

File No. 250981

Committee Item No. 2

Board Item No. 22

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date Oct 27, 2025

Board of Supervisors Meeting

Date Nov 4, 2025

Cmte Board

- | | | |
|-------------------------------------|--------------------------|--|
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| ☐ | ☐ | Resolution |
| ☒ | ☐ | Ordinance |
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| ☐ | ☐ | Memorandum of Understanding (MOU) |
| ☐ | ☐ | Grant Information Form |
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| ☐ | ☐ | Information/Vacancies (Boards/Commissions) |
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OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date Oct 23, 2025

Completed by: _____ Date _____

[Labor and Employment Code - Health Service System - Exemption for Life and Long-Term Disability Insurance Contract]

Ordinance exempting the Health Service System's Life and Long-Term Disability Insurance services contract from the requirements of Article 111 (Minimum Compensation) and Article 121 (Health Care Accountability) of the Labor and Employment Code.

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

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

Section 1. Background and General Findings.

(a) The San Francisco Health Service System ("SFHSS") contracts for Basic Group Life ("Basic Life") Insurance and Long-Term Disability ("LTD") Insurance. These are mandated by dozens of collective bargaining agreements between the City and County of San Francisco and its labor partners. Together, Basic Life and LTD benefits provide essential income protection and financial security for tens of thousands of City employees and their dependents, as well as critical support for employees and their families following a death or disability. The Plan Year 2026 contract also requires additional protections for employees and their families in the form of optional supplemental life insurance, voluntary accidental death and dismemberment insurance, and voluntary short-term disability insurance, which are administered by a third-party voluntary benefits vendor and offered to SFHSS members at favorable rates by packaging the plans together for the large population of City employees

1 and their eligible dependents.

2 (b) SFHSS issued RFPQHSS2024.B1 for Basic Life and LTD and other insurance
3 coverages for Plan Year 2026 through 2028. The intended contractor, The Life Insurance
4 Company of North America, doing business as New York Life Group Benefit Solutions (“New
5 York Life”), was the highest-ranked respondent. Following that ranking, SFHSS recommended
6 to the San Francisco Health Service Board award to the vendor of the contract for life
7 insurance, accidental death and dismemberment insurance, short-term and long-term
8 disability insurance beginning January 1, 2026. The rationales identified by SFHSS and the
9 panel included competitive rates for Basic Life and LTD (guaranteed for five years and
10 accounting for nearly \$2 million in savings annual over current employer-paid premiums),
11 complementary employee, family, and beneficiary support services, robust financial and
12 administrative support capabilities, and reporting and performance standards. On May 8,
13 2025, the Health Service Board voted unanimously to award the contract to New York Life. On
14 July 29, 2025, the Board of Supervisors unanimously approved the Health Service System
15 Plans and Contribution Rates for Calendar Year 2026, including for Basic Life and LTD for
16 Plan Year 2026 (Ord. 168-25).

17 (c) SFHSS began contract negotiations in May 2025. By August, the parties reached
18 an agreement on nearly all contract terms save for adherence to Article 111 (Minimum
19 Compensation Ordinance) and Article 121 (Health Care Accountability Ordinance) of the
20 Labor and Employment Codes. New York Life’s leadership and legal counsel researched the
21 Articles, discussed with the City’s Office of Labor Standards and Enforcement, and in
22 September 2025 made clear it will not execute a contract that includes Articles 111 and 121
23 obligations. New York Life stated that their nationwide workforce cannot be siloed to
24 guarantee compliance and there are no organization-wide reporting mechanisms capable of
25 determining which of their 23,000+ workforce worked on claims, calls, financial and/or

1 administrative support related to this proposed contract, tracking that is required to ensure
2 compliance with Articles 111 and 121.

3 (d) No existing statutory exemption or waiver process applies to this agreement.
4 SFHSS supports awarding the contract to the proposed vendor due to its top ranking in the
5 selection process and the anticipated cost savings. Re-procurement is not feasible as no
6 alternative vendor can be implemented in time for the January 1, 2026 start of the Plan Year.
7

8 Section 2. Exemption from Labor and Employment Code Articles 111 and 121.

9 The Health Service System's Plan Year 2026 agreement for life and disability
10 insurance services is not subject to the requirements of Labor and Employment Code Articles
11 111 and 121. The exemption applies to Plan Year 2026 agreement as well as amendments of
12 the agreement to extend the term for additional years or other modifications of the terms.
13

14 Section 3. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance
18
19
20

21 APPROVED AS TO FORM:
22 DAVID CHIU, City Attorney

23 By: /s/
24 Gustin. R Guibert
Deputy City Attorney

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LEGISLATIVE DIGEST

[Labor and Employment Code - Health Service System - Exemption for Life and Long-Term Disability Insurance Contract]

Ordinance exempting the Health Service System's Life and Long-Term Disability Insurance services contract from the requirements of Article 111 (Minimum Compensation) and Article 121 (Health Care Accountability) of the Labor and Employment Code.

Existing Law

Article 111 (Minimum Compensation) of Labor and Employment Code requires that contractors must ensure that employees who spend any time performing work on a San Francisco funded agreement receive required levels of compensation and compensated time off. Article 121 (Health Care Accountability) of the Labor and Employment Code requires that contractors must ensure that employees who spend 20 or more hours per week performing work on a San Francisco funded agreement receive required levels of health care or compensation. Both statutes also require recordkeeping and audit access requirements. Contracts awarded by the Health Service System are subject to these laws.

Amendments to Current Law

The proposed ordinance would exempt the Health Service System's Plan Year 2026 Life and Long-Term Disability Insurance services contract from the requirements of Article 111 (Minimum Compensation) and Article 121 (Health Care Accountability) of the Labor and Employment Code. The agreement between Health Service System and the awarded contractor would not include obligations pertaining to the exempted statutes. Amendments and extensions of the 2026 agreement would also not be subject to the exempted statutes.

Background Information

The Health Service System RFP process resulted in an intended award to a contractor unwilling to agree to Article 111 (Minimum Compensation) and Article 121 (Health Care Accountability) of the Labor and Employment Code. No exemptions or waivers were feasible options.

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SAN FRANCISCO HEALTH SERVICE SYSTEM

TO: Matt Dorsey, Supervisor, San Francisco Board of Supervisors

FROM: Rey Guillen, Executive Director, SFHSS

DATE: September 22, 2025

RE: Request for Introduction of an Ordinance amending the Labor and Employment Code to exempt the Health Service System's Basic Life and Long-Term Disability Insurance agreement from Articles 111 (Minimum Compensation) and 121 (Health Care Accountability)

Summary of Request

The San Francisco Health Service System (SFHSS) requests your sponsorship and introduction of an ordinance to exempt the Basic (Group) Life and Long-term Disability (LTD) insurance agreement with New York Life, effective January 1, 2026, from the requirements of Labor and Employment Code Articles 111 (Minimum Compensation Ordinance) and 121 (Health Care Accountability Ordinance).

This targeted exemption is essential to finalize the contract and ensure uninterrupted benefits for City employees.

Rationale

- Basic Life and LTD benefits are mandated under multiple City collective bargaining agreements and provides critical income protection for tens of thousands of employees and families.
- SFHSS conducted a competitive RFP between 2024 and 2025, with New York Life as the top-ranked respondent, and was approved unanimously by both the Health Service Board (May 2025) and the Board of Supervisors (July 2025).
- The contract guarantees approximately \$2 million in annual savings to the City and provides robust support and services for employees, their families and their beneficiaries.
- New York Life cannot comply with Articles 111 and 121 as their nationwide workforce of over 23,000 employees cannot be siloed or tracked to ensure compliance.
- And following two weeks of discussions with the Office of Labor Standards and Enforcement (OLSE), SFHSS and the City Attorney have been determined that no statutory waiver process applies.

Without an approved exemption by the Board of Supervisors, the agreement cannot be executed, jeopardizing implementation of the Basic Life and LTD coverage mandated by multiple collective bargaining agreements (MOUs) by January 1, 2026.

Next Steps

Attached please find a draft ordinance prepared by the City Attorney's Office with the support of SFHSS staff and leadership.

SFHSS respectfully requests your sponsorship and introduction of the proposed ordinance and are available to support and coordinate with the City Attorney's Office and the Clerk of the Board of Supervisors to finalize the ordinance language and ensure compliance with all procedural requirements.

Respectfully submitted,

Rey Guillen, Executive Director

Attachment: Draft ordinance amending the Labor and Employment Code to exempt the Health Service System's Basic Life and Long-Term Disability Insurance services agreement from the requirements of Articles 111 (Minimum Compensation) and 121 (Health Care Accountability).

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources

FROM: Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: October 10, 2025

SUBJECT: LEGISLATION INTRODUCED – MEET AND CONFER DETERMINATION

The Board of Supervisors' Government Audit and Oversight Committee has received the following Legislation. This matter is being **referred** to you as it may require the Department of Human Resources to fulfill "**Meet and Confer**" requirements. Please review, assess the impact and provide proper noticing as required and report back to on the status of the "Meet and Confer" requirement.

File No. 250981

Labor and Employment Code - Health Service System - Exemption for Life and Long-Term Disability Insurance Contract

Ordinance exempting the Health Service System's Life and Long-Term Disability Insurance services contract from the requirements of Article 111 (Minimum Compensation) and Article 121 (Health Care Accountability) of the Labor and Employment Code.

If you have any questions or concerns, please call me at (415) 554-7750 or email: monique.crayton@sfgov.org. To submit documentation, please email or forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM THE DEPARTMENT OF HUMAN RESOURCES - Date: _____

☐ **Meet and Confer requirement has been fulfilled.**

☒ **Meet and Confer requirement not applicable.**

☐ **Additional information attached.**

Kate Howard

Department of Human Resources

C:

Aliya Chisti, Department of Human Resources
Kate Howard, Department of Human Resources

Ordinance Authorizing Exemption for the San
Francisco Health Service System's (SFHSS)
Collectively Bargained Employee Life and Long-
Term Disability Insurance Contract from
HCAO/MCO Requirements

Rules Committee of the
San Francisco Board of Supervisors

By: Michael Visconti, Contracts Administration Manager (HSS)

Date: October 27, 2025

Summary of Today's Presentation

Request:

Recommendation of “Do Pass” on the ordinance exempting the SFHSS Basic Life (Life) and Long-term Disability (LTD) insurance agreement from:

- Article 111 – Minimum Compensation Ordinance (MCO)
- Article 121 – Health Care Accountability Ordinance (HCAO)

Why this is needed:

To allow execution of the contract with New York Life (Life Insurance Company of North America) and ensure uninterrupted coverage of Life and LTD benefits mandated by collective bargaining agreements (MOUs), with benefits effective **January 1, 2026**.

Background: Collectively-bargained and mandated benefits

- **Basic Life and LTD** are core, City-paid benefits required by dozens of collective bargaining agreements (MOUs)
 - Life and LTD insurance provide income protection for tens of thousands of employees and their families after a death or disability
 - 54 unions¹ guarantee employer-paid basic life insurance and/or employer-paid LTD insurance at the following levels depending on each MOU:
 - Basic Life is \$50,000, \$125,000 and \$150,000
 - LTD is \$5,000 / \$7,500 monthly maximum
- **Supplemental and voluntary life, AD&D**, and short-term disability coverage are offered at no cost to the City, but leverage the size of the City workforce for lower member rates fixed through 2028 (short term disability) and through 2030 (voluntary life and AD&D)

¹ See Appendix

SFHSS RFP and Selection Process

- **SFHSS conducted RFPQHSS2024.B1** from December 2024 through April 2025 for life and disability benefits with coverage beginning January 1, 2026
- **New York Life (NYL)** was the highest-ranked respondent, with:
 - ~ \$2 million in annual City savings,
 - 5-year guaranteed premium rates (Life, LTD, Vol. Life and AD&D), and
 - enhanced family/beneficiary services and reporting standards.
- **Health Service Board (HSB)** unanimously approved the award on May 8, 2025
- **Board of Supervisors (Board)** approved the Plan Year 2026 rates (including for City-paid Life and LTD benefits) on July 29, 2026 (Ord. 168-25)
- Health Service System (HSS) and NYL contract negotiations began in July, NYL notified HSS of the operational concerns related to MCO and HCAO in late August, and SFHSS met with the City Attorney and then OLSE in mid-September.

Compliance Barrier: HCAO & MCO

Process:

- During contract negotiations in August New York Life (NYL) confirmed its inability to report compliance with Articles 111 (MCO) and 121 (HCAO) across its **nationwide workforce of 23,000+ employees**
- Following **multiple meetings with OLSE** in September, including a final meeting with New York Life operational leaders and SFHSS, NYL confirmed to OLSE that
 - life and disability services, employee and beneficiary support, and claims processes **cannot be siloed by client**, and
 - **no system exists** to certify precisely all staff who would work in any capacity to support City employee claimants, their families or beneficiaries
- During concurrent meetings with our Deputy City Attorney, SFHSS was advised that absent applicable waiver processes within the Administrative Code, **Board action would be required**

Result: Contract cannot be executed without **legislative exemption**

Impact

- \$1.97 million savings to City each year 2026-2030
- Exemption is consistent with the limited waiver framework under L.E.C. Articles 111 (MCO) and 121 (HCAO), though because no applicable waiver mechanisms exists for this type of contract, Board action is required
- Ensures compliance with collectively bargained obligations within MOUs and prevents disruption in payroll-based premium collections
- No impact to other SFHSS or City contracts (narrowly tailored and limited to this contract and its extensions only)

Closing and Request to the Rules Committee

SFHSS respectfully requests:

- Rules Committee **recommend “Do Pass”** on the ordinance.

SFHSS Contacts:

- Rey Guillen, Executive Director, SFHSS (rey.guillen@sfgov.org, cc: holly.lopez@sfgov.org)
- Michael Visconti, Contracts Administration Manager (michael.visconti@sfgov.org)

Thank you

Appendix

Appendix – Unions Eligible for Basic Life and/or LTD

- | | |
|-----------------------------------|------------------------------------|
| 1) Auto Machinist, Local 1414 | 11) Court-MEA |
| 2) BrickLayers, Local 3 | 12) Court-Supr Court Interpreters |
| 3) Building Inspects - 6331/33 | 13) Court-Unrep Clerical/Technical |
| 4) Building Inspects - 6332 | 14) Court-Unrep Management |
| 5) Carpenters, Local 22 | 15) Court-Unrep Professional |
| 6) Carpet, Linoleum & Soft Tile | 16) Elected Officials |
| 7) Cement Masons, Local 300 (580) | 17) Electrical Workers, Local 6 |
| 8) Court Local 21 Staff Attorneys | 18) Glaziers, Local 718 |
| 9) Court-Court Reporters | 19) Hod Carriers, LiUNA, Local 261 |
| 10) Court-Local 21 Professional | 20) Indv. Employment Contract-MTA |

Appendix – Unions Eligible for Basic Life and/or LTD

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|------------------------------------|------------------------------------|
| 21) Iron Workers, Local 377 | 31) Physician/Dentists 8-CC, UAPD |
| 22) Laborers, Local 261 | 32) Pile Drivers, Local 34 |
| 23) Law Librarian and Assistant | 33) Plasterers & Shphnds, Local 66 |
| 24) Member, Board Of Sups | 34) Plumbers, Local 38 |
| 25) Mgt. Unrepresented Employees | 35) Probation Off Assoc (DPOA) |
| 26) Misc. Unrepresented Employees | 36) Prof & Tech Eng, Local 21 |
| 27) Municipal Attorneys Assoc | 37) Roofers, Local 40 |
| 28) Municipal Exec Assoc, Misc | 38) SEIU, Local 1021, Misc |
| 29) Operating Engineers, Local 3 | 39) SEIU, Local 1021, RN |
| 30) Physician/Dentists 11-AA, UAPD | 40) SF City Workers United |

Appendix – Unions Eligible for Basic Life and/or LTD

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|------------------------------------|------------------------------------|
| 41) SF Courts Commissioner Assoc | 51) TWU, Local 250-A, Misc |
| 42) Sheet Metal Workers, Local 104 | 52) TWU, Local 250-A, TranFare |
| 43) Stationary Engineers, Local 39 | 53) Unrepresented Contract Rte FBP |
| 44) Sup Probation Ofcr, Op Eng 3 | 54) Utd Pub EmpL790 SEIU-Crt Clrks |
| 45) Teamsters, Local 853 | |
| 46) Teamsters, Local 856, Multi | |
| 47) Teamsters, Local 856, Spv RN | |
| 48) Theatrical Stage Emp, Local 16 | |
| 49) TWU, Local 200 | |
| 50) TWU, Local 250-A, AutoServ | |