

1 [Police Code - Rights of Formula Retail Employees in Hotels]

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3 **Ordinance amending the Police Code to allow collective bargaining agreements**
 4 **covering employees of Formula Retail Establishments in hotels to waive the**
 5 **protections of Articles 33F and 33G, which, among other things, require employers to**
 6 **offer additional hours of work, when available, to current part-time employees; require**
 7 **successor employers to retain employees for 90 days upon a change in control of the**
 8 **business; provide employees with certain rights regarding notice of and changes to**
 9 **their work schedules; and provide part-time employees with the same starting rate of**
 10 **hourly pay, access to time off, and eligibility for promotions, as provided to full-time**
 11 **employees.**

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13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 14 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 16 **Board amendment additions** are in double-underlined Arial font.
 17 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 18 **Asterisks (* * * *)** indicate the omission of unchanged Code
 19 subsections or parts of tables.

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

21 Section 1. Background.

22 Ordinance No. 236-14, which created Article 33F, requires formula retail
 23 establishments to provide employees with two weeks' notice of work schedules, notice of
 24 changes to work schedules, and compensation for schedule changes made on less than
 25 seven days' notice and unused on-call shifts. The ordinance also provides part-time
 employees with the same starting rate of hourly pay, access to time off, and eligibility for
 promotions, as provided to full-time employees. Ordinance No. 241-14, which created Article

1 33G, requires formula retail establishments to offer additional hours of work, when available,
2 to current part-time employees. The ordinance also requires successor employers to retain
3 employees for 90 days upon a change in control of the business.

4
5 Section 2. Article 33F of the Police Code is hereby amended by adding Section
6 3300F.19, to read as follows:

7 **SEC. 3300F.19. WAIVER FOR HOTEL EMPLOYEES UNDER COLLECTIVE**
8 **BARGAINING AGREEMENT.**

9 *For Employees of Formula Retail Establishments located within Tourist Hotels as defined in*
10 *Administrative Code Section 41.1(r), and covered by a bona fide collective bargaining agreement, all*
11 *or any portion of the applicable requirements of this Article 33F shall not apply to the extent that such*
12 *requirements are expressly waived in the collective bargaining agreement in clear and unambiguous*
13 *terms.*

14
15 Section 3. Article 33G of the Police Code is hereby amended by adding Section
16 3300G.18, to read as follows:

17 **SEC. 3300G.18. WAIVER FOR HOTEL EMPLOYEES UNDER COLLECTIVE**
18 **BARGAINING AGREEMENT.**

19 *For Employees of Formula Retail Establishments located within Tourist Hotels as defined in*
20 *Administrative Code Section 41.1(r), and covered by a bona fide collective bargaining agreement, all*
21 *or any portion of the applicable requirements of this Article 33G shall not apply to the extent that such*
22 *requirements are expressly waived in the collective bargaining agreement in clear and unambiguous*
23 *terms.*

1 Section 4. 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.

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

8 By: _____
9 JOSHUA WHITE
10 Deputy City Attorney

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