

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Mayor's Office

FROM: Victor Young, Assistant Clerk
Rules Committee

A handwritten signature in cursive script that reads "Victor Young".

DATE: July 22, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation on July 7, 2020:

File No. 200733

Reenactment of emergency ordinance (Ordinance No. 59-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.

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: victor.young@sfgov.org.

c: Rebecca Peacock, Mayor's Office
Andres Power, Mayor's Office

[Emergency Ordinance - Public Health Emergency Leave]

Reenactment of emergency ordinance (Ordinance No. 59-20) to temporarily require private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman;
Deletions to Codes are in ~~strikethrough italics Times New Roman~~.
Board amendment additions are in double underlined Arial font.
Board amendment deletions are in ~~strikethrough 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. Declaration of Emergency Pursuant to Charter Section 2.107.

(a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in cases of public emergency affecting life, health, or property, or for the uninterrupted operation of any City or County department or office required to comply with time limitations established by law. An emergency ordinance enacted under Charter Section 2.107 automatically terminates on the 61st day after passage, but may be reenacted upon the same terms and conditions applicable to its initial enactment.

(b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 59-20, an emergency ordinance, the Public Health Emergency Leave Ordinance, which temporarily requires private employers with 500 or more employees to provide public health emergency leave during the public health emergency related to COVID-19. The emergency ordinance became effective when enacted, on April 17, 2020. It would have terminated automatically on June 16, 2020, but Ordinance No. 90-20 reenacted the emergency ordinance prior to its

1 termination. The emergency ordinance will terminate automatically on August 15, 2020,
2 unless reenacted.

3 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1 and
4 2 of Ordinance No. 59-20 remain valid and compelling, and declares further that an actual
5 emergency continues to exist that requires the reenactment of the Public Health Emergency
6 Leave Ordinance to reduce the spread of COVID-19 and mitigate the economic harm for
7 individuals unable to work due to the public health emergency. COVID-19 continues to
8 present an extremely dangerous public health risk to the community, and the adverse
9 economic impact on workers and their families remains severe, notwithstanding gradual
10 efforts to reopen sectors of the economy. Further, many employees continue to experience
11 family caregiving challenges due to care facility closures, challenges securing caregiving
12 assistance, and the likelihood that many schools will continue relying at least in part on
13 remote learning during the upcoming academic year.

14
15 Section 2. Reenactment of Emergency Ordinance.

16 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
17 additional 60 days the emergency ordinance temporarily requiring private employers with 500
18 or more employees to provide public health emergency leave (Ordinance No. 59-20), as
19 reenacted by Ordinance No. 90-20.

20
21 Section 3. Effective Date; Expiration.

22 (a) If enacted prior to the expiration of Ordinance No. 59-20, as reenacted by
23 Ordinance No. 90-20, this reenacted emergency ordinance shall become effective
24 immediately upon the date of expiration of Ordinance No. 59-20, and shall itself expire on the
25

61st day following its effective date unless reenacted as provided by Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever occurs first.

(b) If enacted after the expiration of Ordinance No. 59-20, as reenacted by Ordinance No. 90-20, this reenacted emergency ordinance shall become effective immediately upon enactment, and shall expire on the 61st day following its effective date unless reenacted as provided by Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever occurs first.

Section 4. Directions to Clerk.

The Clerk of the Board of Supervisors is hereby directed to place a copy of this reenacted emergency ordinance in File No. 200355 for Ordinance No. 59-20 and to make a notation cross-referencing this emergency ordinance where Ordinance No. 59-20 appears on the Board of Supervisors website as legislation passed.

Section 5. Supermajority Vote Required.

In accordance with Charter Section 2.107, passage of this reenacted emergency ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board of Supervisors.

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

By: /s/
LISA POWELL
Deputy City Attorney

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