

File No. 210456

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: May 6, 2021

Board of Supervisors Meeting:

Date: _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- Presidential Action Memo – 30-day Hold Waiver – April 29, 2021
- _____
- _____
- _____
- _____

Prepared by: John Carroll

Date: April 29, 2021

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

1 [Emergency Ordinance - COVID-Related Hazard Pay]

2

3 **Reenactment of emergency ordinance (Ordinance No. 36-21) to temporarily require**
4 **certain retail locations that include grocery stores or pharmacies, and property service**
5 **contractors for retail locations that include grocery stores or pharmacies, to pay**
6 **employees an additional five dollars per hour during the public health emergency**
7 **related to COVID-19.**

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

12

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

14

15 Section 1. Declaration of Emergency Pursuant to Charter Section 2.107.

16 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
17 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
18 of any City or County department or office required to comply with time limitations established
19 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
20 terminates on the 61st day after passage, but may be reenacted upon the same terms and
21 conditions applicable to its initial enactment.

22 (b) Pursuant to Charter Section 2.107, the City enacted an emergency ordinance
23 (Ordinance No. 36-21) to temporarily require certain retail locations that include grocery stores
24 or pharmacies, and property service contractors for retail locations that include grocery stores
25 or pharmacies, to pay employees an additional \$5 per hour Hazard Pay during the public

1 health emergency related to COVID-19. The effective date of the emergency ordinance was
2 March 19, 2021, and the ordinance became operative on March 22, 2021. The emergency
3 ordinance will terminate automatically on May 19, 2021, unless reenacted.

4 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1 and
5 2 of Ordinance No. 36-21 remain valid and compelling, and declares further that an actual
6 emergency continues to exist that requires the reenactment of that emergency ordinance to
7 reduce the likelihood of COVID-19 infection among workers at grocery stores and drug stores,
8 their families and coworkers, and the members of the public with whom they interact.

9
10 Section 2. Reenactment of Emergency Ordinance.

11 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
12 additional 60 days the emergency ordinance requiring Hazard Pay for certain workers
13 (Ordinance No. 36-21).

14
15 Section 3. Effective Date; Expiration.

16 (a) If enacted prior to the expiration of Ordinance No. 36-21, this reenacted emergency
17 ordinance shall become effective immediately upon the date of expiration of Ordinance No.
18 36-21, and shall itself expire on June 15, 2021.

19 (b) If enacted after the expiration of Ordinance No. 36-21, this reenacted emergency
20 ordinance shall become effective immediately upon enactment, and shall itself expire on June
21 15, 2021.

22
23 Section 4. Directions to Clerk.

24 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
25 reenacted emergency ordinance in File No. 210181 for Ordinance No. 36-21 and to make a

1 notation cross-referencing this emergency ordinance where Ordinance No. 36-21 appears on
2 the Board of Supervisors website as legislation passed.

3

4 Section 5. Supermajority Vote Required.

5 In accordance with Charter Section 2.107, passage of this reenacted emergency
6 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
7 of Supervisors.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: /s/ _____
12 LISA POWELL
13 Deputy City Attorney

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LEGISLATIVE DIGEST

[Emergency Ordinance - COVID-Related Hazard Pay]

Reenactment of emergency ordinance (Ordinance No. 36-21) to temporarily require certain retail locations that include grocery stores or pharmacies, and property service contractors for retail locations that include grocery stores or pharmacies, to pay employees an additional five dollars per hour during the public health emergency related to COVID-19.

Existing Law

The Minimum Wage Ordinance, Administrative Code Chapter 12R, requires employers in the City to pay a minimum hourly wage rate, which is adjusted annually and is currently \$16.07 per hour. Additionally, an emergency ordinance (Ordinance No. 36-21) temporarily requires certain grocery stores, drug stores, and janitorial and security contractors whose employees work on-site at these grocery stores or drug stores, to provide a \$5 per hour hazard pay supplement to employees (up to a total wage of \$35 per hour).

The legislative digest for emergency Ordinance No. 36-21 is found in Board File No. 210181. Slightly edited, it summarizes the emergency ordinance as follows:

The emergency ordinance applies to grocery stores and drug stores with 500 or more employees worldwide including at least 20 employees in the City, and employees of janitorial and security contractors at such stores. Employees of a store that contains a grocery or pharmacy are covered, such as employees of a large drug store rather than just the employees of the pharmacy within it. Non-retail pharmacies, such as a pharmacy that serves a hospital, are not covered. Covered employers that voluntarily provided hazard pay may offset the employer-initiated hazard pay.

The emergency ordinance includes anti-retaliation protections that, among other provisions, prohibit interfering with rights protected under the emergency ordinance and taking any adverse action against an employee for exercising rights protected under the emergency ordinance.

The Office of Labor Standards Enforcement (OLSE) has implemented and is enforcing the emergency ordinance. OLSE published a notice suitable for employers to inform employees of their rights under the emergency ordinance, which employers were required to provide to employees, in English, Spanish, Chinese, Filipino, and any language spoken by at least 5% of the employees at job site, within three days after it is published.

Amendments to Existing Law

The proposed emergency ordinance reenacts Ordinance No. 36-21, with the result that it does not terminate on May 19, 2021. The proposed emergency ordinance sunsets on June 15, 2021.

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President, District 10
BOARD of SUPERVISORS



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TDD/TTY No. 544-6546

Shamann Walton

PRESIDENTIAL ACTION

Date: 4/29/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 210456 Walton

(Primary Sponsor)

Title. [Emergency Ordinance - COVID-Related Hazard Pay]

Transferring (Board Rule No 3.3)

File No. [Redacted]

[Redacted]
(Primary Sponsor)

Title. [Redacted]

From: [Redacted] Committee

To: [Redacted] Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: [Redacted] Replacing Supervisor: [Redacted]

For: [Redacted] Meeting
(Date) (Committee)

Start Time: [Redacted] End Time: [Redacted]

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: