

LEGISLATIVE DIGEST

[Administrative Code - Application of Health Care Security Ordinance to Employees Teleworking While Health Orders Place Restrictions on Onsite Work]

Ordinance amending the Administrative Code to provide that employees are covered by the Health Care Security Ordinance when they are teleworking during the time period that City health orders place restrictions on onsite work and/or encourage employees to telework during the COVID-19 pandemic.

Existing Law

The San Francisco Health Care Security Ordinance (HCSO), Administrative Code Chapter 14, requires certain employers that do business in the City to provide for health care expenses of their covered employees working San Francisco, either through health insurance or other health care expenditures, including contributions on behalf of covered employees to SF City Option program.

The HCSO does not clearly address how to determine the location of telework, where an employee works from a location other than the employer's office or worksite. To date, the City has treated the location of telework to be the physical location where the employee works, typically the employee's residence.

Amendments to Current Law

The proposed ordinance amends the HCSO, Administrative Code Section 14.1, to provide that during the period that City health orders place restrictions on onsite work within the geographic boundaries of the City and/or encourage telework, time that an employee teleworks for a covered employer shall be considered to be work within the geographic boundaries of the City for all purposes under HCSO, if the person was, is, or after the COVID-19 pandemic will be permitted or required to work from the covered employer's office or worksite within the geographic boundaries of the City

Background Information

Local health orders to mitigate the spread of COVID-19, including the stay-safer-at-home order, Health Order No. C19-07v, encourage telework from home to the extent possible and place restrictions on onsite work in the City. But the current interpretation of the HCSO allows covered employers to discontinue health care expenditures for covered employees who are teleworking from their homes outside the City, resulting in employees losing access to healthcare during the COVID-19 pandemic.

This ordinance addresses the location of the legal office or worksite for telework during the time period that health orders restrict onsite work in the City and/or encourage telework.

FILE NO. 210493

Telework is performed from a location other than the employer's office or worksite, typically but not exclusively through electronic means.

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