

File No. 201201

Committee Item No. _____

Board Item No. 37

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: October 27, 2020

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Prepared by: Lisa Lew

Date: October 23, 2020

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Thirtieth
2 Supplement]

2

3 **Motion concurring in actions taken by the Mayor in the Thirtieth Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**
5 **coronavirus COVID-19 pandemic by revising the program provisions that provided**
6 **additional hours of new paid sick leave to City employees.**

7

8 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
9 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

10 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
11 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on
12 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
13 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring
14 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

15 WHEREAS, On March 31, 2020, the Mayor took steps to meet the emergency by
16 issuing the Seventh Supplement to the Proclamation, authorizing benefits and programs to
17 support City employees through the pandemic by ensuring they have sufficient paid time off
18 balances to remain out of the workplace if they or their family members are sick, quarantined,
19 or otherwise impacted by the pandemic, so those employees could return to work as soon as
20 possible and function at full capacity in the service of the City and its residents and also to
21 mitigate the financial impacts of the emergency on City employees; and

22 WHEREAS, In the Seventh Supplement, the Mayor also waived certain accrual limits
23 on vacation leave to encourage City employees to remain at work supporting the City's
24 emergency response through the early months of pandemic; and

25

1 WHEREAS, On September 29, 2020, San Francisco moved into the “orange” tier of the
2 State’s system, and the Mayor announced additional phased reopening plans; and

3 WHEREAS, Given the current stage and status of the City’s pandemic response, the
4 Mayor concluded that the continuation of certain of the benefits and programs for City
5 employees provided under prior Supplements to the Proclamation is no longer reasonably
6 necessary to respond to the local emergency; and

7 WHEREAS, On October 19, 2020, the Mayor terminated several orders from the
8 Seventh Supplement, effective October 30, 2020, including the orders that: 1) allowed City
9 employees to accrue 80 hours of vacation above the applicable vacation cap; 2) allowed
10 salaried employees who are not eligible for overtime but are eligible for compensatory time to
11 accrue up to 80 hours of compensatory time above the applicable cap; 3) allowed
12 miscellaneous employees represented by the San Francisco Municipal Executives
13 Association and other employees not eligible for overtime or compensatory time to earn up to
14 80 hours of compensatory time on an hour for hour basis for work during the emergency; and
15 4) provided employees eight hours of floating holiday time for every 40 hours worked in the
16 workplace during the emergency up to a total of 80 hours; and

17 WHEREAS, On October 19, 2020, the Mayor took additional steps to meet the
18 emergency by issuing the Thirtieth Supplement to the Proclamation, ordering one action to
19 meet the emergency; the Thirtieth Supplement is on file with the Clerk of the Board of
20 Supervisors in Board File No. 201201;

21 WHEREAS, Government Code, Sections 8550 et seq., and Charter, Section 3.100,
22 provide for the concurrence by members of the Board of Supervisors in such emergency
23 declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

24 MOVED, That the Board of Supervisors concurs with the following action taken by the
25 Mayor to meet the local emergency included in the Mayor’s Thirtieth Supplement to the

1 Proclamation, dated October 19, 2020, as such action is described in full in the Thirtieth
2 Supplement and summarized as follows:

3 Action #1: Revising the program providing an additional 80 hours of new paid
4 sick leave to City employees employed as of April 1, 2020, enacted in Section 2 of the
5 Mayor’s Seventh Supplemental Proclamation, by limiting the use of any remaining balance of
6 that sick leave only for leave related to COVID-19 infection, COVID-19 exposure, or direct
7 impacts of COVID-19 on employees and their families such as school closures or remote or
8 hybrid learning programs.

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**THIRTIETH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safer At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 11,000 confirmed cases of COVID-19 within the City and 133 COVID-19-related deaths in the City; there have been more than 870,000 confirmed cases in California and more than 16,000 COVID-19-related deaths in California; and



WHEREAS, On March 31, 2020, the Mayor issued the Seventh Supplement to the Proclamation of Local Emergency, ordering additional programs and benefits to recognize the work of City employees providing essential services in the workplace or in the field, including interacting with members of the public, or working additional hours in support of the City’s emergency response; and

WHEREAS, In the Seventh Supplement, the Mayor provided other benefits and programs to support City employees through the pandemic by ensuring they have sufficient paid time off balances to remain out of the workplace if they or their family members are sick, quarantined, or otherwise impacted by the pandemic, so those employees could return to work as soon as possible and function at full capacity in the service of the City and its residents and also to mitigate the financial impacts of the emergency on City employees; and

WHEREAS, City employees’ use of discretionary paid time off is returning to pre-pandemic levels; and

WHEREAS, On September 1, 2020, based on San Francisco’s status in the “red” tier of the State’s new colored-coded tiered system, which status provides the City discretion to move forward with reopening some activities, the Mayor announced plans and a timeline for phased reopening of businesses and services, as the City moves into a more stable and continued phase of its response to the pandemic; and

WHEREAS, On September 29, 2020, San Francisco moved into the “orange” tier of the State’s system, and the Mayor announced additional phased reopening plans; and

WHEREAS, Given the current stage and status of the City’s pandemic response, it is reasonable and appropriate to end or modify certain of the benefits and programs for City employees provided under prior supplements; and

WHEREAS, Concurrently with this Supplement to the Proclamation of Local Emergency, the Mayor has issued a memorandum terminating or modifying some of the programs authorized in the Seventh Supplement;



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

The program providing an additional 80 hours of new paid sick leave to employees employed as of April 1, 2020, enacted in Section 2 of the Mayor's Seventh Supplemental Proclamation, is supplemented as follows: Effective October 31, 2020, employees may use any remaining balance of that sick leave only for leave related to COVID-19 infection, COVID-19 exposure, or direct impacts of COVID-19 on employees and their families such as school closures or remote or hybrid learning programs. The Human Resources Director is authorized to issue guidance regarding allowable uses of the leave. In addition, these sick leave hours shall be made available to employees hired after April 1, 2020, on the same terms and conditions as provided to other employees. In addition, the expiration date for leave available under the program is extended through June 30, 2021. The other terms of the program in Section 2 of the Mayor's Seventh Supplemental Proclamation shall remain in effect.

DATED: October 19, 2020

A handwritten signature in blue ink that reads "London Breed".

London N. Breed
Mayor of San Francisco



TERMINATION OF ORDERS ISSUED UNDER PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, On February 25, 2020, I declared a Local State of Emergency to exist within the City and County of San Francisco in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 31, 2020, I issued the Seventh Supplement to the Proclamation of Local Emergency, ordering programs and benefits to recognize the work of City employees providing essential services in the workplace or in the field, including interacting with members of the public, or working additional hours in support of the City’s emergency response; and

WHEREAS, In the Seventh Supplement, I authorized other benefits and programs to support City employees through the pandemic by ensuring they have sufficient paid time off balances to remain out of the workplace if they or their family members are sick, quarantined, or otherwise impacted by the pandemic, so those employees could return to work as soon as possible and function at full capacity in the service of the City and its residents and also to mitigate the financial impacts of the emergency on City employees; and

WHEREAS, In the Seventh Supplement, I waived certain accrual limits on vacation leave to encourage City employees to remain at work supporting the City’s emergency response through the early months of pandemic; and

WHEREAS, City employees’ use of discretionary paid time off is returning to pre-pandemic levels;

WHEREAS, On September 1, 2020, based on San Francisco’s status in the “red” tier of the State’s new colored-coded tiered system, which status provides the City discretion to move forward with reopening some activities, I announced plans and a timeline for phased reopening of businesses and services, as the City moves into a more stable and continued phase of its response to the pandemic; and

WHEREAS, On September 29, 2020, San Francisco moved into the “orange” tier of the State’s system, and the Mayor announced additional phased reopening plans; and



WHEREAS, Given the current stage and status of the City’s pandemic response, the continuation of certain of the benefits and programs for City employees provided under prior supplements is no longer reasonably necessary to respond to the local emergency; and

NOW, THEREFORE

I, London N. Breed, Mayor of the City and County of San Francisco terminate the following Orders, effective as provided below.

- (1) The program waiving the maximum accrual limits for City employee vacation leave, so that those employees may earn up to an additional 80 hours of vacation above the applicable accrual limit, enacted in Section 3 of the Seventh Supplemental Proclamation, shall end effective close of business October 30, 2020. Due to the termination of the program, employees who have accrued vacation leave over their applicable limits will not accrue any additional vacation hours after close of business October 30, 2020, until their balance is below the otherwise applicable maximum accrual limit. The other terms of the program in Section 3 of the Seventh Supplemental Proclamation, including the requirement that employees reduce their balances below the applicable maximum accrual by December 31, 2021, will remain in effect.
- (2) The program waiving the compensatory time caps for salaried employees (designated “Z” symbol employees) who are not eligible for overtime but who may earn compensatory time, so that those employees could earn up to an additional 80 hours above the current compensatory time caps, enacted in Section 4(a) of the Seventh Supplemental Proclamation, shall end close of business October 30, 2020. Due to the termination of the program, employees who have accrued compensatory time over the applicable caps will not accrue any additional compensatory time after close of business October 30, 2020, until their balance is below the applicable cap. Employees who have earned compensatory time hours under this program may use those hours under terms set by the Department of Human Resources and in applicable Memoranda of Understanding provisions.
- (3) The program for miscellaneous employees represented by the Municipal Executives Association, and other City employees who are not otherwise eligible to earn overtime or compensatory time, allowing those employees to earn up to 80 hours of



compensatory time on an hour for hour basis for work during the emergency, enacted in Section 4(b) of the Seventh Supplemental Proclamation, shall end effective close of business October 30, 2020. Employees who have earned compensatory time hours under this program may use those hours under terms set by the Department of Human Resources and in applicable Memoranda of Understanding provisions.

(4) The program providing 8 hours of floating holidays for every 40 hours of regularly scheduled hours worked in the workplace, up to a maximum of 80 hours of floating holiday over the duration of the emergency, enacted in Section 5(b) of the Seventh Supplemental Proclamation, shall end close of business October 30, 2020. The City will credit these floating holiday hours by November 30, 2020.

DATED: October 19, 2020

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Yee

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Thirtieth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by revising the program provisions that provided additional hours of new paid sick leave to City employees.

Signature of Sponsoring Supervisor: /s/Norman Yee

For Clerk's Use Only