

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

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

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

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

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

SEC. 14.3. DEFINITIONS.

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

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

“California Paid Family Leave” means the State of California’s partial wage replacement insurance plan for paid family leave codified at California Unemployment Insurance Code, Division 1, Part 2, Chapter 7 (commencing with Section 3300), as that law 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. 260451 through December 31, 2026, where the
9 Covered Employer regularly employs 50~~100~~ or more employees, regardless of location; and (b) from
10 ~~the effective date of the ordinance in Board File No. 260451 through June 30, 2027, where the~~
11 ~~Covered Employer regularly employs 35 or more employees, regardless of location; and (c)~~
12 from the effective date of the ordinance in Board File No. 260451 through December 31, 2027, where
13 the Covered Employer regularly employs 20 ~~or more to~~ 99 employees, regardless of location; (2) who
14 performs at least eight hours of work per week for the employer within the geographic
15 boundaries of the City, (3) at least 40% of whose total weekly hours worked for the employer
16 are within the geographic boundaries of the City, and (4) who is eligible to receive paid family
17 leave compensation from the State of California under the California Paid Family Leave law
18 for the purpose of bonding with a new child. Where a person’s weekly work hours fluctuate
19 from week to week, the Agency shall determine whether the person meets the eight-hour
20 and/or 40% threshold requirements in the preceding sentence by using an average of the
21 person’s weekly hours worked for the Covered Employer during the three monthly pay
22 periods, six bi-weekly or semi-monthly pay periods, or 12 weekly pay periods immediately
23 preceding the start of the person’s California Paid Family Leave period. If the person was on
24 leave during any of the aforementioned pay periods, such pay period(s) shall not be counted
25 towards the average referenced in the preceding sentence; rather, the Agency shall consider

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

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

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16 Section 2. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
20 additions, and Board amendment deletions in accordance with the “Note” that appears under
21 the official title of the ordinance.
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1 Section 3. Undertaking for the General Welfare. In enacting and implementing this
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
3 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
4 is liable in money damages to any person who claims that such breach proximately caused
5 injury.

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7 Section 4. Effective Date. This ordinance shall become effective on the 31st day after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

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12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ _____
15 MAUREEN SLACK
16 Deputy City Attorney
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