

File No. 141001

Committee Item No. 2

Board Item No. 9

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Neighborhood Services & Safety

Date October 23, 2014

Board of Supervisors Meeting

Date November 25, 2014

#### Cmte Board

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Completed by: Derek Evans Date 10/17/14  
 Completed by: Derek Evans Date 11/20/14

1 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report and  
2 Establishing Equal Pay Advisory Board]

3 **Ordinance amending the Administrative Code to require certain City contractors and**  
4 **subcontractors with 20 or more employees to submit an Equal Pay Report regarding**  
5 **compensation paid to employees; and establishing the Equal Pay Advisory Board to**  
6 **analyze and recommend the best methods of data collection that will identify wage**  
7 **gaps, and setting forth the membership and duties of the Advisory Board.**

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

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

17 Section 1. The Administrative Code is hereby amended by revising Section 12B, to  
18 read as follows:

19 **SECTION 12B.2. NONDISCRIMINATION PROVISIONS.**

20 Every contract and property contract for or on behalf of the City shall incorporate by  
21 reference and require the contractor to comply with the provisions of Section 12B.2. In  
22 addition, all contractors must incorporate by reference in all subcontracts and require  
23 subcontractors to comply with the requirements set forth in Sections 12B.2(a) and 12B.2(c)  
24 through 12B.2(k), and failure to do so shall constitute a material breach of contract.

25 In the performance of a contract the contractor agrees as follows:

1 (a) The contractor or subcontractor will not discriminate against any employee, City  
2 and County employee working with such contractor or subcontractor, or applicant for  
3 employment with such contractor or subcontractor on the basis of the fact or perception of that  
4 person's race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender  
5 identity, domestic partner status, marital status, disability, weight, height, AIDS/HIV status, or  
6 association with members of classes protected under this chapter or in retaliation for  
7 opposition to any practices forbidden under this chapter. Discrimination on the basis of sex  
8 includes sexual harassment as defined in Section 16.9-25(b) of this Code. The contractor or  
9 subcontractor will take action to ensure that applicants are employed, and that employees are  
10 treated equally during employment, without regard to the fact or perception of their race, color,  
11 creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity,  
12 domestic partner status, marital status, disability or AIDS/HIV status. Such action shall  
13 include, but not be limited to, the following: Employment, upgrading, demotion or transfer;  
14 recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of  
15 compensation; and selection for training, including apprenticeship. Nothing in this Chapter  
16 shall require or prohibit the establishment of new classifications of employees in any given  
17 craft. The provisions of this Section with respect to age shall not apply to (1) termination of  
18 employment because of the terms or conditions of any bona fide retirement or pension plan,  
19 (2) operation of the terms or conditions of any bona fide retirement or pension plan which has  
20 the effect of a minimum service requirement, and (3) operation of the terms or conditions of  
21 any bona fide group or insurance plan. The contractor or subcontractor agrees to post in  
22 conspicuous places, available to employees and applicants for employment, notices in such  
23 form and content as shall be furnished or approved by the awarding authority setting forth the  
24 provisions of this Section.  
25

1 (b) The prime contractor shall state that the prime contractor does not, and will not  
2 during the term of the contract discriminate in the provision of bereavement leave, family  
3 medical leave, health benefits, membership or membership discounts, moving expenses,  
4 pension and retirement benefits or travel benefits as well as any benefits other than  
5 bereavement leave, family medical leave, health benefits, membership or membership  
6 discounts, moving expenses, pension and retirement benefits or travel benefits between  
7 employees with domestic partners and employees with spouses, and/or between the domestic  
8 partners and spouses of such employees, where the domestic partnership has been  
9 registered with a governmental entity pursuant to State or local law authorizing such  
10 registration, subject to the following conditions. In the event that the contractor's actual cost of  
11 providing a certain benefit for the domestic partner of an employee exceeds that of providing it  
12 for the spouse of an employee, or the contractor's actual cost of providing a certain benefit for  
13 the spouse of an employee exceeds that of providing it for the domestic partner of an  
14 employee, the contractor shall not be deemed to discriminate in the provision of benefits if the  
15 contractor conditions providing such benefit upon the employee agreeing to pay the excess  
16 costs. In addition, in the event a contractor is unable to provide a certain benefit, despite  
17 taking reasonable measures to do so, the contractor shall not be deemed to discriminate in  
18 the provision of benefits if the contractor provides the employee with a cash equivalent. The  
19 Director shall be the final arbiter of a contractor's or property contractor's compliance or  
20 substantial compliance with this Chapter and the Director's determination shall not be  
21 appealable to the Commission. Contractors shall treat as confidential to the maximum extent  
22 allowed by law or the requirements of contractor's insurance provider any request by an  
23 employee or applicant for employment for domestic partner or spousal benefits or any  
24 documentation of eligibility for domestic partner or spousal benefits submitted by an employee  
25 or applicant for employment.

1 In adopting this Section 12B.2(b), the intent of the Board of Supervisors is to  
2 equalize to the maximum extent legally permitted the total compensation between similarly  
3 situated employees with spouses and employees with domestic partners.

4 In particular, consistent with the severability clause set forth in Section 12B.6  
5 below, the Board of Supervisors intends that if a court or agency of competent jurisdiction  
6 finds that a State or federal law, rule or regulation invalidates (1) the application of this Section  
7 to any business, person, type of compensation or benefit, or location; or (2) any other  
8 requirement of this Section, then the court or agency should sever the invalid clause and  
9 leave in effect the remainder of this Section.

10 (c) The contractor or subcontractor shall provide reasonable accommodation for  
11 qualified disabled applicants for employment and for qualified disabled employees. Said  
12 contractor or subcontractor need not provide reasonable accommodation if such would  
13 present an undue hardship. An undue hardship may include but not be limited to more than a  
14 de minimus cost, violation of the seniority rights of other co-workers as established by a bona  
15 fide seniority system, or a health or safety risk to the employee or co-employees. The burden  
16 of establishing an undue hardship rests on the employer.

17 (d) The contractor or subcontractor will in all solicitations or advertisements for  
18 employees placed by or on his or her behalf, state that qualified applicants will receive  
19 consideration for employment without regard to the fact or perception of their race, creed,  
20 religion, color, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic  
21 partner status, marital status, disability, weight, height or AIDS/HIV status.

22 (e) The contractor or subcontractor will send to each labor union or representative of  
23 workers with which he or she has a collective bargaining agreement or other agreement or  
24 understanding, a notice, in such form and content as shall be furnished or approved by the  
25 awarding authority, advising the said labor union or workers' representative of the contractor's

1 or subcontractor's commitments under this Section, and shall post copies of the notice in  
2 conspicuous places available to employees and applicants for employment.

3 (f) The contractor or subcontractor shall:

4 (1) will permit access to its records of employment, employment advertisements,  
5 application forms, and other pertinent data and records by the Commission, the City's  
6 awarding authority or the Fair Employment and Housing Commission, for the purposes of  
7 investigation to ascertain compliance with the nondiscrimination provisions of this Chapter,  
8 and upon request shall provide evidence that the contractor has complied or will comply with  
9 the nondiscrimination provisions of this Chapter.

10 (2) Submit an Equal Pay Report if the contractor or subcontractor has at least 20 employees  
11 worldwide and, for a contract or subcontract, the agreement has a value equal to or in excess of the  
12 Threshold Amount set forth in Administrative Code Chapter 6 or the Minimum Competitive Amount set  
13 forth in Administrative Code Chapter 21, as applicable, or, for a grant, the agreement has a value  
14 equal to or in excess of \$50,000.

15 (A) The Equal Pay Report shall provide summary information on compensation paid to  
16 employees identified by sex, race, sex and race, and data points the Commission has adopted by  
17 regulation.

18 (B) Each contractor or subcontractor shall file a complete and accurate Equal Pay  
19 Report with the Commission commencing on a date set by the Commission but no later than September  
20 30, 2015. Thereafter, each contractor or subcontractor shall file a Equal Pay Report annually.

21 (C) The Equal Pay Report requirements of this Subsection (f)(2) shall apply to all  
22 qualifying contracts, subcontracts and grants first advertised for bid, request for qualification or  
23 proposal is issued, or initiated on a date set by the Commission but no later than September 30, 2015.

24 (D) To the extent any information in the Equal Pay Report qualifies as  
25 proprietary financial data or trade secret, the City shall not disclose the information unless

1 required by law, including the California Public Records Act and the San Francisco Sunshine  
2 Ordinance.

3 (g) A contractor or subcontractor shall be deemed to have breached the  
4 nondiscrimination provisions of this Chapter upon:

5 (1) A finding by the Director or such other official who may be designated by the  
6 Commission, that the contractor or subcontractor has willfully violated such nondiscrimination  
7 provisions; or

8 (2) A finding by the California Fair Employment and Housing Commission that a  
9 contractor or subcontractor has violated any provision of the California Fair Employment and  
10 Housing Act or the nondiscrimination provisions of this Chapter, provided that the California  
11 Fair Employment and Housing Commission has issued a final order pursuant to Section  
12 12970 of the Government Code, or has obtained a judgment and order enforcing the final  
13 order pursuant to Section 12973 of the Government Code; provided further, that for the  
14 purposes of these provisions, an order or injunction shall not be considered final during the  
15 period within which (1) appeal may be taken, or (2) the same has been stayed by order of  
16 court, or (3) further proceedings for vacation, reversal or modification are in progress before a  
17 competent administrative or judicial tribunal.

18 (3) Upon such finding by the Director or other official designated by the  
19 Commission, or the California Fair Employment and Housing Commission, the awarding  
20 authority shall notify the contractor or subcontractor that unless the contractor or  
21 subcontractor demonstrates to the satisfaction of the Director or other official designated by  
22 the Commission, within such reasonable period as the Commission shall determine, that the  
23 violation has been corrected, action will be taken as set forth in Subparagraphs (h) and (i)  
24 hereof.  
25

1 (4) The Commission shall, within 10 days of the date of issuance of any finding by  
2 the Director or other official designated by the Commission for the enforcement of this  
3 Chapter, mail to any person or persons affected by said finding, a copy of said finding,  
4 together with written notice of the right to appeal such finding. Notice of appeal must be filed  
5 in writing with the Chairperson of the Commission within 20 days of the date of mailing said  
6 copy and notice.

7 (5) For purpose of appeal proceedings under this Section, a quorum shall consist  
8 of eight members of the Commission. The vote of the majority of the full Commission shall be  
9 necessary to affirm, reverse or modify such decisions, order or other action rendered  
10 hereunder. Should a member of the Commission be designated under Section 12B.2(g)(1) of  
11 this Chapter, that Commissioner may not participate in an appeal under this Section except as  
12 a witness.

13 (6) The presiding officer of the Commission shall have the power to administer  
14 oaths to witnesses in appeals before the Commission under this Section. In the event that any  
15 person shall fail or refuse to appear as a witness in any such proceeding after being  
16 requested to do so, and if it shall appear to the Commission that his or her testimony, or  
17 books, records, documents or other things under his or her control are material and relevant  
18 as evidence in the matter under consideration by the Commission in the proceeding, the  
19 presiding officer of the Commission may subpoena such person, requiring his or her presence  
20 at the proceeding, and requiring him or her to bring such books, records, documents or other  
21 things under his or her control.

22 (7) All appeals to the Commission shall be open to the public. Records and  
23 minutes shall be kept of such proceedings and shall be open to public inspection. Upon  
24 reaching a decision in any appeal, the Commission shall give written notice thereof to the  
25 Director or other official designated by the Commission, and the appellant or appellants. The



1 decision of the Commission shall be final unless within 15 days of the filing and service of  
2 written notice thereof appropriate legal proceedings are filed in a court of competent  
3 jurisdiction by any party to the contract, property contract or subcontract.

4 (8) If any contractor or subcontractor shall fail to appear at an appeal proceeding  
5 of the Commission after having been given written notice to appear, such failure to appear  
6 shall be grounds for termination of the contract, property contract or subcontract and such  
7 contractor or subcontractor shall be deemed to have forfeited all rights, benefits and privileges  
8 thereunder.

9 (9) The Commission shall promulgate rules and regulations for the implementation  
10 of the nondiscrimination provisions of this Chapter.

11 (h) The awarding authority may deduct from the amount payable to the contractor or  
12 subcontractor by the City under any contract or property contract subject to this Chapter, or  
13 may impose upon the contractor or subcontractor, a penalty of \$50 for each person for each  
14 calendar day during which such person was discriminated against in violation of the provisions  
15 of this Chapter. In addition to any other penalties provided for the violation of the  
16 nondiscrimination provisions of this Chapter or for the failure of any contractor or  
17 subcontractor to abide by the rules and regulations of the Commission, the contract, property  
18 contract or subcontract may be terminated or suspended, in whole or in part, by the awarding  
19 authority upon the basis of a finding as set forth in Section 12B.2(g) that the contractor has  
20 discriminated contrary to the provisions of this Chapter, and all moneys due or to become due  
21 hereunder may be forfeited to, and retained by, the City.

22 (i) A breach of the nondiscrimination provisions in the performance of a contract,  
23 property contract or subcontract shall be deemed by the City to be material breach of contract  
24 and the basis for determination by the awarding authority that the contractor or subcontractor  
25 is an irresponsible bidder as to all future contracts or property contracts for which such

1 contractor or subcontractor may submit bids. Such contractor or subcontractor shall not for a  
2 period of up to two years thereafter, or until it shall establish and carry out a program in  
3 conformity with the nondiscrimination provisions of this Chapter, be allowed to act as a  
4 contractor or subcontractor under any contract or property contract.

5 (j) If a finding of discrimination is made by either the Director or the Commission, the  
6 contract awarding department shall submit a report to the Board of Supervisors, the Mayor's Office,  
7 and the Commission that provides details of what actions, if any, the contract awarding department  
8 undertook under this Chapter.

9 (k) The Commission shall provide an annual report to the Board of Supervisors summarizing  
10 the effectiveness of the information obtained from the Equal Pay Reports, recommendations for  
11 legislative change if needed, and a summary of the investigations, if any, that stem from the Equal Pay  
12 Reports. The Commission's recommendations shall include drafts of one or more ordinances if  
13 legislative change is necessary or desirable to implement the recommendations.

14 (kL) Nothing contained in this Chapter shall be construed in any manner so as to  
15 prevent the City from pursuing any other remedies that may be available at law, equity or  
16 under any contract or property contract.

17 (kM) The contractor or subcontractor will meet the following standards for compliance:

18 (1) If the contractor or subcontractor has been held to be an irresponsible bidder  
19 under Section 12B.2(i) hereof, the contractor or subcontractor shall furnish evidence that it  
20 has established and is carrying out a program in conformity with the nondiscrimination  
21 provisions of this Chapter.

22 (2) The contractor or subcontractor may be required to file with the Commission a  
23 basic compliance report, which may be a copy of the federal EEO-1, or a more detailed report  
24 as determined by the Commission. Willful false statements made in such reports shall be  
25 punishable as provided by law. No contractor or subcontractor shall be held in noncompliance

1 for not filing such a report with the Commission unless it has been specifically required to do  
2 so in writing by the Commission.

3 (3) Personally, or through its representatives, the contractor or subcontractor  
4 shall, through negotiations with the unions with whom it has collective bargaining or other  
5 agreements requiring the contractor or subcontractor to obtain or clear its employees through  
6 the union, or when the contractor or subcontractor otherwise uses a union as an employment  
7 resource, attempt to develop an agreement which will:

8 (A) Define and outline responsibilities for nondiscrimination in hiring, referral,  
9 upgrading and training;

10 (B) Otherwise implement a nondiscrimination program in terms of the unions'  
11 specific areas of skill and geography, such as an apprenticeship program, to the end that  
12 minority workers will be available and given an equal opportunity for employment.

13 (4) The contractor or subcontractor shall notify the awarding authority of opposition to  
14 the nondiscrimination provisions of a contract by individuals, firms or organizations during the  
15 term of the contract.

16 Section 2. The Administrative Code is hereby amended by revising Section 12B, to  
17 add Sections 12B.2-1, 12B.2-2, 12B.2-3, 12B.2-4, 12B.2-5, and 12B.2-6, to read as follows:

18 **SECTION 12B.2-1. EQUAL PAY ADVISORY BOARD.**

19 *(a) There is hereby established an Equal Pay Advisory Board ("Advisory Board") consisting of*  
20 *seven voting members, with the Board of Supervisors appointing Seats 1, 2, and 3; the Mayor*  
21 *appointing Seats 4 and 5; and the Commission on the Status of Women appointing Seats 6*  
22 *and 7 with the following qualifications: who shall be appointed as follows:*

23 ~~—— (1) three persons appointed by the Board of Supervisors;~~

24 ~~—— (2) two persons appointed by the Mayor; and~~

25 ~~—— (3) two persons appointed by the Commission on the Status of Women.~~

1           (1) Seat 1: A person who works in or represents workers in an industry where  
2 wage discrimination is common.

3           (2) Seat 2: A person who has worked as a discrimination or employment  
4 lawyer with an emphasis on gender equity.

5           (3) Seat 3: A person with expertise on discrimination against women of color.

6           (4) Seat 4: A person who works in human resources responsible for diversity.

7           (5) Seat 5: A person who owns a small or medium size business that has  
8 contracted with the City and County of San Francisco.

9           (6) Seat 6: A person who has worked in quantitative gender analysis, including  
10 statistics.

11           (7) Seat 7: A person employed by a nonprofit organization that contracts with  
12 the City with experience advocating for equal pay for equal work.

13           (b) Appointing authorities shall appoint members within 60 days of the effective date of this  
14 Section 12B.2-1. If the appointing authority fails to act within the aforementioned 60 days, or if at any  
15 subsequent time there has been a vacancy on the Advisory Board for more than 60 days, the Director of  
16 the Human Rights Commission shall have the power to make an appointment to fill any such vacancy.  
17 But so long as the Director of the Human Rights Commission has not made such an appointment, the  
18 appointing authority retains the power to fill the vacancy.

19           (c) The members of the Advisory Board shall be broadly representative of the diversity of San  
20 Francisco. All members of the Advisory Board shall be residents of the City and County of San  
21 Francisco. In making appointments to the Advisory Board, the appointing authorities shall  
22 appoint persons from varying backgrounds who have demonstrated abilities, skills, or  
23 experience or expertise in at least one of the following areas: women's studies or history,  
24 discrimination or employment law, equal pay advocacy, or working in an industry where wage  
25 discrimination according to sex and/or race is common.

1           (d) All members of the Advisory Board serve at the pleasure of their appointing authority.  
2 Even if a member has been appointed by the Director of the Human Rights Commission under  
3 subsection (b), the member serves at the pleasure of the member's appointing authority; provided,  
4 however, that the appointing authority may remove a member appointed by the Director of the Human  
5 Rights Commission only if the appointing authority replaces that member with another person.

6           **SECTION 12B.2-2. ORGANIZATION AND MEETINGS.**

7           (a) The initial meeting of the Advisory Board shall be held within 30 days from the date the  
8 Board of Supervisors completes its appointments to Seats 1, 2, and 3, provided that a majority of all  
9 the members of the Advisory Board have been appointed. There shall be ten days' public notice of the  
10 inaugural meeting of the Advisory Board. Such notice shall be posted on the City's website, at a  
11 minimum on the website of the Human Rights Commission and the Commission on the Status of  
12 Women, and also filed at the Main Branch of the Public Library. Such notice need not include a  
13 detailed agenda, which must be published at least three days before the meeting, in accordance with  
14 the requirements of the Brown Act and the Sunshine Ordinance. For purposes of this subsection (a),  
15 completion of the Board of Supervisors' appointments includes appointments made by the Director of  
16 the Human Rights Commission in the event of a vacancy lasting more than 60 days, as specified in  
17 Section 12B.2-1(b).

18           (b) The members of the Advisory Board shall designate the Chair of the Advisory Board.

19           **SECTION 12B.2-3. POWERS AND DUTIES.**

20           (a) The Advisory Board shall analyze and recommend the best method or methods of data  
21 collection that will identify wage gaps between men and women of the same or different races and  
22 among members of different races, and that will minimize the burden on City contractors and  
23 subcontractors in providing the data. The Advisory Board shall also analyze and recommend data  
24 points that may include but are not limited to employees' education, years of work experience, and  
25 specialized skills, that would aid in the analysis of wage disparities. The Advisory Board's

1 recommendations shall include drafts of one or more recommendations for additional ordinances  
2 if legislative change is necessary or desirable to implement the recommendations.

3 (b) The Advisory Board shall make its recommendation to the Human Rights Commission  
4 within six months of its inaugural meeting. Thereafter, the Advisory Board shall meet at least once  
5 every four months to evaluate the effectiveness of the data collection methods used and make further  
6 recommendations as appropriate.

7 **SECTION 12B.2-4. COMPENSATION.**

8 Members of the Advisory Board shall not be compensated, nor shall they be reimbursed for  
9 expenses, if any.

10 **SECTION 12B.2-5. STAFFING.**

11 (a) The Human Rights Commission shall provide in-kind professional and administrative staff  
12 to the Advisory Board.

13 (b) All City officials and departments, boards, and commissions, including but not limited to  
14 contracting departments, shall cooperate with the Advisory Board in the performance of its duties.

15 **SECTION 12B.2-6. SUNSETTING.**

16 (a) The Advisory Board and sections pertaining thereto (Sections 12B.2-1 through 12B.2-6)  
17 shall expire by operation of law on October 1, 2017, unless the Board of Supervisors adopts an  
18 ordinance continuing the existence of the Advisory Board.

19 (b) The Advisory Board shall submit a report to the Board of Supervisors by May 1, 2017  
20 recommending whether the Advisory Board should continue to operate, and if so, whether the Board of  
21 Supervisors should consider legislative changes that would enhance the capacity of the Advisory Board  
22 to achieve its goals.

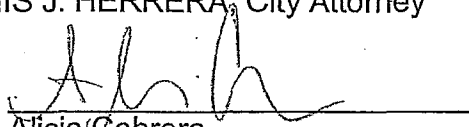
23 (c) Upon expiration of the Advisory Board as specified in subsection (a), the City Attorney shall  
24 cause Sections 12B.2-1, 12B.2-2, 12B.2-3, 12B.2-4, 12B.2-5, and 12B.2-6 to be removed from the  
25 Municipal Code.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor's veto of the ordinance.

5 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
6 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
7 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
8 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
9 additions, and Board amendment deletions in accordance with the "Note" that appears under  
10 the official title of the ordinance.

11  
12 APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

13  
14 By:

  
Alicia Cabrera  
Deputy City Attorney

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FILE NO. 141001

**LEGISLATIVE DIGEST**

[Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

**Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.**

Existing Law

There is no law that requires City contractors or subcontractors to affirmatively provide the City with a report that provides information on its employees' compensation identified by sex and race.

Amendments to Current Law

This legislation will require City contractors and subcontractors to annually submit an Equal Pay Report that provides information on compensation paid to employees identified by sex, race, sex and race, and data points the Human Rights Commission has adopted by regulation. Relevant data points may include but are not limited to employees' education, years of work experience, specialized skills, and any other factor that would aid in the analysis of wage disparities. The Human Rights Commission may use the information contained in the Equal Pay Report as an investigative tool to investigate wage disparities based on race and gender.

This legislation also creates the Equal Pay Advisory Board for the purposes of analyzing and recommending the best method or methods of data collection that will identify wage gaps between men and women of the same or different races and among members of different races. The Advisory Board will also analyze and recommend data points that will aid in the analysis of wage disparities. The Advisory Board shall make its recommendations to the Human Rights Commission.

On October 23, 2014, the Neighborhood Services and Safety Committee amended this legislation to 1) clarify that the Equal Pay Report is an annual submittal for all contractors and subcontractors; and 2) add qualifications to the Equal Pay Advisory Board members.

On October 28, 2014, the Board of Supervisors amended this legislation to protect from disclosure any information contained in the Equal Pay Report that qualifies as proprietary financial data or trade secret and to clarify the qualifications for Seat 7 on the Advisory Board.



AMENDED IN BOARD  
10/28/14

FILE NO. 141001

Background Information

Currently, City contractors and subcontracts are prohibited from discriminating against any employee, City and County employee working with such contractor or subcontractor, or applicant for employment with such contractor subcontractor on the basis of fact or perception of that person's race, color, religion, ancestry, national origin, sex, and other protected categories. For purposes of investigation and to ascertain compliance with the City's nondiscrimination laws, City contractors and subcontractors must permit access to its records. This legislation adds another tool to the menu of options the Human Rights Commission may use to investigate allegations of wage disparities among gender and race.

n:\legana\as2014\1500163\00967535.doc

## Evans, Derek

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**From:** Gosiengfiao, Rachel (BOS)  
**Sent:** Tuesday, October 28, 2014 2:17 PM  
**To:** BOS-Supervisors; Evans, Derek  
**Subject:** DOSW: File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

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**From:** Murase, Emily (WOM)  
**Sent:** Tuesday, October 28, 2014 1:40 PM  
**To:** Calvillo, Angela (BOS)  
**Cc:** Nancy Kirshner-Rodriguez; 'andreashorter@yahoo.com'; Newman, Elizabeth (WOM)  
**Subject:** DOSW: File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]

Ms. Calvillo:

I would like to reiterate the statement I made to the Neighborhood Services Committee last Thursday.

The Commission on the Status of Women strongly supports pay equity and has asked for an opportunity to convene in Special Session to review the proposed legislation.

Thank you very much.

Emily

Emily M. Murase, PhD  
Executive Director  
San Francisco Department on the Status of Women  
25 Van Ness Avenue, Suite 240  
San Francisco, CA 94102  
415.252.2571  
[www.sfgov.org/dosw](http://www.sfgov.org/dosw)

*\*\*\*In 1998, San Francisco became the first city in the world to enact a local ordinance reflecting the principles of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), an international bill of rights for women that then-President Jimmy Carter signed but has yet to be ratified by the US Senate, leaving the US among just 7 nations, and the only industrialized nation, in the world who have not signed on. In March 2014, Mayor Edwin Lee challenged 100 U.S. cities to become CEDAW cities in time for the US Conference of Mayors meeting to be hosted by San Francisco in June 2015. Learn more at [www.cities4cedaw.org](http://www.cities4cedaw.org).\*\*\**



SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

October 27, 2014

Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall room 244  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102-4694

**Re: File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]**

**Small Business Commission Recommendation: No recommendation at this time and moved to continue the item until the specifics of the data to be reported is established.**

Dear Ms. Calvillo:

On October 27, 2014, the Small Business Commission (SBC) voted unanimously to continue BOS File No. 141001 to the call of the President of the Small Business Commission.

The Commission did express its support of the intent of the legislation. The Small Business Commission is appreciative of the amendments made in Committee and ensuring that a Small Business is one of the assigned seats of the Advisory Board, and of the proposed amendment that the data will be gathered in the aggregate.

The area of concerns for the Small Business Commission that resulted in no recommendation at this time:

1. The hearing process of the legislation did not allow for the both the Human Rights Commission and the Commission on the Status of Women to hear the item and provide the Board of Supervisors recommendations of the perspective commission. The Small Business Commission recommends these two commissions to hear and advise the Board of Supervisors before the Board of Supervisors take action.
2. LBE representation and the SF Chamber of Commerce where not part of the stakeholder group that provided input into the legislation prior to introduction. Input from representatives of these two entities needs to be included before the Board of Supervisors take action
3. The specifics of how and what data is collected and reported is unknown at this time. For businesses between 20 and 50 employees, many do not have either in-house HR staff or third party consultants. The Small Business Commission wants to be assured that for



SMALL BUSINESS COMMISSION  
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO  
EDWIN M. LEE, MAYOR

smaller businesses how the data collected (not reported) will not put smaller businesses in jeopardy of violating an employee's right of privacy.

4. The Small Business Commission wants to know what the cost will be to both the Human Rights Commission and small businesses to comply with collecting and reporting the data.

Sincerely,

A handwritten signature in cursive script, which appears to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi  
Director, Office of Small Business

- cc. Supervisor David Campos, Board of Supervisors  
Board of Supervisors  
Nicole Wheaton, Mayor's Office  
Theresa Sparks, Human Rights Commission  
Emily Murase, Commission on the Status of Women

**Evans, Derek**

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**From:** Dick-Endrizzi, Regina (MYR)  
**Sent:** Tuesday, October 28, 2014 1:19 PM  
**To:** Campos, David (BOS); Avalos, John (BOS); Breed, London (BOS); Chiu, David (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Wiener, Scott; Yee, Norman (BOS)  
**Cc:** BOS-Legislative Aides; Calvillo, Angela (BOS); Evans, Derek; Wheaton, Nicole (MYR)  
**Subject:** File No. 141001 - Equal Pay Report  
**Attachments:** 141001 legislative response Equal Pay Ordinance.pdf

Dear Supervisors,

Last night the Small Business Commission heard File No. 141001 [Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board]. Below is the Commission's response.

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**Small Business Commission Recommendation: No recommendation at this time and moved to continue the item until the specifics of the data to be reported is established.**

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4. The Small Business Commission wants to know what the cost will be to both the Human Rights Commission and small businesses to comply with collecting and reporting the data.

Kindly,

**Regina Dick-Endrizzi | Executive Director | Office of Small Business**  
[regina.dick-endrizzi@sfgov.org](mailto:regina.dick-endrizzi@sfgov.org) | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573  
City Hall, Suite 110 | San Francisco, CA 94102

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[www.sfgov.org/osb](http://www.sfgov.org/osb) | [www.facebook.com/SFOSB](http://www.facebook.com/SFOSB) | [www.twitter.com/sfosb](http://www.twitter.com/sfosb)

President, District 3  
BOARD of SUPERVISORS



BOS-1 Rules, NSS, Leg. Rep.  
CORB

City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-5227

DAVID CHIU  
邱信福  
市參事會主席

PRESIDENTIAL ACTION

Date: 9/30/14

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. \_\_\_\_\_ (Primary Sponsor)

Title. \_\_\_\_\_

Transferring (Board Rule No. 3.3)

File No. 141001 Campos  
(Primary Sponsor)

Title. Requiring City Contractors to Submit an Equal

From: Rules Committee

To: Neighborhood Services & Safety Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

RECEIVED  
BOARD OF SUPERVISORS  
SANTA MONICA  
14 SEP 30 AM 10:34

David Chiu  
David Chiu, President  
Board of Supervisors

Member, Board of Supervisors  
District 9



Orig: LOB  
e: NSS Clerk  
City and County of San Francisco Leg Dep

**DAVID CAMPOS**

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2014 OCT 15 PM 2:00

---

DATE: October 15, 2014  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
FROM: Supervisor David Campos  
RE: Neighborhood Services and Safety Committee  
COMMITTEE REPORT

---

A handwritten signature in black ink that reads "David Campos".

Pursuant to Board Rule 4.20, as Chair of the Neighborhood Services and Safety Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on October 28, 2014, as a Committee Report:

**141001 Administrative Code - Requiring City Contractors to Submit an Equal Pay Report and Establishing an Equal Pay Advisory Board**

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

This matter will be heard in the Neighborhood Services and Safety Committee Special Meeting on October 23, 2014, at 1:00 p.m.



415 643 1144 | 415 643 1145 | info@prioritygraphics.com  
1596 Hudson Avenue, San Francisco, CA 94122 | www.prioritygraphics.com

October 22, 2014

Neighborhood Services and Safety Committee  
1 Dr Carlton B. Goodlett Place, City Hall  
San Francisco CA 94102-4689

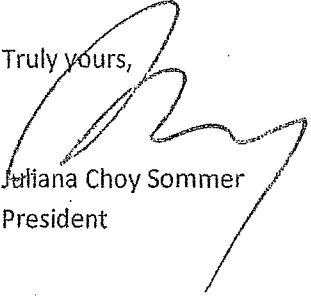
Dear Committee Members,

As a female business owner of a manufacturing and contracting business in the City and County of San Francisco, I would like to share my concern of the draft legislation that attempts to unfairly control our compensation practices. Running a business in San Francisco is extremely challenging and continual exertion of oversight and pressure on business owners is a cause for alarm.

Gender inequality is an issue that strikes close to my heart. As a female doing business in the construction industry, it is imperative that doors are continually broken open to allow women like myself to earn a livelihood. However, this dangerous legislation fails to address the root causes of pay equality and instead adds a layer of bureaucratic oversight that can be prone to abuse.

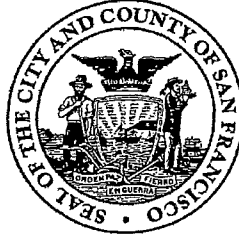
I hope that the committee understands the far reaching ramifications that this legislation will have on the local business community. Let us first have a meaningful dialogue over this matter instead of simply fast-tracking legislation that may not address the issue. There are many stakeholders that need to be a part of this process and I do not feel there has been adequate time for discourse.

Truly yours,

  
Juliana Choy Sommer  
President



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

### NEIGHBORHOOD SERVICES & SAFETY COMMITTEE

#### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor David Campos, Chair  
Neighborhood Services & Safety Committee

FROM: Derek Evans, Assistant Committee Clerk

DATE: October 24, 2014

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, October 28, 2014

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, October 28, 2014. This item was acted upon at the Neighborhood Service and Safety Committee Special Meeting on Thursday, October 23, 2014, at 1:00 p.m., by the votes indicated.

**Item No. 2            File No. 141001**

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE**

Vote: Supervisor David Campos - Aye  
Supervisor Eric Mar - Aye  
Supervisor Norman Yee - Aye

**RECOMMENDED AS AMENDED AS A COMMITTEE REPORT**

Vote: Supervisor David Campos - Aye  
Supervisor Eric Mar - Aye  
Supervisor Norman Yee - Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Legislative Deputy  
Jon Civner, Deputy City Attorney

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Emily Murase, Executive Director, Department on the Status of Women  
Theresa Sparks, Executive Director, Human Rights Commission

FROM: Alisa Somera, Clerk, Rules Committee  
Board of Supervisors

DATE: September 29, 2014

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Campos on September 23, 2014. This matter is being referred to your department for informational purposes.

### **File No. 141001**

Ordinance amending the Administrative Code to require certain City contractors and subcontractors with 20 or more employees to submit an Equal Pay Report regarding compensation paid to employees; and establishing the Equal Pay Advisory Board to analyze and recommend the best methods of data collection that will identify wage gaps, and setting forth the membership and duties of the Advisory Board.

If you wish to submit any reports or documentation to be considered with the legislation, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Cynthia Vasquez, Secretary, Commission on the Status of Women  
Sheryl Cowan, Secretary, Human Rights Commission

Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

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

**Sponsor(s):**

Campos; Kim, Avalos

**Subject:**

Administrative Code - Requiring City Contractors to Submit Equal Pay Report; Creating Equal Pay Advisory Board

**The text is listed below or attached:**

[ ]

Signature of Sponsoring Supervisor: *David Campos*

For Clerk's Use Only:

141001

