

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Micki Callahan, Director, Department of Human Resources  
All City Department Heads via Kanishka Karunaratne Cheng, Liaison to  
the Board of Supervisors, Mayor's Office

FROM:  Alisa Somera, Legislative Deputy Director  
Rules Committee

DATE: December 7, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Stefani on December 4, 2018:

**File No. 181188**

**Ordinance amending the Administrative Code to require department heads and members of City boards and commissions to complete implicit bias training by June 30, 2019; to require newly appointed department heads and members of City boards and commissions to complete implicit bias training within 60 days of assuming office; and to require the Department of Human Resources to provide the training.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Susan Gard, Department of Human Resources  
Carol Isen, Department of Human Resources  
Mawuli Tugbenyoh, Mayor's Office  
Rebecca Peacock, Mayor's Office

1 [Administrative Code - Implicit Bias Training - Department Heads and Commissioners]

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3 **Ordinance amending the Administrative Code to require department heads and**  
4 **members of City boards and commissions to complete implicit bias training by**  
5 **June 30, 2019; to require newly appointed department heads and members of City**  
6 **boards and commissions to complete implicit bias training within 60 days of assuming**  
7 **office; and to require the Department of Human Resources to provide the training.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

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

16 Section 1. Chapter 16 of the Administrative Code is hereby amended by adding  
17 Section 16.9-28, to read as follows:

18 **SEC. 16.9-28. IMPLICIT BIAS TRAINING AND REPORTING.**

19 *(a) Definitions. For purposes of this Section 16.9-28, the following definitions apply:*

20 *"Commission" means a board, commission, or other body listed in Campaign and*  
*Governmental Conduct Code Section 3.1-103(a)(1).*

21 *"Commissioner" means a member of a Commission.*

22 *"Department" means the Department of Human Resources.*

23 *"Department Head" means an individual holding a position listed in Campaign and*  
24 *Governmental Conduct Code Section 3.1-103(b)(1).*

25 *"Implicit Bias Training" means a training prepared and administered by the Department.*

1 designed to make Department Heads and Commissioners aware of their unconscious biases and  
2 prejudices based on race, ethnicity, national origin, sex, gender identity, sexual orientation, or other  
3 characteristics protected by federal, state, or local law.

4 “Secretary” means the City employee responsible for handling administrative and clerical  
5 matters for a Commission.

6 **(b) Training Requirement.**

7 (1) Completion of Training. Department Heads and Commissioners who assumed  
8 office on or before the effective date of the ordinance in Board File No. \_\_\_\_\_ establishing this  
9 Section 16.9-28 shall complete Implicit Bias Training by no later than June 30, 2019. Except as  
10 provided in subsection (b)(2), Department Heads and Commissioners who assume office after the  
11 effective date of the ordinance referenced above shall complete Implicit Bias Training within 60 days of  
12 assuming office.

13 (2) Exception. Any Department Head or Commissioner who has already completed  
14 Implicit Bias Training as required under subsection (b)(1) and thereafter is reappointed, reelected, or  
15 assumes office on another Commission or in another City department shall not be required to complete  
16 Implicit Bias Training again.

17 **(c) Department Responsibilities.**

18 (1) The Department shall prepare and administer an online Implicit Bias Training  
19 program. The Department shall make the training available to Department Heads and Commissioners  
20 online.

21 (2) The Department may also prepare and provide in-person Implicit Bias Training  
22 to Department Heads or Commissioners upon their request.

23 (3) The Department shall provide a certificate of completion to each Department  
24 Head or Commissioner who has completed Implicit Bias Training. The Department shall retain these  
25 certificates and make them available to the public upon request.

1           (4) Beginning July 15, 2019, the Department shall post on its website the name of  
2 each Department Head and Commissioner who has completed Implicit Bias Training. The Department  
3 shall update the list at least once each month.

4           (d) **Public Reports.**

5           (1) After completing Implicit Bias Training, each Commissioner shall provide a copy  
6 of the certificate referenced in subsection (c)(3) to the Secretary for the Commission on which the  
7 Commissioner serves.

8           (2) Beginning July 15, 2019, the Secretary of each Commission shall post on the  
9 Commission's website a statement identifying those Commissioners who have completed Implicit Bias  
10 Training and those Commissioners who have not completed Implicit Bias Training. For each  
11 Commissioner who has completed Implicit Bias Training, the list shall include the date of the training,  
12 and for each Commissioner who has not completed Implicit Bias Training, the list shall include the  
13 date by which this Section 16.9-28 requires the Commissioner to complete the training.

14           (3) Beginning July 15, 2019, each City department shall post on its website a  
15 statement reporting whether the Department Head for that department has completed Implicit Bias  
16 Training. If the Department Head has completed Implicit Bias Training, the website shall include the  
17 date of the training, and if the Department Head has not completed Implicit Bias Training, the website  
18 shall include the date by which this Section 16.9-28 requires the Department Head to complete the  
19 training.

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21           Section 2. Effective Date. This ordinance shall become effective 30 days after  
22 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

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ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
\_\_\_\_\_  
JON GIVNER  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Administrative Code - Implicit Bias Training - Department Heads and Commissioners]

**Ordinance amending the Administrative Code to require department heads and members of City boards and commissions to complete implicit bias training by June 30, 2019; to require newly appointed department heads and members of City boards and commissions to complete implicit bias training within 60 days of assuming office; and to require the Department of Human Resources to provide the training.**

Existing Law

Existing law requires City employees and officers to complete anti-harassment training provided by the City at least once every two years. Existing law does not separately require City officers or employees to complete implicit bias training.

Amendments to Current Law

This ordinance would require the Department of Human Resources to prepare an implicit bias training designed to make participants aware of their unconscious biases and prejudices based on race, ethnicity, national origin, sex, gender identity, sexual orientation, or other characteristics. The ordinance would require the Department to provide the training online, but the Department could also provide the training to City officers in person upon request.

The ordinance would require every current City department head and commissioner who is required to file a Statement of Economic Interests with the Ethics Commission to complete implicit bias training by June 30, 2019. The ordinance would require department heads and commissioners who assume office after the effective date of the ordinance to complete the training within 60 days of assuming office. The ordinance would also require the City to post online lists of department heads and commissioners who have completed the training and those who have not.