

LEGISLATIVE DIGEST

[Police Code - Formula Retail Employee Rights]

Ordinance amending the Police Code, Articles 33F and 33G, which contain the formula retail employee rights ordinances, to change from 20 to 40 the number of employees in San Francisco required for a formula retail establishment to be covered by the ordinances; and to allow collective bargaining agreements covering employees of formula retail establishments to waive the protections of Articles 33F and 33G.

Existing Law

The Board of Supervisors enacted two ordinances on November 25, 2014 that, collectively, have been referred to as the Formula Retail Workers' Bill of Rights (the "underlying ordinances").

One of the ordinances, No. 241-14, is entitled, "Predictable Scheduling and Fair Treatment for Formula Retail Employees Ordinance." It requires formula retail establishments to provide employees with two weeks' notice of work schedules, notice of changes to work schedules, and compensation for schedule changes made on less than 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. The other ordinance, No. 236-14, requires formula retail establishments to offer additional hours of work, when available, to current part-time employees. The ordinance also requires successor employers to retain employees for 90 days upon a change in control of the business.

Both ordinances define "employer" to mean any person that owns or operates a Formula Retail Establishment with 20 or more Employees in the City.

Neither ordinance allows employees to waive its protections as part of a collective bargaining agreement. On December 16, 2014, Supervisor Mar introduced an ordinance, No. 141300, that would allow unions representing formula retail employees working inside hotels to waive the protections of the underlying ordinances as part of a collective bargaining agreement. On January 15, 2015, the Land Use and Economic Development Committee referred it to the Police Department and Office of Labor Standards Enforcement for informational purposes.

Amendments to Current Law

The proposed legislation would change the definition of "employer" to any person that owns or operates a Formula Retail Establishment with 40 or more Employees in the City.

FILE NO. 150269

The proposed legislation would allow unions representing formula retail employees to waive the protections of the underlying ordinances as part of a collective bargaining agreement.

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