

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Rachel Langston, Advisory Board Chair, Equal Pay Advisory Board
Theresa Sparks, Executive Director, Human Rights Commission

FROM: Derek Evans, Assistant Clerk
Rules Committee

DATE: December 8, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Campos on December 1, 2015:

File No. 151227

Ordinance amending the Administrative Code to revise reporting deadlines regarding equal pay reports, and extending the sunset date of the Equal Pay Advisory Board by nine months to July 2, 2018.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: derek.evans@sfgov.org.

c: Mullane Ahern, Equal Pay Advisory Board

1 [Administrative Code - Equal Pay Advisory Board Reporting Deadlines and Sunset Date]

2
3 **Ordinance amending the Administrative Code to revise reporting deadlines regarding**
4 **equal pay reports, and the sunset date of the Equal Pay Advisory Board.**

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

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

13 Section 1. The Administrative Code is hereby amended by revising Sections 12B.2,
14 12B.2-3, and 12B.2-6, to read as follows:

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

16 * * * *

17 (f) The contractor or subcontractor shall:

18 * * * *

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

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

1 (B) Each contractor or subcontractor shall file a complete and accurate
2 Equal Pay Report with the Commission commencing on a date set by the Commission but no
3 later than ~~January 31, 2016~~ July 3, 2017. Thereafter, each contractor or subcontractor shall file a
4 Equal Pay Report annually.

5 (C) The Equal Pay Report requirements of this Subsection (f)(2) shall
6 apply to all qualifying contracts, subcontracts and grants first advertised for bid, request for
7 qualification or proposal ~~is~~ issued or initiated on a date set by the Commission but no later
8 than ~~January 31, 2016~~ July 3, 2017.

9 (D) If any information in the Equal Pay Report constitutes proprietary
10 financial data, or confidential trade secret, or is protected by the right of privacy under the U.S.
11 or California Constitution, the City shall not disclose such information unless required by law,
12 including under the California Public Records Act and the San Francisco Sunshine Ordinance.

13 * * * *

14 **SEC. 12B.2-3. POWERS AND DUTIES.**

15 (a) The Advisory Board shall analyze and recommend the best method or methods
16 of data collection that will identify wage gaps between men and women of the same or
17 different races and among members of different races, and that will minimize the burden on
18 City contractors and subcontractors in providing the data. The Advisory Board shall also
19 analyze and recommend data points that may include but are not limited to employees'
20 education, years of work experience, and specialized skills, that would aid in the analysis of
21 wage disparities. The Advisory Board's recommendations shall include recommendations for
22 additional ordinances if legislative change is necessary or desirable to implement the
23 recommendations.

24 (b) The Advisory Board shall make its recommendation to the Board of Supervisors
25 and the Human Rights Commission within six months of its inaugural meeting. Thereafter,

1 notwithstanding Rule 2.21 of the Board of Supervisors Rules of Order, which provides that advisory
2 bodies created by the Board shall meet at least once every four months, the Advisory Board shall
3 meet at least ~~once every four months~~ twice per calendar year to evaluate the effectiveness of the
4 data collection methods used and make further recommendations as appropriate.

5 * * * *

6 **SEC. 12B.2-6. SUNSETTING.**

7 (a) The Advisory Board and sections pertaining thereto (Sections 12B.2-1 through
8 12B.2-6) shall expire by operation of law on ~~October 1, 2017~~ July 2, 2018, unless the Board of
9 Supervisors adopts an ordinance continuing the existence of the Advisory Board.

10 (b) The Advisory Board shall submit a report to the Board of Supervisors by ~~May 1,~~
11 ~~2017~~ February 1, 2018, recommending whether the Advisory Board should continue to operate,
12 and if so, whether the Board of Supervisors should consider legislative changes that would
13 enhance the capacity of the Advisory Board to achieve its goals.


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

17
18 Section 2. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 BRADLEY A. RUSSI
9 Deputy City Attorney

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