

1 [Protection of employee rights.]

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3 **Ordinance amending Section 11.55 of the Administrative Code to require franchise**  
 4 **grantees to comply with provisions of federal law that prohibit discrimination against**  
 5 **an employee based on an employee's decision to participate in employee organizations**  
 6 **for the purpose of representation, and to require grantees to notify contractors and**  
 7 **subcontractors that they must comply with these same provisions, and to prohibit**  
 8 **discrimination against an employee, contractor or subcontractor for speaking before or**  
 9 **filing a complaint with any government agency or court, and to ensure that company**  
 10 **policies, handbooks, and directives are not construed to limit such activity by an**  
 11 **employee.**

12 Note: Additions are *single-underline italics Times New Roman*;  
 13 deletions are ~~*strikethrough italics Times New Roman*~~.  
 14 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

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

16 Section 1. The San Francisco Administrative Code is hereby amended by amending  
17 Section 11.55 to read as follows:

18 (a) A Grantee or UVPP shall at all times be subject to and shall comply with the  
19 provisions of this Chapter, its Franchise, and all other Applicable Law.

20 (b) A Grantee or UVPP shall comply with 29 USC Section 151 et seq. which prohibits  
21 discrimination based on an employee's decision to form, join and/or participate in the activities  
22 of employee organizations of the employee's own choosing for the purpose of representation.

23 A Grantee shall notify all contractors and subcontractors performing any work, labor or  
24 services on Grantee's behalf in the City and County of San Francisco that they must comply  
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1 with this section. Nothing in this section shall be interpreted or applied so as to create any  
2 duty or power in conflict with any federal or state law.

3 (c) A Grantee may not discriminate or take any adverse action against any of its  
4 employees or the employees of any of its contractors or subcontractors performing work,  
5 labor or services on Grantee's behalf in the City and County of San Francisco in retaliation for  
6 speaking before or filing a complaint with any government agency or court of law in the City  
7 and County of San Francisco regarding the employee's good faith belief that the Grantee or  
8 its contractor or subcontractor has violated federal, state or local law, or this franchise, or in  
9 informing, testifying or participating in any government agency or court sponsored proceeding  
10 in the City and County of San Francisco. Accordingly any internal policies, employee  
11 handbooks, directives, or codes of conduct shall not be construed to limit employees from  
12 informing, testifying before or participating in any government agency or court sponsored  
13 proceeding in the City and County of San Francisco regarding the employee's good faith  
14 belief that the Grantee or its contractor or subcontractor has violated federal, state or local  
15 law, or this franchise . Nothing in this section shall be interpreted or applied so as to create  
16 any duty or power in conflict with any federal or state law.

17 (d) If any part or provision of this section, or the application of this section, to any  
18 person or circumstance, is held invalid, the remainder of this section, including the application  
19 of such part or provisions to other persons or circumstances, shall not be affected by such a  
20 holding and shall continue in full force and effect. To this end, the provisions of this section  
21 are severable.

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APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

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By: \_\_\_\_\_  
ATTORNEY'S NAME  
Deputy City Attorney