

## **LEGISLATIVE DIGEST**

[Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic]

**Emergency Ordinance temporarily creating a right to reemployment for certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill the same position previously held by a laid-off worker, or a substantially similar position, as defined.**

### Existing Law

Under existing law, there is no right to reemployment for employees working in San Francisco in the event that their employer separates them from employment due to a layoff and subsequently seeks to rehire employees to the same or similar positions.

### Amendments to Current Law

The ordinance requires employers operating in San Francisco to offer a right to reemployment to certain employees laid off as a result of the COVID-19 pandemic and the related stay at home and shelter in place orders issued by the City and County of San Francisco and the State of California. The ordinance applies to employers of any size who layoff ten or more employees in a 30-day period as a result of the emergency. The employer must extend offers of reemployment to any employee previously employed for at least 90 days in the preceding calendar year. If the employee accepts the offer, the employer must maintain the employment relationship for 90 days, subject to certain exceptions for misconduct and financial hardship. The ordinance applies to layoffs between February 25, 2020 and the expiration of the ordinance.

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.