

File No. 240773

Committee Item No. \_\_\_\_\_

Board Item No. 62

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_  
Board of Supervisors Meeting

Date: \_\_\_\_\_

Date: July 23, 2024

#### Cmte Board

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

<input type="checkbox"/>	<input type="checkbox"/>	_____
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Prepared by: Lisa Lew

Date: July 19, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Supporting Workers Exploited at Subway Franchises in San Francisco]

2  
3 **Resolution supporting workers at Subway franchises in San Francisco who have been**  
4 **denied minimum wages, overtime wages, and breaks, and urging these Subway**  
5 **franchises to pay all current and former workers the wages stolen from them and to**  
6 **immediately comply with state minimum wage laws mandating payment of at least \$20**  
7 **per hour to all workers for all hours worked.**

8  
9 WHEREAS, Subway is a multinational fast food restaurant corporation specializing in  
10 sandwiches and wraps, that is valued at nearly \$10 billion; and

11 WHEREAS, Marta Gebreslasie and Christopher Van Buren own two companies,  
12 Marvan Enterprises, Inc. and Van Buren Enterprises, Inc., which do business as Subway  
13 franchises; and

14 WHEREAS, Marvan Enterprises, Inc. and Van Buren Enterprises, Inc. together operate  
15 seven Subway restaurants in San Francisco, located at 1400 Mission Street, Suite 131; 1500  
16 Fillmore Street; 1501B Sloat Boulevard; 376 Larkin Street; 388 Market Street; 5650 Geary  
17 Boulevard; and 595 Buckingham Way, Suite 587; and

18 WHEREAS, Multiple workers at these stores have made allegations that they  
19 experienced egregious wage theft, including, but not limited to: being paid at a sub-minimum  
20 wage rate of \$13 or \$14 per hour; not receiving their wages at all; and being denied overtime  
21 wages; and

22 WHEREAS, Multiple workers at these stores also allege that they have not been  
23 permitted to take meal and rest breaks as required under California law; and

1           WHEREAS, The majority of workers at these seven San Francisco Subway franchises  
2 are recently-arrived immigrants, a community that is vulnerable and often exploited in the  
3 workplace; and

4           WHEREAS, The California Department of Industrial Relations Bureau of Field  
5 Enforcement has found that both Marvan Enterprises, Inc. and Van Buren Enterprises, Inc.  
6 violated state and local minimum wage laws, violated overtime laws, failed to provide or pay  
7 sick leave, and failed to provide employees with wage statements on each pay date; and

8           WHEREAS, The California Department of Industrial Relations Bureau of Field  
9 Enforcement has issued Notices to Discontinue Labor Law Violations to both Marvan  
10 Enterprises, Inc. and Van Buren Enterprises, Inc.; and

11           WHEREAS, The State of California and the City and County of San Francisco have  
12 enacted some of the strongest labor laws in the United States, and both the State and the City  
13 encourage workers to speak up to ensure that their rights under those laws are enforced; and

14           WHEREAS, Despite these protections, the employment rights of fast food workers  
15 continue to be violated at unacceptably high rates; and

16           WHEREAS, The failure by some employers to comply with state and local labor laws  
17 allows them to gain an unfair and illegal competitive advantage with respect to other similar  
18 businesses, and therefore harms other law-abiding businesses; and

19           WHEREAS, This is not the first instance of serious labor violations at local Subway  
20 restaurant locations; and

21           WHEREAS, In 2021, an investigation by the U.S. Department of Labor found that a  
22 separate set of Subway franchises in the San Francisco Bay Area illegally hired underage  
23 workers, withheld tips, and failed to pay regular wages to their staff; and

24           WHEREAS, Another recent lawsuit against a separate set of Subway franchises in  
25 Northern California alleged that 3,000 workers were severely underpaid; now, therefore, be it

1           RESOLVED, That the City and County of San Francisco supports all workers at  
2   Subway franchises Marvan Enterprises, Inc. and Van Buren Enterprises, Inc., in particular  
3   those who have spoken up to demand that they be paid at least the minimum wage, that they  
4   be paid overtime wages for overtime hours worked, that they be provided with and paid for  
5   sick leave, and that they be permitted to take breaks authorized by law; and, be it

6           FURTHER RESOLVED, That the San Francisco Board of Supervisors strongly advises  
7   Marvan Enterprises, Inc. and Van Buren Enterprises, Inc. against taking any retaliatory  
8   actions against any workers who have spoken up about their rights to receive wages and  
9   other rights, as such retaliatory acts would be unlawful; and, be it

10          FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Marvan  
11   Enterprises, Inc. and Van Buren Enterprises, Inc. to immediately come into compliance with  
12   state and local labor laws by paying all workers at least \$20 per hour, by paying overtime  
13   wages for overtime hours worked, by providing and paying workers for sick leave, and by  
14   permitting all workers to take legally required breaks; and, be it

15          FURTHER RESOLVED, That the San Francisco Board of Supervisors urges Marvan  
16   Enterprises, Inc. and Van Buren Enterprises, Inc. to compensate all former and current  
17   workers for all wages and penalties owed to them under the law; and, be it

18          FURTHER RESOLVED, That the San Francisco Board of Supervisors urges The  
19   Subway Group, the variety of companies doing business as Subway at the multinational and  
20   national levels, to take affirmative steps to prevent violations of state and local labor laws at all  
21   of its franchise locations; and, be it

22          FURTHER RESOLVED, That the San Francisco Board of Supervisors directs the Clerk  
23   of the Board to transmit a copy of this Resolution upon adoption to Van Buren Enterprises,  
24   Inc., a California Corporation; Marvan Enterprises, Inc., a California Corporation; and The  
25   Subway Group's Franchise World Headquarters.

## **Introduction Form**

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)  
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor  inquiries..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No.  from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission      ☐ Youth Commission      ☐ Ethics Commission
- ☐ Planning Commission      ☐ Building Inspection Commission      ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes      ☐ No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: