

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Thirty-Seventh  
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Thirty-Seventh Supplement to**  
4 **the Proclamation of Emergency to meet the ongoing local emergency related to the**  
5 **novel coronavirus COVID-19 pandemic by 1) authorizing the waiver of civil service**  
6 **rules to hire employees to ensure the continuity of City services due to the**  
7 **reassignment, suspension, termination, resignation, retirement, or leaves of City**  
8 **employees that may result from vaccination policies or requirements, or return to in-**  
9 **person work requirements; 2) extending the existing COVID-19 sick leave program for**  
10 **City employees to October 31, 2021, and authorizing a possible further extension to**  
11 **December 31, 2021; and 3) allowing City employees to continue to carry vacation hours**  
12 **over the applicable cap until June 30, 2022.**

13  
14 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local  
15 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

16 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the  
17 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on  
18 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions  
19 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring  
20 Motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

21 WHEREAS, To protect the health and safety of City employees and the public, and to  
22 comply with legal mandates, the City required all employees to report their vaccination status  
23 by July 29, 2021; employees who failed to comply with this reporting requirement are subject  
24 to progressive discipline, up to and including termination of employment; and

1           WHEREAS, To protect the health and safety of City employees and the public, City  
2 policy requires all City employees to be fully vaccinated against COVID-19 no later than  
3 November 1, 2021, subject to limited exemptions for medical disability and sincerely held  
4 religious beliefs, and depending on their work duties some City employees must be fully  
5 vaccinated prior to November 1, 2021, under State and City health orders; City policy also  
6 provides that employees who are not vaccinated consistent with these requirements and who  
7 do not have an approved exemption on medical or religious grounds that the department is  
8 able to reasonably accommodate will be subject to non-disciplinary separation from City  
9 employment for failure to meet a condition of City employment; and

10           WHEREAS, Presently, a significant number of City employees across a number of  
11 departments have not been vaccinated, and except for employees with an approved  
12 exemption to the vaccination requirement that the department is able to reasonably  
13 accommodate, such employees will be separated from City employment if they refuse to  
14 comply with the City's vaccination policy; and

15           WHEREAS, To ensure the continuity of City services due to the suspension,  
16 termination, or non-disciplinary release of employees who fail to comply with the vaccination  
17 policy reporting and vaccination requirements, it is in the public interest to temporarily waive  
18 provisions of City law to expedite the process of filling positions left vacant due to vaccination  
19 policy-related suspensions or terminations; and

20           WHEREAS, Some employees may resign from City employment or take extended  
21 leave rather than comply with the City's vaccination policy, and others may resign or take  
22 extended leave rather than return to in-person work after the City returns employees to the  
23 workplace, currently scheduled for November 1, 2021; these resignations or extended leaves  
24 may increase staffing vacancies already created by release of employees who fail to comply  
25 with the vaccination policies; and

1           WHEREAS, In the Seventh Supplemental Proclamation, the Mayor authorized a  
2 program for additional paid sick leave for City employees to ensure they have sufficient paid  
3 time off balances to remain out of the workplace if they or their family members are sick,  
4 quarantined, or otherwise impacted by COVID-19, so those employees could return to work  
5 as soon as possible and function at full capacity in the service of the City; this program was  
6 modified by the Thirtieth, Thirty-Fourth, and Thirty-Sixth Supplemental Proclamations, and the  
7 leave program extended to September 30, 2021; due to the impacts of the Delta variant as  
8 well as the possible use of such leave for vaccination-related purposes, it is in the public  
9 interest to extend the program further; and

10           WHEREAS, In the Seventh and Thirty-First Supplemental Proclamations, the Mayor  
11 waived provisions of local law to allow City employees to accrue up to 80 hours of vacation  
12 over the applicable vacation cap because many City employees were unable to use vacation  
13 balances due to the demands of their duties related to the emergency; the Thirty-First  
14 Supplemental Proclamation authorized the accrual of such additional vacation hours until  
15 June 30, 2021, and required City employees to use the additional vacation by December 31,  
16 2021; given that emergency conditions have continued and City operations are still in the  
17 process of returning to pre-pandemic normal, some City employees have been unable to  
18 reduce their vacation balances, thus it is in the public interest to authorize employees to  
19 maintain vacation balances above the cap until June 30, 2022, to provide employees  
20 additional time to reduce vacation balances; and

21           WHEREAS, On September 28, 2021, the Mayor took additional steps to meet the  
22 emergency by issuing the Thirty-Seventh Supplement to the Proclamation, ordering three  
23 actions to meet the emergency; the Thirty-Seventh Supplement is on file with the Clerk of the  
24 Board of Supervisors in Board File No. 211044; and

1           WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100  
2 provide for the concurrence by members of the Board of Supervisors in such emergency  
3 declaration and in action taken by the Mayor to meet the emergency; now, therefore, be it

4           MOVED, That the Board of Supervisors concurs with the following actions taken by the  
5 Mayor to meet the local emergency included in the Mayor’s Thirty-Seventh Supplement to the  
6 Proclamation, dated September 28, 2021, as such actions are described in full in the Thirty-  
7 Seventh Supplement and summarized as follows:

8           Action 1:     Authorizing the Human Resources Director and the Director of  
9 Transportation to waive Civil Service Rules and Charter provisions to hire employees upon a  
10 determination that such waiver is necessary or appropriate to ensure the continuity of City  
11 services due to the reassignment, suspension, or termination of City employees as a result of  
12 the City’s vaccination policy, and including continuity of service needs due to employee  
13 resignations, retirements, or leaves in response to the vaccination policy or requirements or  
14 return to in-person work requirements.

15           Action 2:     Extending the existing COVID-19 sick leave program for City  
16 employees, due to expire on September 30, 2021, to October 31, 2021, and authorizing the  
17 Human Resources Director to further extend the program to December 31, 2021, upon written  
18 determination that extending the availability of this leave will mitigate the impacts of COVID-19  
19 on City employees and their families, support continued delivery of City programs and  
20 services, or support the health and safety of City employees or the public.

21           Action 3.     Waiving provisions of local law to allow City employees to continue  
22 to carry vacation hours over the applicable vacation cap until June 30, 2022.

23  
24 n:\govern\as2021\2000377\01557382.docx