

1 [Transition Period for Implementation of Paid Sick Leave Ordinance.]

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3 **Ordinance adding Section 12W.17 to the Administrative Code to establish 120-day**
4 **Transition Period (from February 5 through June 5, 2007) to implement Paid Sick Leave**
5 **Ordinance, by providing that (1) an employer may delay payment of required paid sick**
6 **leave until June 6, 2007, and (2) administrative penalties, compensatory costs to the**
7 **City, liquidated damages, and attorneys' fees may not be awarded for a failure to pay**
8 **required sick leave during the Transition Period.**

9 Note: Additions are *single-underline italics Times New Roman*;
10 deletions are *strikethrough italics Times New Roman*.
11 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

13 Section 1. FINDINGS AND PURPOSE.

14 The Paid Sick Leave Ordinance (the "Ordinance"), Chapter 12W of the San Francisco
15 Administrative Code, adopted by the voters as Proposition F at the November 7, 2006 election, became
16 operative on February 5, 2007. The Legislative Findings and Purpose in Section 1 of Proposition F
17 detail the strong public policy justifications for the Ordinance. The Ordinance is the first of its kind in
18 the United States, and covers a broad range of employers and employment relationships. Given the
19 short period of time between adoption of the Ordinance and its operative date, application of the
20 Ordinance in some contexts and with respect to some issues has not been completely clear to employers
21 who desire in good faith to understand their obligations under the Ordinance and comply with its
22 requirements.

23 Section 12W.16 of the Ordinance authorizes the Board of Supervisors to amend the ordinance
24 with respect to matters relating to its implementation and enforcement. Pursuant to its authority under
25 Section 12W.16, the Board of Supervisors hereby amends the Ordinance.

1 Section 2. The San Francisco Administrative Code is hereby amended by adding
2 Section 12W.17, to read as follows:

3 **SEC. 12W.17. TRANSITION PERIOD FOR IMPLEMENTATION.**

4 (a) Transition Period. For purposes of this Section, "Transition Period" shall mean the period
5 from February 5, 2007 through June 5, 2007.

6 (b) Recordkeeping. During the Transition Period, employers shall maintain and retain records
7 as mandated by Section 12W.6 and in accordance with any guidance as to recordkeeping provided by
8 the Agency.

9 (c) Obligation to Provide Paid Sick Leave and Timing of Payment. During the Transition
10 Period, an employer shall retain its obligation to provide paid sick leave as required by this Chapter.
11 However, at the employer's option, any payment for sick leave required by this Chapter need not
12 actually be made to the employee until June 6, 2007. Notwithstanding Section 12W.8(d), interest on a
13 delayed payment for sick leave shall not be paid for any period of delay within the Transition Period.

14 (d) Temporary Suspension of Administrative Penalties, Compensatory Costs to the City,
15 Liquidated Damage, and Attorneys' Fees for Failure to Provide Paid Sick Leave. No award of
16 administrative penalties, compensatory costs to the City, liquidated damages, or attorneys' fees, as
17 provided in Sections 12W.8(b) or 12W.8(c), may be made by the Agency or a court for a failure to
18 provide paid sick leave during the Transition Period. This subsection shall not affect the power to
19 award administrative penalties, compensatory costs to the City, liquidated damages, or attorneys' fees
20 for other conduct occurring during the Transition Period that violates this Chapter, including but not
21 limited to taking adverse action against an employee for exercising rights protected by this Chapter.

22 (e) Notwithstanding Section 12W.17(c), nothing in this Section relieves an employer of any
23 obligation under this Chapter.

1 (f) Retroactive Effect. Notwithstanding the date this Section becomes law, this Section shall
2 have retroactive effect and apply to the entire transition period.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

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6 By: _____
7 PAUL ZAREFSKY
7 Deputy City Attorney

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