

1 [Police Code - Formula Retail Employee Rights]

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3 **Ordinance amending the Police Code, Articles 33F and 33G, which contain the formula**
 4 **retail employee rights ordinances, to change from 20 to 40 the number of employees in**
 5 **San Francisco required for a formula retail establishment to be covered by the**
 6 **Ordinances; and to allow collective bargaining agreements covering employees of**
 7 **formula retail establishments to waive the protections of Articles 33F and 33G.**

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9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 12 **Board amendment additions** are in double-underlined Arial font.
 13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 14 **Asterisks (* * * *)** indicate the omission of unchanged Code
 15 subsections or parts of tables.

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14 Be it ordained by the People of the City and County of San Francisco:

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16 Section 1. Background.

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18 Ordinance No. 236-14, which created Article 33F of the Police Code, requires formula
 19 retail establishments to offer additional hours of work, when available, to current part-time
 20 employees. It also requires successor employers to retain employees for 90 days upon a
 21 change in control of the business. Ordinance No. 241-14, which created Article 33G of the
 22 Police Code, requires formula retail establishments to provide employees with two weeks'
 23 notice of work schedules, notice of changes to work schedules, and compensation for
 24 schedule changes made on less than seven days' notice and unused on-call shifts. It also
 25 provides part-time employees with the same starting rate of hourly pay, access to time off,
 and eligibility for promotions, as provided to full-time employees.

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Section 2. Article 33F of the Police Code is hereby amended by revising Section 3300F.2 and adding Section 3300F.19, to read as follows:

SEC. 3300F.2. DEFINITIONS.

For purposes of this Article 33F, the following definitions apply:

* * * *

“Employer” shall mean any Person that owns or operates a Formula Retail Establishment with ~~20~~ 40 or more Employees in the City, including corporate officers or executives, who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any individual. For the purpose of calculating the ~~20~~ 40-employee threshold referenced herein, Employees performing work in other Formula Retail Establishments in the City that are owned or operated under the same trade name by the same Employer shall be counted. Notwithstanding the foregoing definition, “Employer” does not include a Nonprofit Corporation or governmental entity.

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SEC. 3300F.19. WAIVER UNDER COLLECTIVE BARGAINING AGREEMENT.

For Employees of Formula Retail Establishments covered by a bona fide collective bargaining agreement, all or any portion of the applicable requirements of this Article 33F shall not apply to the extent that such requirements are expressly waived in the collective bargaining agreement in clear and unambiguous terms.

1 Section 3. Article 33G of the Police Code is hereby amended by revising Section
2 3300G.3 and adding Section 3300G.18, to read as follows:

3 **SEC. 3300G.3. DEFINITIONS.**

4 For purposes of this Article 33G, the following definitions apply:

5 * * * *

6 "Employer" shall mean any Person that owns or operates a Formula Retail
7 Establishment with ~~20~~ 40 or more Employees in the City, including corporate officers or
8 executives, who directly or indirectly or through an agent or any other person, including
9 through the services of a temporary services or staffing agency or similar entity, employs or
10 exercises control over the wages, hours, or working conditions of any individual. For the
11 purpose of calculating the ~~20~~ 40-employee threshold referenced herein, Employees
12 performing work in other Formula Retail Establishments in the City that are owned or operated
13 under the same trade name by the same Employer shall be counted. Notwithstanding the
14 foregoing definition, "Employer" does not include a Nonprofit Corporation or governmental
15 entity.

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18 **SEC. 3300G.18. WAIVER UNDER COLLECTIVE BARGAINING AGREEMENT.**

19 For Employees of Formula Retail Establishments covered by a bona fide collective bargaining
20 agreement, all or any portion of the applicable requirements of this Article 33G shall not apply to the
21 extent that such requirements are expressly waived in the collective bargaining agreement in clear and
22 unambiguous terms.

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24 Section 4. Effective Date.
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1 This ordinance shall become effective 30 days after enactment. Enactment occurs
2 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
3 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
4 Mayor's veto of the ordinance.

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6 Section 5. In enacting this ordinance, the Board intends to amend only those words,
7 phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams,
8 or any other constituent part of the Police Code that are explicitly shown in this ordinance as
9 additions, deletions, Board amendment additions, and Board amendment deletions in
10 accordance with the "Note" that appears under the official title of the ordinance.

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

14 By: _____
15 JOSHUA WHITE
16 Deputy City Attorney

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