

From: [Sharon Terman](#)
To: [Board of Supervisors, \(BOS\); "Erica.Major@sfgov.org"](#)
Cc: ["Annette Bonilla"](#)
Subject: Support for Amendments to the FFWO, file no. 211296
Date: Thursday, February 17, 2022 12:33:52 PM
Attachments: [SF FFWO Support Letter.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors,

Attached please find a letter from Environmental Science Associates (ESA) in support of the Amendments to the FFWO (Chan), File No. 211296.

Best,

Sharon Terman

Sharon Terman (she/her)
Director, Work and Family Program
Senior Staff Attorney
Legal Aid at Work
180 Montgomery Street, Suite 600
San Francisco CA 94104
415-593-0114 / @legalaidatwork
sterman@legalaidatwork.org

Our office is working remotely in accordance with public health guidelines related to COVID-19. Please send all communications via email in order to minimize delays in response. We appreciate your patience and understanding. Thank you, and be well!

Legal Aid at Work (formerly Legal Aid Society-Employment Law Center) delivers on the promise of justice for low-income people. We provide free direct services through our clinics and helplines. We offer extensive legal information for free online and in trainings, we litigate individual and class actions, and we advocate for new policies and laws. Details: www.legalaidatwork.org.

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550 Kearny Street
Suite 800
San Francisco, CA 94108
415.896.5900 **phone**
415.896.0332 **fax**

www.esassoc.com

February 16, 2022

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244,
San Francisco, CA 94102-4689
Board.of.Supervisors@sfgov.org

Re: Family Friendly Workplace Ordinance, File No. 211296

Dear San Francisco Board of Supervisors:

Environmental Science Associates (ESA) writes in support of the amendments to the Family Friendly Workplace Ordinance. ESA is a 100% employee-owned environmental consulting firm founded in 1969 and headquartered in San Francisco. With 21 offices across California, the Pacific Northwest and the Southeastern United States, we are committed to providing our 550+ employee-owners with sustainable benefits and flexibility to support them and their families.

The stereotypical one-breadwinner, one-homemaker household is not the reality for most families, and we know that many of our employees have to balance work and family caregiving responsibilities. Over the recent years more of our employees are not only balancing the needs of their dependent children, but responsible for the care of their elderly parents, as well. Research shows that workplace flexibility enhances recruitment, improves productivity, increases retention, leads to higher customer satisfaction, and improves gender diversity in leadership. Providing this type of flexibility to our diverse group of employee-owners is in alignment with our Justice, Equity, Diversity & Inclusion (JEDI) strategic plan objective.

We know from our experience that in order to maintain a productive and diverse workforce, employees must feel safe discussing caregiving obligations with us, and we acknowledge that they are an important part of our employees' lives. Granting scheduling accommodations makes sense for our employees and for our business. As environmental scientists in a competitive niche based industry, we struggle to retain our employees from being poached by our competitors. ESA is a private mid-sized firm, that cannot always compete with the higher salaries offered by the large engineering firms. Therefore, to remain competitive and off-set higher salaries, we have to offer our employees work life balance options that provide a high level of psychological safety, understanding of their personal needs in support of their families, while accepting and supporting non-traditional lifestyle choices.

At ESA we have approached requests for flexible work schedules from the perspective of our employees' needs. We have found that allowing employees to work out a schedule that best fits their needs while meeting the needs of the organization improves morale, efficiency and productivity. Even before the pandemic, we allowed our employees to work from home, attend team and client meetings virtually, and to set convenient arrival and departure times on days they work in the office to allow them to drop off and pick up their children at school, and avoid the peak transit commute times, especially for our employees who work in San Francisco, but live outside of the City. We also understand that commute costs in our urban areas, specifically in San Francisco, are



SF Board of Supervisors
February 16, 2022
Page 2

high in comparison to other areas, and allowing our employees to work from home 1-3 days per week lessens the high cost of commuting to our San Francisco office.

This Ordinance helps foster conversations between employees and employers to find solutions that meet both caregiving and business needs. We have found that we are able to grant the vast majority of requests that our employees make. We understand the pressures of caregiving that many of our employee-owners experience and are happy to provide accommodations when we are able. These amendments would require covered employers to consider employees' requests for flexible or predictable work arrangements to help with caregiving, while also giving employers the right to deny requests where they are unreasonable or would impose an undue burden. This allows employers to consider a request under the Ordinance in relation to their unique business needs.

We can shift the paradigm related to work and caregiving obligations to create more equitable workplaces and more vibrant businesses. For these reasons we urge your support for the amendments to the Family Friendly Workplace Ordinance.

A handwritten signature in blue ink that reads "Annette Bonilla". The signature is fluid and cursive, with the first name "Annette" and last name "Bonilla" clearly distinguishable.

Annette Bonilla
Vice President, Human Resources Director

From: [Sharon Terman](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: ["Erica.Major@sfgov.org"](mailto:Erica.Major@sfgov.org); [DPH-workplaces-61](#)
Subject: Support for Amendments to the FFWO, file no. 211296
Date: Thursday, February 10, 2022 1:18:54 PM
Attachments: [Bi-Rite Letter in Support of Amendments to FFWO Feburary 2022.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors,

Attached please find a letter from Bi-Rite Family of Businesses in support of the Amendments to the FFWO (Chan), File No. 211296.

Best,

Sharon Terman

Sharon Terman (she/her)
Director, Work and Family Program
Senior Staff Attorney
Legal Aid at Work
180 Montgomery Street, Suite 600
San Francisco CA 94104
415-593-0114 / @legalaidatwork
sterman@legalaidatwork.org

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From: [Thea Selby](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: Letter of Support for Updates to the Family Friendly Workplace Ordinance
Date: Wednesday, February 9, 2022 11:15:52 AM
Attachments: [Thea FFWO Support Letter.pdf](#)

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Hello, Esteemed Board and Ms. Major.

Please find my remarks regarding the FFWO updates. As a mother and a small business owner in this city, I applaud anything we can do to help parents with their dual roles of working and caring for parents/kids in this city.

Warm regards,

Thea

--

Thea Selby she | her
Principal
[Next Steps Marketing](#)
415.309.9410
thea@nextstepsmarketing.com
San Francisco, CA



From: [Katherine Wutchiett](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: Support for Amendments to FFWO, file no. 211296
Date: Wednesday, February 9, 2022 8:00:31 PM
Attachments: [FFWO amendments coalition support letter .docx \(1\).pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see the attached letter urging support for the proposed amendments to the Family Friendly Workplace Ordinance, file no. 211296.

Thank you,

Katherine Wutchiett
Staff Attorney, Work and Family Program
(she/her/hers)

Legal Aid at Work

180 Montgomery Street, Suite 600

San Francisco CA 94104

415-864-8848

kwutchiett@legalaidatwork.org

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#)
Subject: FW: Support for Amendments to FFWO, file no. 211296
Date: Thursday, February 10, 2022 11:44:00 AM

From: Major, Erica (BOS) <erica.major@sfgov.org>
Sent: Thursday, February 10, 2022 9:27 AM
To: Katherine Wutchiett <kwutchiett@legalaidatwork.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: RE: Support for Amendments to FFWO, file no. 211296

Thank you, confirming receipt and inclusion to Board File No. 211296.

ERICA MAJOR

Assistant Clerk

Board of Supervisors

1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102

Phone: (415) 554-4441 | Fax: (415) 554-5163

Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

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**From:** Katherine Wutchiett <[kwutchiett@legalaidatwork.org](mailto:kwutchiett@legalaidatwork.org)>  
**Sent:** Wednesday, February 9, 2022 6:27 PM  
**To:** Board of Supervisors, (BOS) <[board.of.supervisors@sfgov.org](mailto:board.of.supervisors@sfgov.org)>

**Cc:** Major, Erica (BOS) <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>

**Subject:** Support for Amendments to FFWO, file no. 211296

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Please see the attached letter urging support for the proposed amendments to the Family Friendly Workplace Ordinance, file no. 211296.

Thank you,

Katherine Wutchiett  
Staff Attorney, Work and Family Program  
(she/her/hers)

**Legal Aid at Work**

180 Montgomery Street, Suite 600  
San Francisco CA 94104  
415-864-8848  
[kwutchiett@legalaidatwork.org](mailto:kwutchiett@legalaidatwork.org)



**From:** [Sharon Terman](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** ["Erica.Major@sfgov.org"](mailto:Erica.Major@sfgov.org); [DPH-workplaces-61](#)  
**Subject:** Support for Amendments to the FFWO, file no. 211296  
**Date:** Thursday, February 10, 2022 1:18:54 PM  
**Attachments:** [Bi-Rite Letter in Support of Amendments to FFWO Feburary 2022.pdf](#)

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Dear San Francisco Board of Supervisors,

Attached please find a letter from Bi-Rite Family of Businesses in support of the Amendments to the FFWO (Chan), File No. 211296.

Best,

Sharon Terman

Sharon Terman (she/her)  
Director, Work and Family Program  
Senior Staff Attorney  
**Legal Aid at Work**  
180 Montgomery Street, Suite 600  
San Francisco CA 94104  
415-593-0114 / @legalaidatwork  
[sterman@legalaidatwork.org](mailto:sterman@legalaidatwork.org)

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**From:** [Julia Parish](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Subject:** Family Friendly Workplace Ordinance amendments - support  
**Date:** Thursday, February 10, 2022 1:16:15 PM  
**Attachments:** [FFWO amendments support letter \(00637551x9DED6\).pdf](#)

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Hello,

Please find the attached letter in support of the Family Friendly Workplace Ordinance amendments from Legal Aid at Work. Please let me know if you have any questions.

Best,  
Julia

Julia Parish (she/her/hers)  
Senior Staff Attorney  
**Legal Aid at Work**  
180 Montgomery Street, Suite 600  
San Francisco CA 94104  
(415) 864-8848 x237 / @legalaidatwork  
[jparish@legalaidatwork.org](mailto:jparish@legalaidatwork.org)

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**From:** [Chan, Connie \(BOS\)](#)  
**To:** [Major, Erica \(BOS\)](#)  
**Subject:** FW: CRA Letter: #211296  
**Date:** Friday, February 11, 2022 10:56:18 AM  
**Attachments:** [image001.png](#)  
[CRA Letter.pdf](#)

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**From:** Katie Hansen <[khansen@calrest.org](mailto:khansen@calrest.org)>  
**Sent:** Thursday, January 13, 2022 11:31 AM  
**To:** ChanStaff (BOS) <[chanstaff@sfgov.org](mailto:chanstaff@sfgov.org)>  
**Subject:** CRA Letter: #211296

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Dear Supervisor Chan,

On behalf of the California Restaurant Association I would like to respectfully submit the attached comment letter regarding your proposed amendments to the Family Friendly Workplaces Ordinance.

Please feel free to contact me with any questions regarding our position.

Thank you,  
Katie Hansen  
Katie Hansen  
Senior Legislative Director  
California Restaurant Association  
621 Capitol Mall, Suite 2000  
Sacramento, CA 95814  
T: 800.765.4842/ 916.431.2773  
F: 916.447.6182  
E: [khansen@calrest.org](mailto:khansen@calrest.org)  
[www.calrest.org](http://www.calrest.org)

**We're here for you.**

Visit our [website](#) for all you need to know about COVID-19.



**While all information released by the California Restaurant Association (CRA) is intended to provide accurate information on the subject covered, the CRA does not provide legal advice and any information provided by the CRA shall not constitute legal advice. You are encouraged to consult your attorney, accountant, or other appropriate professional, as needed.**

Confidentiality note:

This electronic message transmission contains information from the California Restaurant Association which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

If you have received this electronic transmission in error, please immediately notify us by telephone at 800.765.4842.

January 13, 2022

Supervisor Connie Chan  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place,  
City Hall, Room 244  
San Francisco, CA 94102

**Re: #211296 Amending the Family Friendly Workplace Ordinance**

Dear Supervisor Chan,

Restaurants are struggling mightily with the lingering impacts of COVID-19 and are nowhere near being fully reopened and operating at full capacity. Restaurants, like many other sectors, are struggling with workforce shortages, supply chain issues and still feeling the impacts of operating restrictions due to the ongoing pandemic.

Given these are all very real issues that restaurants are dealing with, there is no way for us to predict in advance what our customer traffic or what our ability to operate is going to look like. The Public Health Officer's order to require restaurants to obtain proof of full vaccination from patrons also impacts customer traffic in unpredictable ways.

All of these factors make it extremely difficult for a restaurant to forecast a schedule for employees.

The proposal before you, while well intentioned, would create an elaborate system for restaurant employees and employers to follow when considering a scheduling change. Even though the proposal does include the ability for the restaurateur to deny a proposed scheduling change on the grounds of undue hardship such as significant expense or operational difficulty, the proposal would still penalize a restaurant if they do not explicitly follow the exact process. Most restaurants are small businesses that do not have human resources professionals on staff. We believe that a one size fits all proposal like this does not take into account the unique operating nature of the restaurant community.

Restaurants are still feeling the negative impact of COVID on their indoor dining operations as evidenced by the Delta surge this summer and the Omicron surge underway now.

A survey by the National Restaurant Association survey, found the following:

- 6 in 10 adults changed their restaurant use due to the rise in the delta variant
- 19% of adults said they completely stopped going out to restaurants
- 37% of adults said they ordered delivery or takeout instead of dining in a restaurant.

In today's environment restaurants can't predict customers because of the changing nature of the COVID-19 virus, which makes it hard to predict staffing needs.

The proposal before you is asking for predictability in a world that is unpredictable due to COVID-19 and then penalizes restaurants for it.

While we understand and have great empathy for employee needs and time away from work, we work directly with those individuals and do everything possible to accommodate their requests- and we will continue to do so.

Unfortunately, we must oppose the proposed amendments to the Family Friendly Workplace Ordinance.

Thank you,

A handwritten signature in black ink that reads "Katie Hanse". The signature is written in a cursive, flowing style.

Katie Hanse  
Senior Legislative Director  
California Restaurant Association

Cc: Supervisors Ronen, Safai and Melgar

## Yulian Luo Public Comment:

各位市参事好！我叫Yulian Luo, 是华埠社区的一名散房组织员，同时也是一位妈妈！今天很开心有机会去向市参事分享我的一点看法！当我听到市参事陈诗敏提出 [关于家庭友善职场条例] 我内心深处深深激动。

以我对华埠社区的家庭了解，在现有的条例之下，工人是有权请求，但是雇主也可以很容易拒绝。所以很多家庭都不敢提出弹性的工作，因为英语水平低，担心失去工作，交不起房租的人皆比是！就以我自己个人经验来说：几年前，我在三藩市的一家老人护理中心工作，我的小孩还读二年级，孩子不舒服需要照顾，或者是学校组织去Field trip的时候，就是我最难过的时候，因为我请不了假，我也不敢请假，当时我是新移民，能找到一份工作已经不容易，也害怕老板报复，担心减工时，和安排一些最累最苦的工作！而直到我的孩子偶尔还提起，妈妈没有陪过一次去Field trip！当现在孩子大了，我想陪她去Field trip的机会也没有了，因为她说：现在我长大了，不用妈妈陪着去了！听着这样的话，我内心难过，同时也是我心中的一个遗憾！

其实这个条例如果可以通过是一个双赢的局面！因为雇主能够找一个好员工真的不容易，而一个员工想找一个好的雇主也不容易，因为雇主和雇员之间的关系是相辅相成的，是一种很奇妙的关系！人生谁没有一些需要特殊处理的事情，当雇员能够在特殊情况下可以选择弹性的工作时间，解决了燃眉之急，一定会更加卖力为雇主工作！【得人因果千年记】大家好才是真的好！尤其这个条例将使女性受益，因为女性担任的角色更加多，也承担了大部分照顾家庭的责任！

当真正实施和执行的关键是：怎样让雇主去配合去尊重劳动法？同时，怎么让雇员能够在工位中有宾至如归的感觉？如果员工真的有要求弹性的工作时，而雇主又拒绝最初的建议，他们必须和员工进行沟通来找出最合适的解决方案。而不是，一口就拒绝，或者是以口头侮辱员工，或者是以减扣工时来恐吓员工，采取报复性的手段对待员工！

最近, 我恳请各位市参事，慎重考虑！支持我们广大的打工仔和女性！谢谢！

---

## Shu Fen Mei Public Comment:

大家好！新年快乐！我姓梅，住在华埠的散房，是华人进步的会员。

Hello everyone! Happy New Year! My name is Mrs Mei, I live in a SRO in Chinatown, and I am a member of Chinese Progressive Association.

我之前是从事餐馆的行业，我当时的老板会体谅员工。因为我有一个6岁的孩子要照顾，有时候会需要调整时间来照顾我的孩子，他都会与我们员工沟通，尽量调整到合适大家的工作时间。I worked in the restaurant business before, and my boss at the time was considerate of the employees. Because I have a 6-year-old child to take care of, sometimes I need to adjust my

work time to care for my child. My boss would communicate with us employees and try to adjust the working hours to suit everyone.

所以老板与员工相处融洽，是有助于提高工作效率。但是，我知道我有的朋友的老板，并不太愿意去调整时间。我在一个良好的工作环境中工作，我相信所有的工人也应该有一个类似的环境。我支持这可以通过加强 《三藩市家庭友善职场条例》。

Therefore, the boss and employees get along well, which is helpful to improve work efficiency. Therefore, the boss and employees get along well, which will efficiently improve our work. However, I know that the bosses of some of my friends are reluctant to adjust the time. I worked in a positive work environment and I believe all workers should have a similar environment, which will be possible by supporting the San Francisco Family Friendly Workplace Ordinance.

希望有了这条条例，老板与员工之间，可以友善地商量、调整工作时间。老板与员工之间互相理解、互相配合、互相尊重，从而得到高效率工作的持续。

It is hoped that with this regulation, bosses and employees can negotiate and adjust working hours in a friendly manner. The boss and the employees understand each other, cooperate with each other and respect each other, and work efficiently.

所以我觉得这条条例，在职场上是友善的。

So this a friendly ordinance at the workplace.

谢谢大家！

Thank you everyone!





February 8, 2022

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244,  
San Francisco, CA 94102-4689  
[Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Re: Family Friendly Workplace Ordinance, File No. 211296

Dear San Francisco Board of Supervisors:

The Bi-Rite Family of Businesses supports the amendments to the Family Friendly Workplace Ordinance. We are familiar with the Ordinance and have found that we are able to determine a reasonable solution for the majority of requests we receive. We understand the pressures of caregiving that many of our employees experience, and we are happy to provide accommodations when we are able.

We know that granting schedule accommodations, when feasible for our operations, makes sense for our workers and for our businesses. Unless our staff feel supported and are engaged, we would not successfully achieve our mission of Creating Community through Food, and we wouldn't be able to provide the genuine service that our guests have come to appreciate. This is key to our success and to differentiating us in the marketplace as a socially responsible employer and business that Leads with Love, Pursues with Passion and Acts with Integrity.

When employees can't meet caregiving obligations during a critical time in their family's lives they are not at their best. That's bad for productivity, morale, and guest satisfaction — achievements all businesses value but small ones often live and die by.

We have found that granting requests for accommodations under the Family Friendly Workplace Ordinance is often feasible; however, it is important to highlight that the service industry does not have the ability to work from home and that the busiest periods of business (e.g. dinner time and weekends) are often outside of traditional business, childcare center or school hours (i.e. 9 am – 5 pm, Mon-Fri). Businesses need the interactive process in order to be able to suggest alternative options or to deny requests that would impose an undue burden or that are unreasonable. This gives employers the flexibility to continue to make sound business decisions while still considering the requests of their employees.

Finally, it is also very important to highlight that the majority of small businesses do not have dedicated human resource professionals or staff with the skills or time to manage these types of requests and this is just one of many ordinances and laws that require thoughtful attention and compliance. We believe that in order for this Ordinance to be most impactful, San Francisco must dedicate additional resources to the Office of Labor Standards Enforcement to educate and assist employers and employees with this process. Furthermore, it is incredibly



EAT GOOD FOOD

important that the Board of Supervisors continue to solicit feedback from businesses prior to creating or updating ordinances in order to fully understand the practical implications of social policies on businesses. By working together, we will create the positive social change we all desire in a manner that is sustainable and effective for all involved parties.

We support the amendments to strengthen the Family Friendly Workplace Ordinance. Thank you for your consideration and for all of your work to support San Francisco.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bog'.

**Brianne O'Leary Gagnon**

*Director of People + Culture*

She/her

**Bi-Rite Family of Businesses**

3505 20<sup>th</sup> Street, San Francisco, CA 94110

[brianne.gagnon@biritemarket.com](mailto:brianne.gagnon@biritemarket.com)

Phone: 415-241-9760 x8219

Fax: 415-366-2772

**Joan Messing Graff**  
*President***LEGAL STAFF****Swaailha Abdul-Rahman**  
*Legal Fellow***Alexis Alvarez**  
*Senior Staff Attorney***Alex Campbell**  
*Staff Attorney***Nora Cassidy**  
*Attorney***DeCarol Davis**  
*Director, Community Legal Services***Marisa C. Díaz**  
*Senior Staff Attorney***Diana Fabian-Gutierrez**  
*Legal Fellow***Michael T. Galtley**  
*Senior Staff Attorney***Christopher Ho**  
*Director, National Origin & Immigrants' Rights***Jinny Kim**  
*Director, Disability Rights***Elizabeth Kristen**  
*Director, Gender Equity & LGBTQ+ Rights***Molly Lao**  
*Skadden Fellow***Jared Odessky**  
*Skadden Fellow***Kim Oullette**  
*Attorney***Julia Parish**  
*Senior Staff Attorney***Sela Stelger**  
*Staff Attorney***Maria Tapia-Hernandez**  
*Staff Attorney***Sharon Terman**  
*Director, Work and Family***Stacy Villalobos**  
*Interim Director, Racial Economic Justice***George Warner**  
*Director, Wage Protection***Katherine Wutchlett**  
*Staff Attorney***PROGRAM SERVICES****Jessica Barragan Carmona**  
*Central Valley Organizer***Linda Centeno**  
*Work & Family Program Advocate***Katie Dixon**  
*Fair Chance Community Rights Organizer***Aldo Esparza**  
*Paralegal***Tishon Smith**  
*Senior Paralegal***Valerie Sprague**  
*Senior Paralegal***King Szeto**  
*Senior Language Access Coordinator***Brisa Velazquez Oatis**  
*Community Legal Services Outreach  
Coordinator***ADMINISTRATION & DEVELOPMENT****Howard Chen**  
*Vice President of Human Resources***Kevin Clune**  
*Vice President of Strategic Partnerships***BreAnna Crawford**  
*Operations Associate***Kevin Dolan**  
*Development Associate***Ana Flores**  
*Senior Intake Assistant and Receptionist***Steve Helmerle**  
*Assistant Director of Development***Ian Huang**  
*Human Resources & Accounting Manager***Galina Khunis**  
*Senior Accounting Manager***Greg Medley**  
*Senior Development Database Specialist***Scott Nelson**  
*Operations and Technology Manager***Madeleine Rowell**  
*Grants & Impact Assessment Specialist***Lawrence Yuan**  
*Vice President of Finance and Operations*

February 10, 2022

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244,  
San Francisco, CA 94102-4689  
[Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Re: Family Friendly Workplace Ordinance, File No. 211296

Dear San Francisco Board of Supervisors:

San Francisco passed the Family Friendly Workplace Ordinance in 2013, becoming one of the first jurisdictions to recognize the necessity of workplace accommodations to address increasing demands on parents and family caregivers. The movement to build better family supportive workplaces has continued in San Francisco and beyond, and the current COVID-19 pandemic has only brought into focus and exacerbated the struggles of maintaining a job and a healthy family. We write to express our strong support for the groundbreaking amendments to the Family Friendly Workplace Ordinance.

Legal Aid at Work is a nonprofit organization in San Francisco that has been advocating on behalf of people with low incomes for over 100 years. Because we provide free legal services, we hear directly from families facing barriers at work and struggling because of their caregiving obligations. We have heard from numerous parents and caregivers who have needed small adjustments to their work to care for their children and address family members' health needs and have been denied, sometimes resulting in their being forced from the workforce entirely.

Legal Aid at Work helped lead the coalition that passed the Family Friendly Workplace Ordinance and other family supportive policies in San Francisco, including Paid Parental Leave and Lactation in the Workplace. And San Francisco's family supportive policies, like the Lactation in the Workplace Ordinance, have inspired similar progress in other localities and at the state level. Legal Aid at Work promotes local, state, and national policies that are necessary for families to prosper.

## The Need for Accommodations for Parents and Caregivers Has Grown.

Family structures have changed. Today, almost a quarter of children live with a single parent and no other adults.<sup>1</sup> And in nearly 60% of married families raising children, both parents are employed.<sup>2</sup> Workers are also caring for other family members, including elderly parents; 29% of the adult population is caring for someone who is ill, disabled or elderly.<sup>3</sup> A record breaking number of families – nearly one in five Americans – live in multigenerational households, and many workers face responsibilities for childcare and eldercare at the same time. That percentage is even higher for people of color.<sup>4</sup> In addition, nearly 3 million children are being raised by grandparents in the U.S. and grandparents raising children are more likely to be single caregivers.<sup>5</sup> Workplace policies have not kept pace, with devastating impacts.

For example, Marisol called Legal Aid for help. She is a single mother and has worked at a fast food restaurant in San Francisco for nearly 4 years. When she found a spot in a subsidized day care for her new baby she was thrilled – they are not easy to come by. She asked to move her shift one hour earlier so that she could accommodate the child care center’s schedule. Her manager refused. She wrote a letter to her employer – pleading for a change to her schedule. They did not respond to her request. Marisol depends on her job and was terrified to lose it. So, she was forced to forgo the spot at the child care center and hire a nanny, whom she pays almost half of her income. “They don’t listen,” she says when talking about her request to her manager, “They don’t understand.” Because of the caprice of one manager, her entire family was pushed deeper into poverty.

The Covid-19 pandemic has intensified the need for accommodations for parents and caregivers. School closures, isolation and quarantine periods, and risks to medically vulnerable and elderly people in care facilities have all forced families to make impossible choices. As employees’ family obligations have become more visible to their employers, and jobs have become more scarce, family caregivers have faced increased levels of discrimination and job loss. And the increased need for care will not cease. Tragically, California has one of the highest rates for children who have lost their primary caregivers as a result of the pandemic<sup>6</sup>, and we have an obligation to provide ways for people to continue to care for their families through the pandemic and into the future.

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<sup>1</sup> Kramer, S. (2019) U.S. Has the World’s Highest Rate of Children Living in Single-Parent Households, available at <https://www.pewresearch.org/fact-tank/2019/12/12/u-s-children-more-likely-than-children-in-other-countries-to-live-with-just-one-parent/>

<sup>2</sup> Bureau of Labor Statistics. (2021) Employment Characteristics of Families Summary, available at <https://www.bls.gov/news.release/famee.nr0.htm>

<sup>3</sup> National Alliance for Caregiving. (2009) Caregiving in the U.S. 2009, Washington, DC: AARP Research, available at <https://doi.org/10.26419/res.00062.001>

<sup>4</sup> Cohn, D. & Passel, J. (2018) A Record 64 Million Americans Live in Multigenerational Households, available at <https://www.pewresearch.org/fact-tank/2018/04/05/a-record-64-million-americans-live-in-multigenerational-households/>.

<sup>5</sup> Thompson, D. Grandparents Are Raising Millions of Kids and It’s Tough. (2020). U.S. News & World Report, available at <https://www.usnews.com/news/health-news/articles/2020-08-04/us-grandparents-are-raising-millions-of-kids-and-its-tough>.

<sup>6</sup> S Hillis, et al. (2021) Covid-19-Associated Orphanhood and Caregiver Death in the United States, available at <https://doi.org/10.1542/peds.2021-053760>

## Lack of Access to Accommodations Disproportionally Impacts Women and People of Color.

Women are disproportionately burdened by a lack of accommodations in the workplace. Although women's workforce participation has steadily increased, they continue to be predominately responsible for familial caregiving. And because of the unprecedented increase in demand for family caregiving during the pandemic, as schools and daycares became unavailable or only intermittently available, women were forced from the workforce in large numbers, threatening to undermine decades of advancement.<sup>7</sup> Women have lost a net of 5.4 million jobs during the pandemic compared with 4.4 million lost by men. Caregiving responsibilities is one of the main forces pushing them out of the labor market.<sup>8</sup> Black and brown women, in particular, have been disproportionately impacted.<sup>9</sup> Women are twice as likely as men to say they left work for caregiving responsibilities due to childcare provider or school closures.<sup>10</sup> Women and people of color are also more likely to be "essential" workers, working outside of the home and on the frontlines, compounding the need for workplace accommodations.<sup>11</sup> Women of color are also more likely to work in lower paying jobs with fewer benefits and have less access to child care, while at the same time more Black and Latina mothers are the primary breadwinners for their families compared to white mothers, compounding the impact lack of supportive policies have on their family economic stability.<sup>12</sup> Unless we address the systemic lack of access to fair, family supportive policies we will continue the exclusion and destabilization of women and families of color.

For example, low income women of color workers do not have the access to flexible work schedules that higher income women do. Seventy three percent of women with incomes over \$100,000 report flexibility with their work schedules compared to only 41% of women with incomes below \$50,000. Women of color have the lowest access to flexible schedules.<sup>13</sup> Women also face more retaliation for their duties as caregivers, being four times more likely as men to experience retaliation in regards to their responsibilities as caregivers.<sup>14</sup>

Marisol feels that impact every day. "It has been difficult for me, not to have support for my family. I have had to ask for help to pay the rent. I really need my job and I depend on it – my whole family does."

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<sup>7</sup> Jeffrey E. Stokes & Sarah E. Patterson. (2020) *Intergenerational Relationships, Family Caregiving Policy, and COVID-19 in the United States*. Journal of Aging & Social Policy, available at <https://doi.org/10.1080/08959420.2020.1770031>

<sup>8</sup>Diana Boesch and Shilpa Phadke. (2021) When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery, Center for American Progress, available at <https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery/>

<sup>9</sup> Ibid.

<sup>10</sup> Bipartisan Policy Center. (2020) New Survey: Facing Caregiving Challenges, Women Leaving the Workforce at Unprecedented Rates, available at <https://bipartisanpolicy.org/blog/facing-caregiving-challenges/>

<sup>11</sup> Robertson C, Gebeloff R. (2020) "How millions of women became the most essential workers in America", The New York Times, available at <https://www.nytimes.com/2020/04/18/us/coronavirus-women-essential-workers.html>

<sup>12</sup> Boesch (2021)

<sup>13</sup> A Better Balance (2021) Our Crisis of Care: Supporting Women and Caregivers During the Pandemic and Beyond, available at: [https://www.abetterbalance.org/wp-content/uploads/2021/03/Crisis\\_of\\_Care\\_Report\\_031521.pdf](https://www.abetterbalance.org/wp-content/uploads/2021/03/Crisis_of_Care_Report_031521.pdf)

<sup>14</sup> Ibid.

Policies like the amended Family Friendly Workplace Ordinance can prevent children like Marisol's from experiencing more poverty and stress. But, without them, inequities will persist.

In addition, COVID-19 intensified the preexisting racial disparity of financial burden that people of color face as a result of caregiving. Black caregivers were significantly more likely than white caregivers to experience financial stress. Hispanic caregivers reported heightened emotional stress while caregiving during the pandemic.<sup>15</sup>

Workplace policies that fail to account for the caregiving needs of women and people of color perpetuate inequities and needlessly push working families in to poverty.

### **Workplace Accommodations are Feasible**

Employers are not required to provide any accommodations that are not reasonable or that would impose an undue burden. This is a standard that employers are familiar with from other contexts, including disability and lactation accommodations. This standard, by definition, limits accommodations to only those that work for both the employer and the employee, considering the employer's size, financial resources, and business structure. Examples of accommodations under the Family Friendly Workplace Ordinance could include: changes to the start or end time of a shift, telecommuting, part time work or reduced schedule, alternative work week, job share, or the ability to carry a cell-phone for school related calls. Even modest adjustments can make all the difference for working families.

For example, we heard from Annie, who worked in an office in San Francisco and requested to be able to leave at 4pm, rather than 5pm, in order to be able to pick up her infant son from child care before they closed. She would make up the hour of work remotely (which was possible at her office.) Her request was flatly denied, and she ended up leaving her job in order to find something compatible with child care.

Another caller, Liana, a professional caregiver, requested a slightly delayed start time, so that she would not have to leave her son alone in the dark, waiting for school to open in the early morning. One manager provided the accommodations, and Liana was able to keep working successfully. But months later, a new manager arbitrarily denied her the accommodation, upending her schedule and her entire family's economic stability.

The amendments to the Family Friendly Workplace Ordinance would ensure that employers seriously consider making these important accommodations, but also allows them to deny requests that are unreasonable or would be too burdensome.

### **San Francisco Needs The Proposed Amendments to the Family Friendly Workplace Ordinance.**

The pandemic has demonstrated both the incredible demands and inequitable burdens of caregiving for working families, and also the creative and successful ways that workplaces are able to adapt. Work, just like family, has forever changed. Workplace accommodations for

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<sup>15</sup> Longacre ML, Miller MF, Fang CY. (2019) Racial and ethnic variations in caregiving-related physical, emotional, and financial strain during COVID-19 among those caring for adult cancer patients, available at <https://pubmed.ncbi.nlm.nih.gov/33404809/>

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caregiving must be considered and granted, when possible without undue burden, in order to prevent compounding the economic and health inequities borne by caregivers. It is employers that take into account their employee's family needs and humanity that will be able to hire and retain the talented and diverse workforces they need in order to thrive.

We thank you for considering strengthening protections for working families. We urge your support of the amendments to the Family Friendly Workplace Ordinance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julia Parish", with a long horizontal flourish extending to the right.

Julia Parish

**From:** [Katherine Wutchiett](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Major, Erica \(BOS\)](#)  
**Subject:** Support for Amendments to FFWO, file no. 211296  
**Date:** Wednesday, February 9, 2022 8:00:31 PM  
**Attachments:** [FFWO amendments coalition support letter .docx \(1\).pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see the attached letter urging support for the proposed amendments to the Family Friendly Workplace Ordinance, file no. 211296.

Thank you,

Katherine Wutchiett  
Staff Attorney, Work and Family Program  
(she/her/hers)  
**Legal Aid at Work**  
180 Montgomery Street, Suite 600  
San Francisco CA 94104  
415-864-8848  
[kwutchiett@legalaidatwork.org](mailto:kwutchiett@legalaidatwork.org)



February 09, 2022

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244,  
San Francisco, CA 94102-4689  
[Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Re: Family Friendly Workplace Ordinance, File No. 211296

Dear San Francisco Board of Supervisors:

Together we write to express our strong support for Supervisor Chan's amendments to improve the Family Friendly Workplace Ordinance. The COVID-19 pandemic has underscored the importance of the Ordinance and we must act now to protect the wellbeing of working families.

Current protections are insufficient and do not recognize the diverse structure of families nor the intense demands of caregiving. Today, almost a quarter of children live with a single parent and no other adults.<sup>1</sup> Workers are also caring for other family members, including elderly parents; 29% of the adult population is caring for someone who is ill, disabled or elderly.<sup>2</sup> Without access to workplace accommodations, when caregiving needs arise, families are forced to choose between their jobs or their health and wellbeing. It is time that we stop forcing families to make this untenable choice.

Moreover, access to family supportive policies is not equal. For example, working women of color with low incomes do not have the access to flexible work schedules that higher income women do. Seventy three percent of women with incomes over \$100,000 report flexibility with their work schedules compared to only 41% of women with incomes below \$50,000. Women of color have the lowest access to flexible schedules.<sup>3</sup> Women of color are also more likely to work in lower paying jobs with fewer benefits and to have less access to child care.<sup>4</sup> Workplace accommodations for caregiving must be considered and granted, when possible without undue burden, in order to prevent compounding the economic and health inequities borne by caregivers.

San Francisco needs the proposed amendments to the Family Friendly Workplace Ordinance, and they are feasible. Employers would not be required to grant any request that is unreasonable or that imposes an undue burden. At the same time, the amendments create a meaningful opportunity for employees and employers to come up with workable solutions that meet both of their needs. The

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<sup>1</sup> Kramer, S. (2019) U.S. Has the World's Highest Rate of Children Living in Single-Parent Households, available at <https://www.pewresearch.org/fact-tank/2019/12/12/u-s-children-more-likely-than-children-in-other-countries-to-live-with-just-one-parent/>

<sup>2</sup> National Alliance for Caregiving. (2009) Caregiving in the U.S. 2009, Washington, DC: AARP Research, available at <https://doi.org/10.26419/res.00062.001>

<sup>3</sup> A Better Balance (2021) Our Crisis of Care: Supporting Women and Caregivers During the Pandemic and Beyond, available at: [https://www.abetterbalance.org/wp-content/uploads/2021/03/Crisis\\_of\\_Care\\_Report\\_031521.pdf](https://www.abetterbalance.org/wp-content/uploads/2021/03/Crisis_of_Care_Report_031521.pdf)

<sup>4</sup> Diana Boesch and Shilpa Phadke. (2021) When Women Lose All the Jobs: Essential Actions for a Gender-Equitable Recovery, Center for American Progress, available at <https://www.americanprogress.org/issues/women/reports/2021/02/01/495209/women-lose-jobs-essential-actions-gender-equitable-recovery/>

amendments strike an important balance to ensure that employers seriously consider making these important accommodations, but also allow them to deny requests that are unreasonable or would be too burdensome. It is employers that take into account their employees' family needs and humanity that will be able to hire and retain the talented and diverse workforces they need to thrive. We urge your support for the amendments to the Family Friendly Workplace Ordinance.

Sincerely,

American Association of University Women  
Asian Americans Advancing Justice - Asian  
Law Caucus  
BreastfeedLA  
California Faculty Association San Francisco  
Chapter (CFA-SFSU)  
California Women's Law Center  
California Work & Family Coalition  
Center for WorkLife Law  
Child Care Law Center  
Chinese for Affirmative Action  
Chinese Progressive Association  
Citizens for Choice  
Equal Rights Advocates  
Family Caregiver Alliance  
Housing Rights Committee of San Francisco  
(HRCSF)

Human Impact Partners  
IFPTE Local 21  
Jobs with Justice San Francisco  
La Raza Centro Legal (LRCL)  
Legal Aid at Work  
National Council of Jewish Women, Los  
Angeles  
National Partnership for Women & Families  
National Women's Law Center  
Public Counsel  
Restaurant Opportunities Centers California  
South of Market Action Network (SOMCAN)  
Trabajadores Unidos Workers United (TUWU)  
UsAgainstAlzheimers  
Women's Foundation California  
Worksafe

**From:** [Thea Selby](#)  
**To:** [Board of Supervisors, \(BOS\)](#)  
**Cc:** [Major, Erica \(BOS\)](#)  
**Subject:** Letter of Support for Updates to the Family Friendly Workplace Ordinance  
**Date:** Wednesday, February 9, 2022 11:15:59 AM  
**Attachments:** [Thea FFWO Support Letter.pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, Esteemed Board and Ms. Major.

Please find my remarks regarding the FFWO updates. As a mother and a small business owner in this city, I applaud anything we can do to help parents with their dual roles of working and caring for parents/kids in this city.

Warm regards,

Thea

--

**Thea Selby** she | her  
Principal  
[Next Steps Marketing](#)  
415.309.9410  
[thea@nextstepsmarketing.com](mailto:thea@nextstepsmarketing.com)  
San Francisco, CA



February 9, 2022

San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244,  
San Francisco, CA 94102-4689  
[Board.of.Supervisors@sfgov.org](mailto:Board.of.Supervisors@sfgov.org)

Re: Family Friendly Workplace Ordinance, File No. 211296

Dear San Francisco Board of Supervisors:

I have been a small business owner for over twenty years and am a mom of two kids. At my work, we are privileged to be able to have flex time for our employees and ourselves. This helps my business to attract and retain talented workers and to thrive and Covid has made this ever-more necessary.

Many San Franciscans are parents, caring for elderly or ill family members, or often, as is the case for my family, both. I know firsthand that these family responsibilities in no way diminish what individuals have to offer to my business or to any other. I take pride in offering my employees the support that they need to be whole people with families, as well as successful employees. But not all businesses are granting the same support. These amendments help single moms, who make up 20-25% of the workforce, who often have the least power at work but the most responsibility at home, and help all of us. These amendments are for the women who choose between the guilt of harming work, which pays for their child's food, and harming their child by not being able to take care of their immediate health or safety needs. This city has the lowest rates of children of any U.S. city—13-14%--which makes those of us who have children already feel as if we are outliers. If we can ask for flexible or predictable schedules in our workplace without fear of repercussions, it lessens whatever stigma we may feel for caring for children.

These amendments would ensure that family caregivers can request accommodations and know that, unless it would be an undue hardship for their employer, they can actually receive them. San Francisco has used the same standard in granting lactation accommodations, another important support for families.

These amendments balance San Francisco families' needs for flexibility and predictability to care for their families with business needs. Women disproportionately bear family caregiving responsibilities, and low-wage women and women of color are less likely to have access to flexible or predictable schedules. These amendments would provide that necessary access, while

giving employers the option to deny adjustments that cause an undue burden to the employer. Research establishes, and my own experiences have shown, that workplace flexibility enhances recruitment, improves productivity, increases retention, leads to higher customer satisfaction, and improves gender diversity in leadership.

I urge your support of the amendments to the Family Friendly Workplace Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thea Selby', with a large, stylized flourish at the end.

Thea Selby  
Small Business Owner, Parent  
Next Steps Marketing, Inc.