

1 [Emergency Ordinance - Public Health Emergency Leave]

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3 **Reenactment of emergency ordinance (Ordinance No. 59-20 as reenacted by Ordinance**
4 **Nos. 90-20, 136-20, 217-20, and 270-20) to temporarily require private employers with**
5 **500 or more employees to provide public health emergency leave during the public**
6 **health emergency related to COVID-19.**

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

11

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

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14 Section 1. Declaration of Emergency Pursuant to Charter Section 2.107.

15 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in
16 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
17 of any City or County department or office required to comply with time limitations established
18 by law. An emergency ordinance enacted under Charter Section 2.107 automatically
19 terminates on the 61st day after passage, but may be reenacted upon the same terms and
20 conditions applicable to its initial enactment.

21 (b) Pursuant to Charter Section 2.107, the City enacted an emergency ordinance
22 (Ordinance No. 59-20), the Public Health Emergency Leave Ordinance, which temporarily
23 requires private employers with 500 or more employees to provide public health emergency
24 leave during the public health emergency related to COVID-19. The emergency ordinance
25 became effective when enacted, on April 17, 2020. It would have terminated automatically on

1 June 16, 2020, but Ordinance No. 90-20 reenacted the emergency ordinance prior to its
2 termination. On August 24, 2020, Ordinance No. 136-20 reenacted Ordinance No. 59-20, as
3 reenacted, retroactive to August 15, 2020, the date that Ordinance No. 59-20, as reenacted,
4 expired. On October 30, 2020, Ordinance No. 217-20 reenacted Ordinance No. 59-20, as
5 reenacted, retroactive to October 14, 2020, the date that Ordinance No. 59-20, as reenacted,
6 expired. On December 23, 2020, Ordinance No. 270-20 reenacted Ordinance No. 59-20, as
7 reenacted, retroactive to December 13, 2020, the date that Ordinance No. 59-20, as
8 reenacted, expired. The original emergency ordinance, Ordinance No. 59-20, as most recently
9 reenacted by Ordinance No. 270-20, will terminate automatically on February 11, 2021,
10 unless reenacted.

11 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1 and
12 2 of Ordinance No. 59-20 and reaffirmed in Ordinance Nos. 90-20, 136-20, 217-20, and 270-
13 20 remain valid and compelling, and declares further that an actual emergency continues to
14 exist that requires the reenactment of the Public Health Emergency Leave Ordinance to
15 reduce the spread of COVID-19 and mitigate the economic harm for individuals unable to
16 work due to the public health emergency. COVID-19 continues to present an extremely
17 dangerous public health risk to the community, and the adverse economic impact on workers
18 and their families remains severe, notwithstanding gradual reopening of sectors of the
19 economy. Further, many employees continue to experience family caregiving challenges due
20 to care facility closures, remote learning for school children, and other challenges securing
21 caregiving assistance.

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23 Section 2. Reenactment of Emergency Ordinance.

24 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
25 additional 60 days the emergency ordinance temporarily requiring private employers with 500

1 or more employees to provide public health emergency leave (Ordinance No. 59-20, as
2 reenacted by Ordinance Nos. 90-20, 136-20, 217-20, and 270-20).

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4 Section 3. Effective Date; Retroactive Application; Expiration.

5 (a) If enacted prior to the expiration of Ordinance No. 59-20, as reenacted by
6 Ordinance Nos. 90-20, 136-20, 217-20, and 270-20, this reenacted emergency ordinance
7 shall become effective immediately upon the date of expiration of Ordinance No. 59-20, and
8 shall itself expire on the 61st day following its effective date unless reenacted as provided by
9 Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever
10 occurs first.

11 (b) If enacted after the expiration of Ordinance No. 59-20, as reenacted by Ordinance
12 Nos. 90-20, 136-20, 217-20, and 270-20, this reenacted emergency ordinance shall become
13 effective immediately upon enactment, shall have operative effect retroactively to the date that
14 Ordinance No. 59-20, as reenacted, expired, and shall expire on the 61st day following the
15 date that Ordinance No. 59-20, as reenacted, expired, unless reenacted as provided by
16 Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever
17 occurs first.

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19 Section 4. Directions to Clerk.

20 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
21 reenacted emergency ordinance in File No. 200355 for Ordinance No. 59-20, File No. 200576
22 for Ordinance No. 90-20, File No. 200733 for Ordinance No. 136-20, File No. 201055 for
23 Ordinance No. 217-20, and File No. 201264 for Ordinance No. 270-20, and to make a
24 notation cross-referencing this emergency ordinance where Ordinance Nos. 59-20, 90-20,
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1 136-20, 217-20, and 270-20 appear on the Board of Supervisors website as legislation
2 passed.

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4 Section 5. Supermajority Vote Required.

5 In accordance with Charter Section 2.107, passage of this reenacted emergency
6 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board
7 of Supervisors.

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9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: /s/ _____
12 LISA POWELL
13 Deputy City Attorney

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