

1 [Urging the Office of Labor Standards Enforcement to Administer the Healthy Airport
2 Ordinance in Accordance with Pending Amendments]

3 **Resolution urging the Office of Labor Standards Enforcement to exercise**
4 **administrative discretion to administer the Healthy Airport Ordinance in accordance**
5 **with pending amendments.**

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7 WHEREAS, The Healthy Airport Ordinance, Ordinance No. 235-20, operative March
8 21, 2021, requires certain employers at San Francisco International Airport to offer Covered
9 Employees who are San Francisco Airport Service Employees a platinum-level family health
10 benefit plan at no cost to the employee, or to make contributions for the Covered Employee to
11 an account in the San Francisco City Options program; and

12 WHEREAS, An employer that complies with the Healthy Airport Ordinance by providing
13 such family health benefits may offer additional gold-level family benefit plans, also at no cost
14 to the Covered Employee; and

15 WHEREAS, Covered employers and employees have brought to the Board of
16 Supervisor's' attention an unintended consequence of the Healthy Airport Ordinance, which is
17 employers dropping additional health benefit plans to offer only one compliant plan, resulting
18 in Covered Employees losing the option to elect to pay a share of an additional, more
19 expensive plan, which they may prefer to the compliant plan; and

20 WHEREAS, These stakeholders have requested and Supervisors Mandelman and
21 Walton have introduced an amendment to the Healthy Airport Ordinance to eliminate the
22 disincentive for providing more than one health benefit plan and preserve employee choice by
23 allowing employers that offer additional, more expensive plans to require covered employees
24 who elect those plans to pay a share of the premium costs, limited to the difference in
25 premium costs between the compliant plan and the additional, more expensive plan; and

1 WHEREAS, The Healthy Airport Ordinance is ambiguous regarding who must be
2 covered by family health benefit plans offered under the Ordinance and Supervisors
3 Mandelman and Walton have introduced an amendment to the Healthy Airport Ordinance to
4 clarify who must be covered; and

5 WHEREAS, The Operative Date of the Healthy Airport Ordinance is March 21, 2021,
6 but health insurance is purchased on a month-to-month basis; now, therefore, be it

7 RESOLVED, That the Board of Supervisors urges the Office of Labor Standards
8 Enforcement (OLSE) to exercise administrative discretion to administer the Healthy Airport
9 Ordinance in accordance with the pending amendments; and be it

10 FURTHER RESOLVED, That while the amendments are pending and prior to their
11 effective date, OLSE is urged to not enforce the provision of the Healthy Airport Ordinance
12 requiring additional health benefit plans offered to Covered Employees to be provided at no
13 cost to the employee, so long as that the employer offers at least one compliant plan at no
14 cost to Covered Employees and limits Covered Employees' premium cost share on an
15 additional, more expensive health benefit plan offered to the difference in premium costs
16 between the plans, consistent with the pending amendments; and be it

17 FURTHER RESOLVED, That while the amendments are pending and prior to their
18 effective date, OLSE is urged to interpret the family health benefit plans to require coverage
19 consistent with the pending amendments; and be it

20 FURTHER RESOLVED, That while the amendments are pending and prior to their
21 effective date, OLSE is urged to not enforce the health benefit plan requirements from March
22 21, 2021, the Operative Date of the Healthy Airport Ordinance until April 1, 2021; and be it

23 FURTHER RESOLVED, That OLSE is urged to issue administrative guidance
24 consistent with this Resolution as soon as practical.

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