

1 [Labor and Employment Code - Eligibility for Paid Parental Leave]

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3 **Ordinance amending the Labor and Employment Code to revise the criteria for an**
4 **employee in the City to qualify for parental leave benefits under the Paid Parental**
5 **Leave Ordinance by reducing from 180 days to 90 days the minimum number of days**
6 **that an employee must work before they are eligible to receive parental leave benefits**
7 **from their employer.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

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15 Section 1. Article 14 of the Labor and Employment Code is hereby amended by
16 revising Section 14.3, to read as follows:

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18 **SEC. 14.3. DEFINITIONS.**

19 For purposes of this Article 14, the following definitions apply:

20 “Agency” means the Office of Labor Standards Enforcement or any successor
21 department or office.

22 “California Paid Family Leave” means the State of California’s partial wage
23 replacement insurance plan for paid family leave codified at California Unemployment
24 Insurance Code, Division 1, Part 2, Chapter 7 (commencing with Section 3300), as that law
25 may be amended from time to time with respect to eligibility for, duration of, or amount of paid

1 family leave compensation, or any other matter pertaining to paid family leave under that law.

2 “City” means the City and County of San Francisco.

3 “Covered Employee” means any person, including but not limited to part-time and
4 temporary employees, who is employed by a Covered Employer (1) who commenced
5 employment with the Covered Employer at least ~~180-90~~ days prior to the start of the leave
6 period, provided, however, the person must have commenced employment with the Covered Employer
7 at least 180 days prior to the start of the leave period during the following time periods: (a) from the
8 effective date of the ordinance in Board File No. _____ through December 31, 2026, where the
9 Covered Employer regularly employs 50 or more employees, regardless of location; (b) from the
10 effective date of the ordinance in Board File No. _____ through June 30, 2027, where the Covered
11 Employer regularly employs 35 or more employees, regardless of location; and (c) from the effective
12 date of the ordinance in Board File No. _____ through December 31, 2027, where the Covered
13 Employer regularly employs 20 or more employees, regardless of location; (2) who performs at least
14 eight hours of work per week for the employer within the geographic boundaries of the City,
15 (3) at least 40% of whose total weekly hours worked for the employer are within the
16 geographic boundaries of the City, and (4) who is eligible to receive paid family leave
17 compensation from the State of California under the California Paid Family Leave law for the
18 purpose of bonding with a new child. Where a person’s weekly work hours fluctuate from
19 week to week, the Agency shall determine whether the person meets the eight-hour and/or
20 40% threshold requirements in the preceding sentence by using an average of the person’s
21 weekly hours worked for the Covered Employer during the three monthly pay periods, six bi-
22 weekly or semi-monthly pay periods, or 12 weekly pay periods immediately preceding the
23 start of the person’s California Paid Family Leave period. If the person was on leave during
24 any of the aforementioned pay periods, such pay period(s) shall not be counted towards the
25 average referenced in the preceding sentence; rather, the Agency shall consider additional

1 earlier corresponding pay periods for that person in order to satisfy the above designated
2 number of pay periods, but in no case shall the Agency, in calculating the average, consider
3 pay periods earlier than 26 weeks prior to the California Paid Family Leave period.

4 “Covered Employer” means any person, as defined in Section 18 of the California
5 Labor Code, including corporate officers or executives, who directly or indirectly or through an
6 agent or any other person, including through the services of a temporary services or staffing
7 agency or similar entity, employs or exercises control over the wages, hours, or working
8 conditions of an employee and who regularly employs 20 or more~~the following number of~~
9 employees, regardless of location. ~~:(1) commencing with January 1, 2017, 50 or more employees;~~
10 ~~(2) commencing with July 1, 2017, 35 or more employees; and (3) commencing with January 1, 2018,~~
11 ~~20 or more employees.~~ Covered Employer shall not include the City or any other governmental
12 entity.

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15 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
19 additions, and Board amendment deletions in accordance with the “Note” that appears under
20 the official title of the ordinance.

