



Family Friendly Workplace Ordinance

Office of Labor Standards Enforcement

July 9, 2021



Family Friendly Workplace Overview

- Grants workers the right to request flexible or predictable work arrangements to help with family caregiving obligations.
- Employers can deny requests for “bona fide business reasons” that they explain in writing.
- **Grants the right to a process, not to an outcome.**



Eligible Employees

Employees must meet the following conditions:

- Work for an employer with at least 20 employees worldwide.
- Have worked for the employer for at least 6 months.
- Regularly perform at least 8 hours of work a week in San Francisco.



Type of FFWO Requests

Employees may request a flexible or predictable work arrangement to help care for:

- A child or children for whom the employee has parental responsibility;
- A parent aged 65 or older; and/or
- A spouse, domestic partner, child, parent, sibling, grandchild, or grandparent, with a serious health condition.



Request Process

After an employee submits a request for a flexible or predictable work arrangement, the employer must:

- Meet with the employee within 21 days of the request;
- Consider the request at the meeting; and
- Respond in writing within 21 days of this meeting.



Can an employer deny a FFWO request?

Yes. If the employer denies a request, the employer must provide the following **in writing**:

- An explanation of the bona fide business reason for denial; and
- A notification of the employee's right to request a reconsideration.



Examples of Bona Fide Business Reasons

The FFWO statute includes the following examples of bona fide business reasons for denying a request:

- An identifiable cost such as that associated with productivity loss, re-training, hiring, and transfers
- An inability to meet customer demands
- An inability to organize work among other employees
- Not enough work

An employer could have other bona fide business reasons. **Note that OLSE does not have the authority to find a violation based on the validity of an employer's stated reason.**



Requesting a Reconsideration of a Denial

- An employee can ask the employer to reconsider their decision by submitting a written request for reconsideration within 30 day's of their denial.

The employer must then:

- Meet with the employee within 21 days;
- Consider the renewed request at this meeting; and
- Respond in writing within 21 days of this meeting.



What rights does the FFWO provide?

The right to:

- Request a flexible or predictable work arrangement
- Request reconsideration of a denial
- Protection from retaliation for making the request
- Protection from discrimination on the basis of caregiver status



Enforcement Features

- OLSE does not have the authority to review the validity of an employer's reason for denying the request
- Limited penalties: up to \$50 per individual per day, for each day that an individual's rights are violated under the FFWO (to be paid to each individual); Up to \$50 per day to compensate the City for enforcement costs
- No private right of action



Enforcement Actions

- Only 4 formal investigations since 2014
- Sectors include financial institution, arts, health care, public sector
- Many additional inquiries from employees whose requests were denied. OLSE does not have the authority to review those cases when the employer complied with the specified process.



FFWO Public Inquiries

Calendar Year	Email	Calls	Total
2014	55	29	84
2015	27	15	42
2016	13	11	24
2017	22	15	37
2018	18	17	35
2019	15	26	41
2020	7	25	32



Outreach Efforts

- Mail and email notifications to more than 40,000 employers
- Presentations to community partners
- Department on the Status of Women fellow implemented an outreach plan to reach employees and employers in 2016

