



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

August 11, 2020

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. 200765 – Emergency Ordinance - COVID-Related Employment Protections

Small Business Commission Recommendation to the Board of Supervisors: **Support with modifications.**

Dear Ms. Calvillo,

On August 10, 2020 the Small Business Commission (SBC or Commission) heard BOS File No. 200765 – Emergency Ordinance - COVID-Related Employment Protections. Paul Monge, Legislative Aide to Supervisor Hillary Ronen provided the SBC with an overview of the legislation. After discussion, the SBC voted (7-0) to recommend that the Board of Supervisors support the legislation with modifications.

Mr. Monge provided a thorough review of the legislation and the legislative intent for the Commission. In particular, he cited that this legislation was written in response to findings presented in a study conducted by the University of California, San Francisco in partnership with the Latino Task Force on COVID-19. Most strikingly, 82% of COVID-19 positive individuals in the study had been financially harmed by the pandemic and just 10% were able to work from home. Moreover, he shared that if this legislation passes, it will be administered in concert with the City's Right to Recover program which provides a two week minimum wage replacement, or \$1285, to any worker who lives in San Francisco who tests positive for COVID-19 and anticipates experiencing financial hardship. He also shared that the legislative sponsor's office would be amenable to adopting amendments contemplated in the Commission's [staff memo](#) to help avert unintended consequences for both employers and employees and ensure the efficacy of the legislation.

Ultimately, the Commission voted unanimously to support the legislation with the following modifications:

- Amend Section 4(c) of the legislation by adding language that clarifies that an employer may administer an adverse action relating to the performance or misconduct of a worker within 90 days of their absence from work or their request for time off *without* the presumption that it is in violation of the legislation.
- Strike Section 5(a), which as drafted, prohibits employers from inquiring about or requiring disclosure of whether a job applicant has tested positive for COVID-19 or is isolating or quarantining, or has previously isolated or quarantined, due to COVID-19

symptoms or exposure, or to require or recommend COVID-19 testing, prior to extending an offer of employment, in order to protect the health and safety of the existing employees.

- Strike section 5(c), which as drafted, requires employers to delay a worker's start date until 'reasonably feasible' if the individual has COVID-19 or is experiencing COVID-19 symptoms, and instead defer to federal law. Federal law more precisely asserts that, employers may delay the start date for a worker who has tested positive for COVID-19, is experiencing COVID-19 symptoms, or is isolating or in quarantine. And, an employer may withdraw a job offer when the employer needs the applicant to start immediately but the individual has COVID-19 or is experiencing COVID-19 symptoms.

Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi
Director, Office of Small Business

cc: Hillary Ronen, Member, Board of Supervisors
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Pat Mulligan, Director, Office of Labor Standards and Enforcement
Lisa Pagan, Office of Economic and Workforce Development
Erica Major, Clerk, Land Use and Transportation Committee