

LEGISLATIVE DIGEST

[Police Code - Displaced Worker Protections Under Certain Service Contracts]

Ordinance amending the Police Code to require an awarding authority, following the termination or end of a contract for janitorial, security, or building maintenance services in San Francisco, to provide information to facilitate the successor contractor's retention of the terminated or ending contractor's employees; to strengthen enforcement by permitting the City Attorney or an aggrieved employee to bring a civil action against the awarding authority for injunctive relief; to further strengthen enforcement by authorizing the Office of Labor Standards Enforcement (OLSE) to, among other things, promulgate rules, investigate possible violations, and order interim or final relief, including backpay, administrative penalties, costs of investigation, and interest; and to establish procedures for a person subject to an OLSE investigation to appeal the OLSE's determination of violation.

Existing Law

Currently, Article 33C of the Police Code provides that when a contract for security, janitorial, or building maintenance services ends or is terminated, any successor contractor is obligated to retain those employees who had been employed by the prior contractor (for the preceding eight months or longer at the site covered by the contract) for a 90-day transition employment period.

To facilitate the successor contractor's transitional employment of these workers, Article 33C requires that the terminated contractor provide to the successor contractor specific information about each employee who was employed at the site when the contract ended or terminated.

Currently, Article 33C provides only one enforcement option. Specifically, an employee who is unlawfully discharged by a successor contractor may bring a court action against the successor contractor and may be awarded back pay.

Amendments to Current Law

The proposed ordinance would amend Article 33C of the Police Code to facilitate the required 90-day employment transition by requiring the entity that awarded the contract for security/janitorial/maintenance services (Awarding Authority) to, in some instances, obtain employee information from the terminated or ending contractor, and share that information with the successor contractor. In addition, the proposed ordinance would strengthen enforcement of Article 33C by authorizing the City Attorney or an aggrieved employee to bring a civil action against the awarding authority for injunctive relief. It would also authorize the Office of Labor Standards Enforcement (OLSE) to, among other things, promulgate rules, investigate possible violations, issue a determination, and order interim or final relief, including

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backpay, administrative penalties, costs of investigation, and interest. Finally, it would establish procedures for a person subject to an OLSE investigation to appeal the OLSE's determination.

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