

Agenda: Item 3

Management Exemption Update [INFORMATIONAL]



COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
MALCOLM HEINICKE, COMMISSIONER ext. 4
BRUCE OKA, COMMISSIONER, ext.5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

TO: HONORABLE TAXI COMMISSIONERS
FROM: EXECUTIVE DIR. HEIDI MACHEN
RE: KEY PERSONNEL EXEMPTION UPDATE
DATE: DECEMBER 11, 2007

BACKGROUND: In the summer of 2006, the Board of Supervisors passed an ordinance amending the San Francisco Municipal Police Code (MPC) by adding Section 1081.5 to modify the taxi medallion holder driving requirement for designated taxi company key personnel.

This ordinance allows qualified taxi medallion holders who work at a taxicab company to modify their required 800 hour or 156-4 hour shifts by instead working 1500 hours as a "key personnel," or payroll employee working on-site at a taxi company's principal place of business. Taxi companies may designate a certain number of key personnel with this modification according to the scheduled laid out in the MPC, starting with one designation for companies that have between 11-20 medallions and ending at 9 key personnel for companies with over 400 medallions plus one additional key personnel for every 100 medallions beyond 400.

PROCEDURE: The MPC established some administrative duties for the Taxi Commission in regulating this section. Color schemes wishing to participate in the key personnel modification must file its designation(s) on a form provided by the Taxi Commission by December 1st of the preceding year. No later than February 1st of each year, each company that has designated one or more permit holders as key personnel must submit a written statement under penalty of perjury declaring the number of hours each of the designated personnel worked in that capacity for the company during the previous year.

STATUS UPDATE: In 2007, approximately half of the existing color schemes took advantage of the key personnel designation by providing Taxi Commission with a list of names by December 1st of 2006. Taxi Commission staff vetted the submissions for eligibility and disqualified some of the submissions. Common reasons for disqualification included: taxi company did not have enough medallions to qualify for a key personnel modification; and the named person was either not a medallion holder or was not an employee of the taxicab company. The Commission questioned other key personnel but lacked authority to investigate if the company manager insisted that the person listed was working as a payroll employee on the premises of the taxi company.

Attached to this memorandum is a copy of the 2007 designations and the 2008 proposed designations.

By February 1, 2008, Taxi Commission will collect sworn statements from taxi company representatives stating the number of hours key personnel worked during the year of 2007. Note that Taxi Commission will again disqualify some submissions because the company does not hold enough medallions to designate a key personnel or the designee is not a medallion holder.

CONCLUSION: Although the ordinance makes the taxi companies ultimately responsible for the accuracy of the sworn statement on number of hours its key personnel worked, it does not preclude the Taxi Commission from establishing additional procedures to ensure that taxi companies are in compliance. The Commission may wish to consider establishing additional safeguards at a future meeting.

Attachments:

1. November 21, 2007 cover letter from Taxi Commission to All Color Schemes on the key personnel driving modification;
2. Municipal Police Code Section 1081.5 Driving Requirements for Designated Taxi Company Key Personnel;
3. Key Personnel Designation Form 2008 with instructions on reverse;
4. 2007 List of Key Personnel submitted by taxi companies with notes from Taxi Commission;
5. 2008 List of Key Personnel submitted by taxi companies with notes from Taxi Commission;
6. Key Personnel Declaration Sworn Statement.

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

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PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
MALCOLM HEINICKE, COMMISSIONER, ext. 4
MICHAEL KWOK, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

All Color Schemes

November 21, 2007

Dear Color Scheme Owner,

On July 14, 2006, the Mayor signed into law the legislation for "Driving Requirements for Designated Taxi Company Key Personnel". Under this legislation, modified driving requirement for qualified taxi company key personnel began on January 1, 2007. Please note that color schemes are restricted in the number of key personnel they may designate based on the number of medallions at their company as of December 2007. The taxi permit holders who have been designated as "key-personnel" may satisfy their annual driving requirement by driving 120 hours per year and performing 1500 hours of work per year as key personnel for their taxi company.

Companies wishing to participate for the year 2008 must designate selected employees as "key personnel" employees on the "Key Personnel Designation Form". The "Key Personnel Designation Form" must be turned into the Taxi Commission office by no later than **December 3, 2007, 5PM**. The Taxi Commission will only recognize those permit holders named in the "Key Personnel Designation Form". The "Key Personnel Designation Form" and a copy of the legislation have been included for your convenience.

- A permit holder designated as key personnel must be a payroll employee of the taxi company and work on-site at the company's principal place of business.
- Taxi Companies may not change designations during the year.
- The number of designated personnel at a taxi company shall not be increased or decreased during the year even if the number of permits changes during the year.
- A permit holder may only be designated by one company at a time and may not be designated by more than one company during the calendar year.

Please refer to the legislation for details and the number of people that each company may designate.

If you have any questions regarding the legislation or designating key personnel, please contact the Taxi Commission office at 415-503-2180.

Sincerely,

Heidi Machen
Executive Director

SEC. 1081.5. DRIVING REQUIREMENTS FOR DESIGNATED TAXI COMPANY KEY PERSONNEL.

(a) Driving Requirement. Beginning January 1, 2007 and notwithstanding any other provision of this Code, include subdivision (f) of Section 1081, taxi permit-holders who are designated as "key personnel" pursuant to this Section may satisfy their annual driving requirement under Section 1081(f) by driving 120 hours per year and performing 1,500 hours of work per year as key personnel for the company.

(b) Definitions. For purposes of this Section:

(i) "Taxi company" shall mean a person or entity holding a valid color scheme permit under Section 1125.

(ii) "Key personnel" shall mean a permit-holder who works in an administrative capacity or performs functions integral to the company. A permit-holder designated as key personnel must be a payroll employee of the taxi company and work on-site at the company's principal place of business.

(c) Designation. Each taxi company seeking to designate one or more of its employees for a calendar year pursuant to this Section must file the designation, on a form to be provided by the Taxi Commission, by December 1st of the preceding year. The company may not change designations during the year. A permit-holder may only be designated by one company at a time, and may not be designated by more than one company during a calendar year.

The Taxi Commission will only recognize as designated personnel those permit-holders named in the designation form signed and filed by the color scheme permit-holder or its authorized representative as of December 1st.

(d) Number of Designated Personnel At a Company.

A taxi company with 1 to 10 permits may not designate anyone under this Section.

A taxi company with 11 to 20 permits may designate one person.

A taxi company with 21 to 40 permits may designate two people.

A taxi company with 41 to 60 permits may designate three people.

A taxi company with 61 to 80 permits may designate four people.

A taxi company with 81 to 100 permits may designate five people.

A taxi company with 101 to 150 permits may designate six people.

A taxi company with 151 to 200 permits may designate seven people.

A taxi company with 201 to 300 permits may designate eight people.

A taxi company with 301 to 400 permits may designate nine people.

A taxi company with over 400 permits may designate nine people, plus one additional person for every 100 permits over 400.

The number of permits affiliated with a particular taxi company for the year shall be determined as of December 1st of the previous year, based on the records of the Taxi Commission. The number of designated personnel at a taxi company shall not be increased or decreased during the subsequent calendar year even if the number of permits at that company changes during the year.

(e) Statement of Work Done. No later than February 1st of each year, each company that has designated one or more permit-holders pursuant to this Section must submit a written statement, under oath, of the number of hours each of its designated personnel worked in that capacity for the company during the previous year. The taxi company shall be responsible for the accuracy of the statement.

(f) Partial Completion of Requirements. If a permit-holder performs at least 750 hours of work as designated personnel for the company during the year but less than 1,500 hours, the permit-holder shall be entitled to partial credit against the driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated permit-holder worked for the company in such capacity. If a permit-holder does not perform at least 750 hours of work as designated personnel for the company during the year, the permit-holder shall not be entitled to any credit against the driving requirement.

(Ord. 181-06, File No. 060539, App. 7/14/2006)



Key Personnel Designation Form 2008

PRINT COLOR SCHEME NAME	PHONE NUMBER
COLOR SCHEME ADDRESS	
NAME OF MANAGER OR OTHER AUTHORIZED REPRESENTATIVE / TITLE OR POSITION	
SIGNATURE	DATE

Designated Key Personnel

PLEASE PRINT LEGIBLY

1.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
2.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
3.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
4.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
5.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
6.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
7.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
8.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
9.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
10.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER
11.	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER

*Attach Additional Pages If Needed

INSTRUCTIONS

- Form must be turned in by no later than December 3
- Complete Color Scheme Information
- List key personnel and their Medallion Number
- A permit holder designated as key personnel must be a payroll employee of the taxi company and work on-site at the company's principal place of business
- Taxi Companies may not change designations during the year
- The number of designated personnel at a taxi company shall not be increased or decreased during the year even if the number of permits changes during the year
- A permit holder may only be designated by one company at a time and may not be designated by more than one company during the calendar year
- The Taxi Commission will only recognize as designated key personnel those permit holders named in this designation form

Number of Allowed Designated Key Personnel per Company under San Francisco Municipal Police Code Section 1081.5:

- A taxi company with 1 to 10 medallions may not designate anyone
- A taxi company with 11 to 20 medallions may designate one person
- A taxi company with 21 to 40 medallions may designate two people
- A taxi company with 41 to 60 medallions may designate three people
- A taxi company with 61 to 80 medallions may designate four people
- A taxi company with 81 to 100 medallions may designate five people
- A taxi company with 101 to 150 medallions may designate six people
- A taxi company with 151 to 200 medallions may designate seven people
- A taxi company with 201 to 300 medallions may designate eight people
- A taxi company with 301 to 400 medallions may designate nine people
- A taxi company with over 400 medallions may designate nine people plus one additional person for every 100 medallions over 400

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Color Scheme	Designated Personnel	Medallion #	Position	# of Medallions	# Allowed	Notes
Bay Cab	Perseveranda Trinidad	1098	Manager	72	4	
	Roger Cardenas	945	Manager			
Big Dog City Cab	H. Jim Trinidad	n/a	Assistant Manager			Not Qualified
	Alan Morrison	851	Dispatcher	23	2	
Comfort Cab	Pharoah McGee	161	Asst. Dispatcher			
	Jilcha Dura Sambi	9003	Manager		1	0 Not Qualified
Crown Cab Company	Mohammad A. Khan	1043			8	0 Not Qualified
	Cindy Ward	1207	General Manager			
DeSoto Cab Company	James Gallagher	903	Dispatcher	108	6	
	Hugh Fontaine	902	Dispatcher			
	James HN Chan	515	Dispatcher			
Fog City Cab	Sonny Tam	318	CEO	11	1	
Luxor Cab	Thomas J. Stanghellini	790	Operations Manager	185	7	
	Charles M. Roter	1125	Tech Manager			
Metro Cab	Richard Hybels	324	Proprietor	35	2	
National Cab Company	Dan Hinds	724	President	62	4	
	Jane Bolig	768	Manager			
	Joseph Breall	207	Vice Pres. Corp. Council			
Regents Cab Company	Michael Kelly	727	Flag-A-Cab Instructor			Not Qualified: not employee of National
	Bruce Anton	764	Office Manager	35	2	
Royal Taxi	Philip Anton	595	Office Manager			
	Nishan Sweis	900	President	41	3	
SF American Taxicab	Martha Barakah	1068	Clerk			
	Phillip Achilles	1020	President	19	1	Not Qualified: only 1 person may quarry for this color scheme
Arrow Cab	Adelheid Mueller	854	Assistant Manager			
	Peter Fox	441	Dispatcher	69	4	
Town Taxi	Gary Bellotti	230	Manager of Pacific Heights Garage			
	Sylvia Ford	1072	Operations Manager	55	4	
Union Cab	Ralph Machkovsky	n/a	President			Not Qualified: currently not a medallion holder
	Mohammed Bathai	1157	Assistant Manager	19	1	
Yellow Cab Co-Op	Johnson Akinbodunse	1293	Dispatcher	472	9	
	James Gillespie	987	Assistant Controller			
	Paul Malone	201	Dispatcher			
	Pam Martinez	1220	Controller			
	Eugene Wisnoff	1180	Utility Manager			

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Color Scheme	Designated Personnel	Medallion #	Position	Notes	# of Medallions @ Company	# People Allowed for Exemption
American Taxi	Philp Achilles	1020	General Manager		15	1
Arrow Cab	Peter Fox	441	Dispatcher			
	Gary Bellotti	230	Manager		67	4
Bay Cab	Roger Cardenas	945	Manager			
	Perseveranda Trinidad	1098	Manager		67	4
Big Dog City Cab	Alan Morrison	851	Dispatcher			
	Pharoah McGee	161	Assistant Dispatcher		23	2
Black and White Taxi	Keith Raskin	1137	Manager	medallion won't be approved to move to B&W til 12/11 TXC mtg.	59	3
Comfort Cab	Jilcha Sambi	9003	Manager	Does Not Qualify: Needs 11 medallions at company in order to qualify for 1 key personnel exemption position	1	0
	Mohammad A. Khan	1043	Manager	Does Not Qualify! Needs 11 medallions at company in order to qualify for 1 key personnel exemption position	6	0
Delta Cab	Tam Nguyen	1311	Manager		17	1
	Cindy Ward	1207	General Manager			
Desoto Cab	Hugh Fontaine	902	Dispatcher / Cashier			
	Jim Gallagher	903	Dispatcher			
	Ray Chiu	n/a	Mechanic	Not a medallion holder. Does not qualify	119	6
	Andy Sinaiko	n/a	Dispatcher	Not a medallion holder. Does not qualify		
	Vinny Mierjeski	n/a	Dispatcher	Not a medallion holder. Does not qualify		
	Henry Tam	939	Manager		18	1
Luxor Cab	Charles Rathbone	916	Assistant Manager			
	Charles Roter	1125	Computer Ops Manager		196	7
Metro Cab	Tom Stanghellini	790	Operations Manager			
	Richard Hybels	324	Proprietor		32	2
National Cab	Dan Hinds	724	President			
	Joseph Breal	207	VP & Corporate Council		62	3
Regents Cab	Bruce Anton	764	Owner		37	2
	Nishan Sweis	900	Owner			
Royal Taxi	Jamshid Khajrandi	481	Garage Manager		48	3
	Martha Barakah	1068	Clerk			
Town Taxi	Sylvia Ford	1072	Operations Manager		58	3
	Johnson Akinbodunse	1293	Dispatcher			
Yellow Cab	James Gillespie	987	Assistant Claims Manager			
	Paul Malone	201	Dispatcher			
	Pann Martinez	1220	Controller		469	9
	Eugene Wischnof	1180	Utility Manager			
	Adnan Atallah	639	Shop Manager			



Key Personnel Declaration Sworn Statement

Note: This Form is Due No Later Than February 1.

I _____ declare that the below named key personnel
Color Scheme Manager/Authorized Representative
worked at _____ for at least 1500 hours during the previous
Color Scheme Name
calendar year.

1.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
2.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
3.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
4.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
5.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
6.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
7.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
8.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
9.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
10.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED
11.	_____	_____	_____	_____
	FIRST & LAST NAME	POSITION	MEDALLION PERMIT NUMBER	HOURS WORKED

*Attach additional pages if needed.

Signature of Color Scheme Manager/Authorized Representative

Date