

City and County of San Francisco
Department of Human Resources

Overview Presentation on
**Utilization of Temporary
Employees**



Who are Temporary Employees?

- **Charter §10.104(16) - TEX, FT / PT / AN:** not to exceed the equivalent of half-time during any fiscal year
- **Charter §10.104(17) - TEX, FT / PT:** not to exceed two years, as substitutes for civil service employees on leave
- **Charter §10.104(18) - TEX, FT / PT:** not to exceed three years, for special projects and professional services with limited term funding



Goals

- Limit use of Cat. 16 employees to 1040 hours worked per fiscal year in conformity with the Charter;
- Provide benefits to those who are entitled to them;
- Separate TEX employees who are either not working or whose hours are very limited; and
- Convert positions held by TEX employees to permanent where appropriate.



1040 Hours in a Fiscal Year

Charter Section 10.104(16)

- “Temporary and seasonal appointments not to exceed the equivalent of half-time [**1040 hours worked**] during any fiscal year, except that such positions may be filled through regular civil service procedures;”
- The 1040 hours is cumulative so can be from numerous TEX, AN appointments.



Health Benefits

Admin. Code Section 16.700(a)(3)

- 1) “all other employees of the City and County of San Francisco, including ‘as needed’ employees who have worked one thousand forty hours (1040) in any consecutive **(rolling)** twelve (12) month period and;
- 2) whose normal work week at the time of inclusion in the system is not less than twenty (20) hours” are eligible to participate in the Health Service System.



Health Benefits

- **SEIU 1021, Misc.**

Employees who have worked 1040 hours in any consecutive [rolling] twelve (12) month period shall receive all benefits which are provided to permanent employees, including but not limited to retirement, premiums, vacation pay, sick pay, holiday pay and jury duty pay (¶426).

- **Local 21**

Non-permanent employees shall be treated as permanent employees with respect to health and welfare benefits, compensation and salary steps, seniority, retirement (upon completion of 1040 hours in any twelve month period), and leave benefits, including but not limited to sick leave, vacation and personal leave. (¶378).



Health Benefits

The following employee types are potentially eligible for health benefits:

- TEX Charter §10.104(16,17&18): TEX, FT, PT≥20 hours (all unions)
- TEX Charter §10.104(16,17&18): TEX, PT<20 hours (SEIU Local 1021, Misc. and Local 21)
- TEX Charter §10.104(16): TEX, AN (SEIU Local 1021, Misc. and Local 21)



Reports

Report File Name: **MRGHR0222<DEPT ID>**

Report Title: **TEX Cat. 16 Charter FY 1,040 Hours Worked Report –
*Charter §10.104 (16) Employees***

The initial report lists all Category 16 temporary employees who worked more than 1,040 hours in FY12-13 in violation of Charter section 10.104(16). While FY12-13 is now over and there is no current violation for the continued use of these employees for FY13-14, this information should be used by departments to avoid again violating the Charter in FY13-14. Subsequent reports will list employees who have worked 500 or more hours within the current fiscal year, and will instruct departments to separate those employees who have worked 1,040 or more hours.



Reports

Report ID: MRGHR0222
 Database : HCPRD

CITY AND COUNTY OF SAN FRANCISCO
 TEX CAT 16 CHARTER FY
 1040 HOURS WORKED REPORT

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 Run Date: 08/05/2013
 Run Time: 08:30:24

From Date: 01-JUL-2012
 Thru Date: 30-JUN-2013

Department: Count: 182

EMPLID	EMPL RCD	NAME	UNION	JOB CODE	SCHED	EXEMPT CAT	DEPT	TOTAL HOURS*
0	0		790	9922	A	16		2130.00
0	0		261	7514	A	16		2036.50
0	0		001	9916	A	16		2024.00
0	0		261	7514	A	16		2016.00
0	0		261	7514	A	16		2011.75
0	0		216	7355	A	16		1997.00
0	0		261	7514	A	16		1984.00
0	0		216	7355	A	16		1983.00
0	0		790	9922	A	16		1968.00
0	0		261	7514	A	16		1961.75
0	0		216	7355	A	16		1960.00
0	0		790	9922	A	16		1959.50
0	0		021	6230	A	16		1956.00
0	0		261	7404	A	16		1950.00
0	0		580	7311	A	16		1946.00
0	0		790	9922	A	16		1944.00
0	0		216	7355	A	16		1934.10
0	0		790	9922	A	16		1932.00
0	0		261	7514	A	16		1928.00
0	0		001	9916	A	16		1920.00
0	0		021	5380	A	16		1918.00
0	0		790	9922	A	16		1917.00
0	0		790	9922	A	16		1914.25
0	0		790	9922	A	16		1911.50



City and County of San Francisco
 Department of Human Resources

Reports

Report File Name: **MRGHR0218<DEPT ID>**

Report Title: **TEX 1,040 Hours Worked Rolling 12 Month Report – Charter §10.104 (16, 17 & 18) Employees**

The initial report lists the number of hours worked by *non-benefitted*, temporary employees for the last 12 months (pay period ending 7/20/12 through pay period ending 7/19/13). For eligible employees who have worked 1,040 or more hours, the department must follow the instructions included at the end of the report, and instruct their employees to enroll in health benefits. Please note this report additionally lists all employees who have worked 500 or more hours, so that departments are aware of how many employees are approaching this threshold. The on-going reports will capture subsequent rolling 12-month periods by pay period.



Reports

EMPLID	EMPL RCD	NAME	UNION	JOB CODE	SCHEDULE	EXEMPT C	DEPT	TOTAL HOURS*
0			216	7355	A		16	2217
0			216	7355	A		16	2189
0			790	1820	F		18	2168
0			261	7501	F		18	2140.5
0			021	5201	F		18	2131
0			001	9916	A		16	2120.75
0			261	3410	F		18	2056
0			261	3410	F		18	2044
0			790	1822	F		18	2036
0			790	1704	A		16	1831.25
0			261	7501	F		18	1517.83
0			790	9922	A		16	1507.5
0			261	7502	A		16	1361.5
0			790	9922	A		16	1328
0			261	3417	A		16	1320
0			261	7501	F		18	1295
0			790	1704	A		16	1228.89
0			021	5380	A		16	1213
0			216	7355	A		16	1148.5
0			021	5380	A		16	1131.5
0			021	5382	A		16	1104
0			790	9922	A		16	1070
0			216	7355	A		16	1043.5
0			718	7326	A		16	1042.5
0			021	5380	A		16	1042
0			021	5380	A		16	1036
0			790	9922	A		16	1034.5



Reports

Report File Name: **MRGHR0225<DEPT ID>**

Report Title: **TEX Employees Under 200 Hours Worked Last 12 Months Report** – *Charter §10.104 (16, 17 & 18) Employees*

This report will inform departments of all TEX employees with hire dates earlier than one year prior who have worked less than 200 hours over the past 26 pay periods. While there is no violation for maintaining an employment relationship with temporary employees who work few, if any, hours, DHR and the Controller's Office strongly recommend that departments separate these employees unless they intend to utilize them in the near future.



Reports

Report ID: MRGHR0225
 Database : HCPRD
 From Date: 20-JUL-2012
 Thru Date: 19-JUL-2013

CITY AND COUNTY OF SAN FRANCISCO
 TEX EMPLOYEES UNDER 200 HOURS
 WORKED LAST 12 MONTHS REPORT

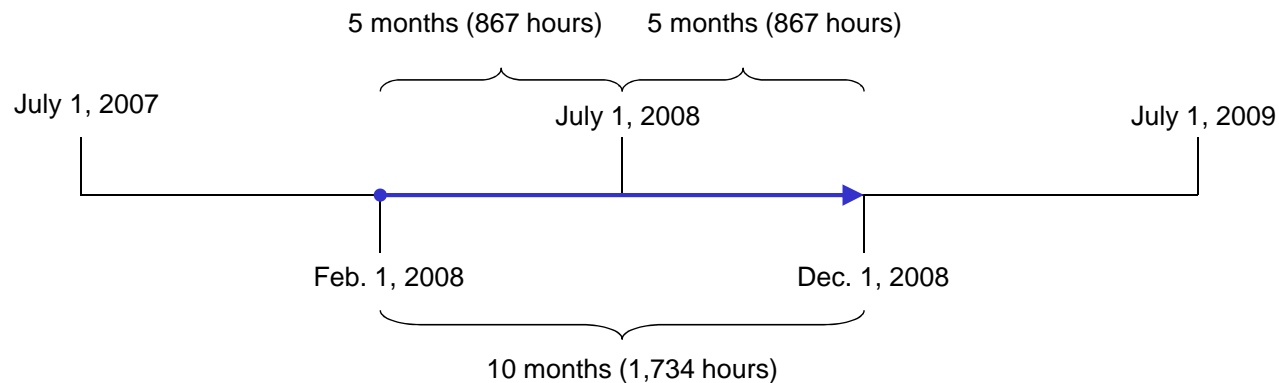
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 Run Date: 08/05/2013
 Run Time: 10:57:10

Department: Count: 41

EMPLID	EMPL RCD	NAME	UNION	JOB CODE	SCHED	EXEMPT CAT	DEPT	TOTAL HOURS
0	0		790	9922	A	16		199.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		192.00
0	0		021	5380	A	16		184.00
0	0		021	5380	A	16		184.00
0	0		718	7326	A	16		176.00
0	0		021	5380	A	16		168.00
0	0		021	5380	A	16		168.00
0	0		790	9922	A	16		164.00
0	0		021	5380	A	16		162.50
0	0		004	7346	A	16		159.50
0	0		790	9922	A	16		152.00
0	0		021	5380	A	16		152.00
0	0		261	7514	A	16		152.00
0	0		790	9922	A	16		151.00
0	0		021	5380	A	16		145.00
0	0		261	7502	A	16		144.00
0	0		790	9922	A	16		128.00
0	0		007	7378	A	16		128.00



How We Get Into Trouble, Even When We Are Following The Rules



Employee is hired on 2/1/08 and works full-time through 12/1/08. Although employee never works more than 1040 hours in a fiscal year, the employee has worked ten months (1734 hours) consecutively.



When are TEX, AN appropriate?

- **Seasonal** (e.g., summer lifeguards) – While there may be consistent work for a defined period of time, it may not make sense to hire permanently if this work is continuous, even recurrent, but only for a limited period of time.
- **Peak workloads** (e.g., elections)
- **Sporadic** (e.g., exam proctor) – Work that is as-needed (i.e., irregular and unanticipated)
- **Backfill** (e.g., leaves of absences, vacation)
- **Emergency Overtime** (e.g., work to meet a project deadline)
- **Training and Apprenticeships** (e.g., 9910s)
- **Emergency** (e.g., natural disaster)



When are TEX, AN inappropriate?

- Pursuant to Barry Winograd's May 4, 2012, arbitration award for SEIU, Local 1021 Misc. employees, "[t]he City may not use As-Needed employees to avoid hiring employees in permanent status or to circumvent the denial of department requests to fill vacancies." If the City fails to comply, the "arbitrator may order the City to implement appropriate affirmative remedies, including monetary relief."
- While the award only applies to SEIU, Local 1021 Misc., the concept behind the award reflects a citywide principle. As a general rule, and in conformance with merit system requirements, when there is work that is continuing over the long term, predictable in nature, and within the scope of City employment, departments should endeavor to utilize permanent employees instead of temporary employees, regardless of union representation.



Audits

In addition to these reports, eMerge and DHR will conduct quarterly audits to ensure compliance with this memorandum. During these audits, DHR will work with affected departments to identify ways to ensure there are no Charter violations, failures to provide health benefits, or liability for alleged misuse of temporary employees going forward.



Questions

- Questions about the data or reports should be directed to eMerge PeopleSoft User Support at PSoft_Support@sfgov.org.
- Questions about compliance issues should be directed to Steve Ponder, DHR Classification and Compensation Manager, at Steve.Ponder@sfgov.org.

