of the 15th Supplement authorized real property belonging to the Mayor's Office of Housing and Community Development to be used for temporary emergency housing for homeless, including tent encampments; and Section 2 of the 28th Supplement waived provisions of local law to allow student housing to be used for temporary residential use by non-students; and

WHEREAS, Section 3 of the 2nd Supplement suspended lien proceedings for delinquent water and sewer bills; and

WHEREAS, Section 1 of the 44th Supplement authorized the City to continue funding for nonprofit contractors and grantees that were not performing services due to the emergency; and

WHEREAS, Following the termination of the supplemental orders identified above, the Mayor wishes to delay termination of the Proclamation for a reasonable time, for the limited purposes of enabling the City to seek full reimbursement for eligible costs incurred in the emergency response from federal and state authorities as authorized by



law, and to facilitate an orderly transition with respect to the City's Shared Spaces Program; and

WHEREAS, The remaining orders with respect to "Shared Spaces" programs consist of Section 1 of the 18th Supplement, which authorized the Department of Public Works to implement a program to allow restaurants and retail establishments to temporarily use privately owned open space in front of their premises; Section 3 of the 18th Supplement, as updated by Section 1 of the 23rd Supplement, which authorized the Planning Department to implement such a program; Section 1 of the 26th Supplement, which authorized the Director of Transportation to issue permits to close streets for outdoor dining, retail, and services; and Section 1 of the 27th Supplement, which authorized the Entertainment Commission to permit outdoor entertainment and outdoor amplified sound in connection with certain types of permitted events;

NOW, THEREFORE

I, London N. Breed, Mayor of the City and County of San Francisco, order that all supplemental orders identified herein, with the exception of the Shared Spaces orders, shall terminate effective 11:59 p.m. on February 28, 2023.

DATED: January 25, 2023

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco

Attachment F



**FORTY-EIGHTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

*Authority to Streamline Examination Process for Temporary Exempt Employees;
Authority to Extend Temporary Exempt Appointments;
Cash-Out of Excess Accrued Vacation Balances*

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, During the COVID-19 pandemic, the City closed its civil service examination testing center, and was unable to conduct civil service examinations for more than seven months, causing a significant backlog in the City’s ability to hire new employees in permanent positions; and

WHEREAS, The City has more than 3,000 funded, vacant positions as a result of COVID-induced delays in hiring; and



WHEREAS, Charter Section 10.104 allows the City to hire employees temporarily in specified positions that are not subject to the Charter’s permanent civil service appointment and removal procedures. These positions and appointments are often called “exempt.” Charter Section 10.104(18) allows departments to hire exempt employees for special projects and professional services for a period of no more than three years. These appointments are often referred to as “Category 18 positions”; and

WHEREAS, A number of City departments have hired exempt employees in Category 18 positions to address critical City needs responding to the COVID-19 pandemic, and many of those employees have done extraordinary work to help the City and its residents recover from the pandemic, establishing in many cases that they are well qualified to be hired to permanent civil service positions; and

WHEREAS, Due to the pandemic, the City has been unable to schedule and conduct sufficient civil service exams to fill these critical positions in a permanent capacity, and it is in the City’s interest to stabilize the City’s workforce at this time; and

WHEREAS, In the Seventh and Thirty-First Supplemental Proclamations, the Mayor waived provisions of local law to allow City employees to accrue up to 80 hours of vacation over the applicable vacation cap because many City employees were unable to use vacation balances due to the demands of their duties related to the emergency. Section 3 of the Thirty-Seventh Supplement authorized employees to continue to carry vacation balances over the cap until June 30, 2022 to provide additional time for employees to reduce their vacation balances;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

- (1) The Human Resources Director, in consultation with the Executive Director of the Civil Service Commission, is authorized to temporarily modify Civil Service Rules to establish streamlined competitive examination processes for employees who have served



for at least one year in an exempt status under Charter Section 10.104(18) (special projects and professional services).

On the date the Human Resources Director submits these temporary modifications to the Civil Service Commission, the Human Resources Director shall simultaneously submit to the Commission proposals for permanent rule modifications regarding the same matters. The Human Resources Director shall provide written notice of the rule modifications to all employee organizations representing City employees who may be impacted by the temporary rule modifications. The temporary rule modifications shall take effect five days after submission by the Human Resources Director to the Civil Service Commission, regardless of whether the Commission has considered or approved the modifications. Each temporary rule modification will be effective until the earliest of: (a) the date the Civil Service Commission approves the proposed permanent rule modifications, either as proposed by the Human Resources Director or as amended by the Commission, (b) the date the Civil Service Commission disapproves the Human Resources Director's proposed permanent rule modifications, or (c) December 15, 2022. Any eligible list adopted through the process above will have a duration of no longer than one year. This Order shall remain in effect until December 15, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The Human Resources Director is delegated authority to extend the term of exempt appointments under Charter Section 10.104(18) by up to one additional year for employees whose three-year appointment term will expire on or before December 31, 2022. This Order shall remain in effect until December 31, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

(3) To clarify how the City shall treat vacation hours held by City employees in excess of the applicable vacation cap on June 30, 2022, Section 3 of the Thirty-Seventh Supplement is revised and replaced as follows:

Employees who accrued additional vacation hours above the maximum accrual limit under Section 3 of the Thirty-First Supplement to the Proclamation of Local Emergency must use vacation time and reduce their balance below the maximum accrual limit by June 30, 2022. Any provisions of the Charter, the Municipal Code, and City rules or regulations that would limit or prevent employees from carrying vacation balances above the maximum accrual limit are waived, including but not limited to Charter Section A8.440 and Administrative Code Section 16.12. For all employees who continue to carry



vacation balances over the applicable vacation cap on June 30, 2022, the City shall pay the employees the value of such hours and reduce the employee's vacation balance to the applicable cap. The Human Resources Director and Controller, or their designees, are authorized to implement this program and issue any necessary rules and guidance. This Order shall remain in effect until June 30, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: May 19, 2022

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco