

File No. 220100

Committee Item No. \_\_\_\_\_

Board Item No. 45

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: February 1, 2022

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Award Letter
- Application
- Public Correspondence

#### OTHER

- Mayor's Forty-Fourth Supplement - 1/20/22
- \_\_\_\_\_
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Prepared by: Jocelyn Wong

Date: January 28, 2022

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Fourth  
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Forty-Fourth Supplement to the**  
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**  
5 **coronavirus COVID-19 pandemic by authorizing the Controller to develop and issue a**  
6 **policy to allow the City to continue to provide funding under existing agreements to**  
7 **non-profit organizations that are unable to provide services under contracts or grant**  
8 **agreements with the City due to disruptions related to COVID-19 during the local**  
9 **emergency, and authorizing a program to provide additional paid sick leave to City**  
10 **employees and “as needed” employees to be used for COVID-19 infection, COVID-19**  
11 **exposure, or direct impacts of COVID-19 on employees and their families.**

12  
13 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local  
14 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

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

20 WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency  
21 under Section 101080 of the California Health and Safety Code, and the Board of Supervisors  
22 concurred in that declaration on March 10, 2020; and

23 WHEREAS, In the past several weeks, the City has seen exponential growth in the  
24 number of confirmed COVID-19 cases due to the arrival of the highly transmissible Omicron  
25

1 variant, causing a sharp rise in City employees' use of sick time, as many City employees  
2 have been required to isolate and quarantine due to COVID-19 infection and exposure; and

3 WHEREAS, The City's non-profit service partners similarly have suffered disruptions  
4 due to employees' need to stay home from work due to infection or exposure; and

5 WHEREAS, On January 20, 2022, the Mayor took additional steps to meet the  
6 emergency by issuing the Forty-Fourth Supplement to the Proclamation, ordering two actions  
7 to meet the emergency; the Forty-Fourth Supplement is on file with the Clerk of the Board of  
8 Supervisors in Board File No. 220100; and

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

12 MOVED, That the Board of Supervisors concurs with the following actions taken by the  
13 Mayor to meet the local emergency included in the Mayor's Forty-Fourth Supplement to the  
14 Proclamation, dated January 20, 2022, as such actions are described in full in the Forty-  
15 Fourth Supplement and summarized as follows:

16 Action 1: Authorizing the Controller to develop and issue a policy to allow  
17 the City to continue to provide funding under existing agreements to non-profit organizations  
18 that are unable to provide services under contracts or grant agreements with the City due to  
19 disruptions related to COVID-19 during the local emergency, and suspending provisions of  
20 service agreements and of local law to the extent they would impede such continued  
21 payments authorized under the policy promulgated by the Controller.

22 Action 2: Authorizing a program to provide additional paid sick leave to City  
23 employees and "as needed" employees to be used for COVID-19 infection, COVID-19  
24 exposure, or direct impacts of COVID-19 on employees and their families such as school  
25 closures or remote or hybrid learning programs, and waiving any provisions of the Charter, the

1 Municipal Code, and City rules or regulations that would limit or prevent this additional sick  
2 leave benefit.

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**FORTY-FOURTH SUPPLEMENT TO MAYORAL PROCLAMATION  
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY DATED  
FEBRUARY 25, 2020**

*Continuity of Services for Non-Profits; COVID-19 Sick Pay for City Employees*

**WHEREAS**, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

**WHEREAS**, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

**WHEREAS**, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

**WHEREAS**, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

**WHEREAS**, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

**WHEREAS**, In the past several weeks, the City has seen exponential growth in the number of confirmed COVID-19 cases due to the arrival of the highly transmissible Omicron variant. This increase in cases has caused a sharp rise in City employees’ use of sick time, as many City employees have been required to isolate and quarantine due to COVID-19 infection and exposure. Similarly, the City’s non-profit service partners have suffered disruptions due to employees’ need to stay home from work due to infection or exposure; and

**WHEREAS**, In Section 1 of the First Supplement to the Proclamation of Local Emergency, the Mayor authorized the Controller to create a policy to allow the City to continue to fund non-profit service providers under contract with the City where impacts



from the pandemic prevented them from fulfilling all the requirements of their agreements with the City. On November 15, 2021, the Mayor terminated that order, as the improved conditions at that time and in the preceding months allowed for non-profits to meet their obligations. But the Omicron surge has again caused significant disruptions in non-profits' ability to offer services under their agreements with the City due to sick employees and other staffing issues. To ensure the stability of these non-profit organizations over the next several months and their ability to get through the current surge and provide services in the future, it is in the public interest to again authorize the Controller to promulgate a policy allowing the City to continue funding its non-profit partners and offer greater flexibility under existing agreements; and

**WHEREAS**, Through a number of orders issued under the Proclamation beginning with Section 2 of the Seventh Supplemental Proclamation, the Mayor authorized the creation of a program to give City employees an additional 80 hours of paid sick time to be used for COVID-19 illness and other related purposes. The program was extended several times, and ultimately all such leave expired on December 31, 2021. Due to the Omicron surge, the number of City employees using sick leave has increased significantly – by 20% over the City's last three pay periods – and some employees lack a sufficient number of hours of paid sick leave to cover their COVID-19-related absences. Some City employees have already used paid sick leave to take time off work in January 2022 because of COVID-19 infection or exposure, and have been unable to use the additional paid sick time that expired on December 31, 2021. Thus, to ensure that City employees stay home to isolate and quarantine when required to do so based on guidance from public health officials and to care for members of their family in similar circumstances, it is in the public interest to again offer additional paid sick leave that employees may use for COVID-19 related reasons;

**NOW, THEREFORE,**

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

**In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:**



(1) The Controller is authorized to develop and issue a policy to allow the City to continue to provide funding under existing agreements to non-profit organizations that are unable to provide services under contracts or grant agreements with the City due to disruptions related to COVID-19 during the local emergency. The Controller shall publish written guidelines describing the conditions under which such funding will be available. Provisions of service agreements and of local law are suspended to the extent they would impede such continued payments authorized under the policy promulgated by the Controller. The Controller's policy may apply retroactively to December 1, 2021 if the Controller determines retroactivity is necessary to ensure the continuity of non-profits' services to the City and/or the public. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(2) A program to provide additional paid sick leave to City employees is authorized as follows:

(a) The City shall provide all regularly-scheduled employees an additional 80 hours of new paid sick leave that employees can use for COVID-19 infection, COVID-19 exposure, or direct impacts of COVID-19 on employees and their families such as school closures or remote or hybrid learning programs. Part-time employees shall receive a prorated number of new paid sick leave hours. Any provisions of the Charter, the Municipal Code, and City rules or regulations that would limit or prevent this additional sick leave benefit are waived. The Human Resources Director and Controller, or their designees, are authorized to implement this program and issue any necessary rules and guidance.

(b) The leave described subsection (a) of this Order is also available to "as needed" employees, i.e., employees without a regular work schedule, who work at the San Francisco Department of Public Health ("DPH"). Each as needed DPH employee shall receive up to 80 hours of paid sick leave to be used for COVID-19 infection, COVID-19 exposure, or direct impacts of COVID-19 on employees and their families such as school closures or remote or hybrid learning programs. This leave for as needed employees shall be prorated based on the average number of hours the employee worked over the past six months, looking back from close of business on the date of this Order. If the employee has less than six months of service, then the City will calculate the prorated leave hours based on the average number of hours the employee has worked since appointment, as long as the employee has at least 30 days of City service from appointment. For as needed employees with less than 30 days of service since



appointment, the City will determine the employee's prorated hours and provide leave after the employee has 30 days of City service from appointment, based on the average number of hours worked in that 30-day period. Any employee who received paid sick leave under subsection (a) of this Order based on another City appointment, and who also holds an as needed appointment, is not eligible for additional paid sick leave under this subsection (b).

(c) The leave available under this Order can be applied retroactively to cover an employee's use of leave since January 1, 2022, if the employee used leave hours between January 1, 2022 and the date of this Order due to COVID-19 infection, COVID-19 exposure, or direct impacts of COVID-19 on the employee and the employee's family such as school closures or remote or hybrid learning programs.

(d) The leave provided by this Order shall expire at close of business on March 4, 2022. The Human Resources Director is delegated authority to extend the expiration of leave under the program in whole or in part to no later than June 30, 2022, upon a written determination that extending the availability of this leave will mitigate the impacts of COVID-19 on City employees and their families, support continued delivery of City programs and services, or support the health and safety of City employees or the public. The Human Resources Director shall transmit any such determination to extend the program to the Mayor and the Clerk of the Board of Supervisors. This Order shall remain in effect until June 30, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: January 20<sup>th</sup>, 2022

A handwritten signature in blue ink that reads "London Breed".

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London N. Breed  
Mayor of San Francisco



# Introduction Form

By a Member of the Board of Supervisors or 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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Walton

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Forty-Fourth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by authorizing the Controller to develop and issue a policy to allow the City to continue to provide funding under existing agreements to non-profit organizations that are unable to provide services under contracts or grant agreements with the City due to disruptions related to COVID-19 during the local emergency, and authorizing a program to provide additional paid sick leave to City employees and "as needed" employees to be used for COVID-19 infection, COVID-19 exposure, or direct impacts of COVID-19 on employees and their families.

Signature of Sponsoring Supervisor: