



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
DIRECTOR KATY TANG

February 18, 2022

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 211296 - Administrative Code – Amending the Family Friendly Workplace Ordinance

Dear Ms. Calvillo,

On February 14, 2022 the Small Business Commission (SBC) heard BOS File #211296 – Administrative Code – Amending the Family Friendly Workplace Ordinance. Frances Hsieh, Legislative Aide to Supervisor Chan, presented the legislation.

After extensive discussion, the SBC unanimously voted (5-0) to support this legislation contingent upon the addition of the following recommendations:

- Raise the threshold for financial penalties to only apply to businesses with over 100 employees.
- Provide technical support with materials in multiple languages to ensure businesses understand rules of compliance.
- Establish a reasonable cap on the financial penalties a business could incur per case (For example: no more than \$2500 or the equivalent to 100 hours of the requesting employees pay).

Throughout the discussion of this proposal, the Commission identified the need to balance the importance of supporting employees and their caregiving needs with the current challenges that small businesses face. At a time when fewer small businesses are opening and employers are struggling to find adequate staffing, the Commission expressed concern that this proposal would add another layer of complexity to small business operations.

The Commission identified businesses with 20-50 employees who likely do not have designated human resources staff as particularly vulnerable to this proposal, especially if they were to receive multiple employee requests simultaneously. In discussion of compliance with the current Family Friendly Workplace Ordinance, the sponsor's office indicated that most complaints have come from employees in larger businesses. For these reasons, the Commission recommends that financial penalties only apply to businesses with 100 employees or more.

The proposal includes financial penalties for violations of "up to \$50 for each day or portion thereof that the violation occurred or continued, or up to the cost of care..." The Commission requested more clarity

regarding what constitutes the cost of care, and suggested a reasonable financial cap be identified so employers have a better understanding of their liability should a violation occur.

Lastly, to ensure that workers in small businesses with 20-100 employees can still access flexible working arrangements and schedules, the Commission recommends extensive technical assistance in multiple languages to help small businesses understand and fulfill their obligations.

The Commission thanks Supervisor Chan and her staff for their ongoing engagement on this important issue. Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katy Tang". The signature is fluid and cursive, with the first name "Katy" and last name "Tang" clearly distinguishable.

Katy Tang
Director, Office of Small Business