

LEGISLATIVE DIGEST

[Emergency Ordinance - Administrative Code - Public Health Emergency Leave]

Emergency Ordinance amending the Administrative Code to require private employers with 500 or more employees to provide additional paid leave during public health emergencies declared by state or local authorities, provide adequate noticing of such benefits to their employees, and to protect such rights from retaliation.

Existing Law

Under existing law, San Francisco employees are entitled to certain benefits, including the accrual of paid sick leave. The City does not currently require additional benefits during declared public health emergencies.

Amendments to Current Law

The ordinance creates a new type of paid leave during declared public health emergencies, covering private employers in the City with 500 or more employees. When a public health emergency has been declared, employees of private companies with more than 500 employees will be immediately entitled to additional days of paid leave, with the amount depending on their typical number of hours worked. Employees who normally work more than 40 hours in a week will receive an additional 80 hours of paid leave; employees who normally work fewer than 40 hours will receive the average number of hours they work each 14 days of additional paid leave. The paid leave must be at or above minimum wage and at least 2/3rds of the employee's regular rate of pay, up to \$1300 per week.

This new category of paid leave is additive; it does not replace any leave already required. It is written to be retroactive to include public health emergencies already declared when the ordinance takes effect, and the leave will be immediately available, regardless of length of employment.

The ordinance is an emergency ordinance, so under Charter section 2.107, it will take effect immediately upon enactment and will remain in effect for 60 days, unless reenacted. If not reenacted, it will expire on the 61st day.

Background Information

On February 25, 2020, Mayor London Breed proclaimed a state of emergency in response to the COVID-19 pandemic, concurred by proclamation of the Board of Supervisors on March 3, 2020. On March 16, 2020, the County Health Officer issued Order No. C19-07 directing San Franciscans to stay in their homes and requiring businesses to cease all non-essential operations at physical locations in the County.