



**FORTIETH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, To protect the health and safety of City employees and the public, and to comply with legal mandates, the City required all employees to report their vaccination status by July 29, 2021. For employees who reported their status as unvaccinated, City policy required them to update that status as they received vaccination for COVID-19. Employees who failed to comply with this reporting requirement are subject to progressive discipline, up to and including termination of employment; and

WHEREAS, To protect the health and safety of City employees and the public, City policy requires all City employees to be fully vaccinated against COVID-19 no later than November 1, 2021, subject to limited exemptions for medical disability and sincerely



held religious beliefs, and depending on their work duties some City employees must be fully vaccinated prior to November 1 under State and City health orders. To be approved for an exemption, an employee must establish a medical or sincerely held religious belief precluding vaccination, and the employee's department must be able to reasonably accommodate the employee in their position. City policy also provides that employees who are not vaccinated consistent with these requirements and who do not have an approved exemption will be subject to non-disciplinary separation from City employment for failure to meet a condition of City employment; and

WHEREAS, Presently, a significant but decreasing number of City employees across certain departments have not been vaccinated, and except for employees with an approved exemption to the vaccination requirement that the department is able to reasonably accommodate, such employees will be separated from City employment if they refuse to comply with the City's vaccination policy, creating staffing shortages; and

WHEREAS, Some departments have experienced unusually high resignation and retirement rates over 2020 and 2021, likely due to the pandemic or for 2021 employee departures, the vaccination-related employment requirements. These resignations and retirements have increased staffing vacancies already created by release of employees who fail to comply with the vaccination policies; and

WHEREAS, The pandemic and diversion of resources and personnel to the pandemic response limited the City's ability to safely conduct examinations and at the Fire Department to run training Academies, limiting departments ability to replace departing employees with properly trained new hires; and

WHEREAS, The Fire Department and the Municipal Transportation Agency are experiencing staffing shortages due to resignations, retirements related to the COVID-19 pandemic and the City's COVID-19 vaccination policy. The City anticipates further staffing issues due to suspensions and terminations related to the COVID-19 vaccination policy. To ensure the continuity of City services, it is in the public interest to provide certain compensation incentives to existing employees of these departments to encourage them to work in lieu of taking paid time off and to work overtime shifts until the City is able to fill vacant positions; and



WHEREAS, On October 28, 2021, the Mayor issued the Thirty-Ninth Supplement to the Proclamation of Local Emergency, which contained orders authorizing waivers of provisions of memoranda of understanding with unions representing employees of certain departments as well as provisions of local law with the goal of providing incentives to employees to work, as discussed above. Because such waivers are not presently necessary for some departments identified in the Thirty-Ninth Supplemental Proclamation, the Mayor terminated the Thirty-Ninth Supplemental Proclamation and now issues this revised order;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) The Human Resources Director is delegated authority to waive or modify provisions of the Memoranda of Understanding with labor organizations representing sworn employees of the Fire Department related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate to ensure appropriate staffing at the department to carry out essential government services and respond to the pandemic. This Order shall remain in effect until December 31, 2021, unless terminated earlier by the Mayor or the Board of Supervisors.

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(2) The Director of Transportation is delegated authority to waive or modify provisions of the Memorandum of Understanding with the union representing Transit Operators related to compensation, including overtime and premium pay, and to waive Charter or Administrative Code provisions limiting the cash out of accrued vacation balances, upon a written determination that such waivers are necessary or appropriate to ensure appropriate Transit Operator staffing to carry out essential government services and respond to the pandemic. This Order shall remain in effect until December 31, 2021, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: November 4, 2021

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco