

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

April 12, 2023

The Honorable Toni G. Atkins
California State Senator
Senate President pro Tempore
California State Capitol
1021 O Street, Suite 8518
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 129-23

Dear President pro Tempore Atkins:

On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 129-23 (Supporting California State Assembly Bill No. 1356 (Haney) - Mass Layoffs), which was enacted on March 24, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 129-23 (File No. 230275)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll:jw:ak:ams

- c. Members of the Board of Supervisors; Supervisors Shamann Walton, Ahsha Safai, Connie Chan
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

[Supporting California State Assembly Bill No. 1356 (Haney) - Mass Layoffs]

Resolution supporting California State Assembly Bill No. 1356, Mass Layoffs, authored by Assembly Member Matt Haney, to expand the California Worker Adjustment and Retraining (WARN) Act to include coverage for contract workers, extend the required advance notice to 90 days, and ban companies from forcing workers to sign a non-disclosure agreement as a condition of receiving the WARN Act notice or pay.

WHEREAS, The California Worker Adjustment and Retraining (WARN) Act, governs relocations, terminations, and mass layoffs; and

WHEREAS, The existing law prohibits an employer from ordering a mass layoff, relocation, or termination at a covered establishment unless, 60 days before the order takes effect, the employer gives written notice of the order, as prescribed; and

WHEREAS, The existing law exempts certain types of employment from the act, including seasonal employment where the employees were hired with the understanding that their employment was seasonal and temporary (seasonal employment exemption), including contract workers; and

WHEREAS, The existing law makes an employer who fails to give notice as required liable to each employee entitled to notice who lost their employment for prescribed compensation, calculated for the period of the employer's violation, up to a maximum of 60 days, or half the number of days that the employee was employed by the employer, whichever period is smaller; and

WHEREAS, The California WARN Act was established in 1988 and did not anticipate the current situation of employment where many companies employ workers as contract workers; and

1 WHEREAS, Assembly Bill No. 1356 (AB 1356), authored by Assembly Member Matt
2 Haney will expand the WARN Act to include the definition of “employer” to include a client
3 employer of a labor contractor, as well as a definition of “employee” to include a person
4 employed by a labor contractor and performing labor with the client employer for at least six-
5 months of the 12-months preceding the date on which notice is required; and

6 WHEREAS, AB 1356 will prohibit an employer from ordering a mass layoff, relocation,
7 or termination unless 90 days (instead of the current 60 days) before the order of a written
8 notice is provided to employees and the state; and

9 WHEREAS, In addition, AB 1356 would add that an employer is prohibited from
10 utilizing compliance with the WARN Act in connection with a severance agreement and waiver
11 of an employee’s right to claims through non-disclosure or non-disparagement agreements;
12 and

13 WHEREAS, AB 1356 will update the California WARN Act to reflect the current
14 environment of employment and modern work structures; now, therefore, be it

15 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
16 Assembly Bill No. 1356 and urges the California State Legislature to pass this bill in order to
17 expand the WARN Act to include all workers; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
19 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
20 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
21 the Bill’s primary sponsor, Assembly Member Matt Haney.



City and County of San Francisco

Tails Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 230275

Date Passed: March 14, 2023

Resolution supporting California State Assembly Bill No. 1356, Mass Layoffs, authored by Assembly Member Matt Haney, to expand the California Worker Adjustment and Retraining (WARN) Act to include coverage for contract workers, extend the required advance notice to 90 days, and ban companies from forcing workers to sign a non-disclosure agreement as a condition of receiving the WARN Act notice or pay.

March 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230275

I hereby certify that the foregoing
Resolution was ADOPTED on 3/14/2023 by
the Board of Supervisors of the City and
County of San Francisco.

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f Angela Calvillo
Clerk of the Board

Unsigned

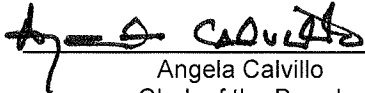
London N. Breed
Mayor

3/24/2023

Date Approved

File No. 230275

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

3/29/2023
Date

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April 12, 2023

The Honorable Gavin Newsom
Governor of the State of California
1020 O Street, Suite 9000
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 129-23

Dear Governor Newsom:

On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 129-23 (Supporting California State Assembly Bill No. 1356 (Haney) - Mass Layoffs), which was enacted on March 24, 2023.

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Clerk of the Board

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1 [Supporting California State Assembly Bill No. 1356 (Haney) - Mass Layoffs]

2
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4 **by Assembly Member Matt Haney, to expand the California Worker Adjustment and**
5 **Retraining (WARN) Act to include coverage for contract workers, extend the required**
6 **advance notice to 90 days, and ban companies from forcing workers to sign a non-**
7 **disclosure agreement as a condition of receiving the WARN Act notice or pay.**

8
9 WHEREAS, The California Worker Adjustment and Retraining (WARN) Act, governs
10 relocations, terminations, and mass layoffs; and

11 WHEREAS, The existing law prohibits an employer from ordering a mass layoff,
12 relocation, or termination at a covered establishment unless, 60 days before the order takes
13 effect, the employer gives written notice of the order, as prescribed; and

14 WHEREAS, The existing law exempts certain types of employment from the act,
15 including seasonal employment where the employees were hired with the understanding that
16 their employment was seasonal and temporary (seasonal employment exemption), including
17 contract workers; and

18 WHEREAS, The existing law makes an employer who fails to give notice as required
19 liable to each employee entitled to notice who lost their employment for prescribed
20 compensation, calculated for the period of the employer's violation, up to a maximum of 60
21 days, or half the number of days that the employee was employed by the employer, whichever
22 period is smaller; and

23 WHEREAS, The California WARN Act was established in 1988 and did not anticipate
24 the current situation of employment where many companies employ workers as contract
25 workers; and

1 WHEREAS, Assembly Bill No. 1356 (AB 1356), authored by Assembly Member Matt
2 Haney will expand the WARN Act to include the definition of “employer” to include a client
3 employer of a labor contractor, as well as a definition of “employee” to include a person
4 employed by a labor contractor and performing labor with the client employer for at least six-
5 months of the 12-months preceding the date on which notice is required; and

6 WHEREAS, AB 1356 will prohibit an employer from ordering a mass layoff, relocation,
7 or termination unless 90 days (instead of the current 60 days) before the order of a written
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12 and

13 WHEREAS, AB 1356 will update the California WARN Act to reflect the current
14 environment of employment and modern work structures; now, therefore, be it

15 RESOLVED, That the San Francisco Board of Supervisors hereby supports California
16 Assembly Bill No. 1356 and urges the California State Legislature to pass this bill in order to
17 expand the WARN Act to include all workers; and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby directs the Clerk of the
19 Board to transmit a copy of this Resolution to the California Senate President pro Tempore
20 Toni Atkins, California Assembly Speaker Anthony Rendon, Governor Gavin Newsom, and
21 the Bill’s primary sponsor, Assembly Member Matt Haney.



City and County of San Francisco

Tails Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 230275

Date Passed: March 14, 2023

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March 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

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Clerk of the Board

Unsigned

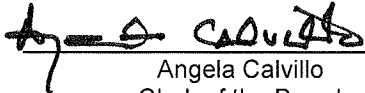
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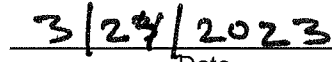
Date Approved

File No. 230275

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Angela Calvillo
Clerk of the Board



Date

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April 12, 2023

The Honorable Matt Haney
California State Assembly Member
California State Capitol, Room 5310
P.O. Box 942849
Sacramento, CA 94249-0017

Re: Board of Supervisors Resolution No. 129-23

Dear Assembly Member Haney:

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WHEREAS, The California Worker Adjustment and Retraining (WARN) Act, governs relocations, terminations, and mass layoffs; and

WHEREAS, The existing law prohibits an employer from ordering a mass layoff, relocation, or termination at a covered establishment unless, 60 days before the order takes effect, the employer gives written notice of the order, as prescribed; and

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WHEREAS, The California WARN Act was established in 1988 and did not anticipate the current situation of employment where many companies employ workers as contract workers; and

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City and County of San Francisco

Tails Resolution

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1 Dr. Carlton B. Goodlett Place
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File Number: 230275

Date Passed: March 14, 2023

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March 14, 2023 Board of Supervisors - ADOPTED

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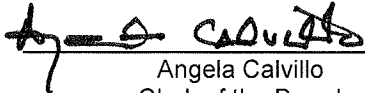
London N. Breed
Mayor

3/24/2023

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File No. 230275

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April 12, 2023

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Speaker of the California State Assembly
California State Capitol, Room 219
P.O. Box 942849
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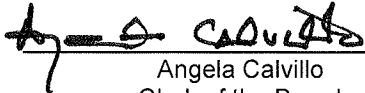
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