

File No. 150524

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 9, 2015

Board of Supervisors Meeting

Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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|-------------------------------------|--------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Charter Amendment</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination, dtd 6/9/15</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Alisa Somera Date July 3, 2015

Completed by: _____ Date _____

1 [Charter Amendment - Enhancement of Paid Parental Leave for City Employees]

2
3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco to allow City employees who qualify to take leave for the birth or**
5 **placement of the same child to each receive the maximum amount of paid parental leave**
6 **for which they qualify, and to permit City employees to retain 40 hours of accrued sick**
7 **leave at the end of paid parental leave, at an election to be held on November 3, 2015.**

8 Section 1. The Board of Supervisors hereby submits to the qualified voters of the City
9 and County, at an election to be held on November 3, 2015, a proposal to amend the Charter of
10 the City and County by revising Sections A8.365, A8.365-1, A8.365-2, A8.365-3, and A8.365-4,
11 to read as follows:

12 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
13 **Additions** are *single-underline italics Times New Roman font*.
14 **Deletions** are ~~*strike-through italics Times New Roman font*~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Charter
16 subsections.

17 **A8.365 COMPENSATION DURING PARENTAL LEAVE**

18 Under federal, state and local law, employees are entitled to take an unpaid leave of
19 absence in the event of pregnancy disability or to care for a child after birth or placement for
20 adoption or foster care. But employees may not have the financial resources to take advantage of
21 this leave. This section provides compensation to supplement state disability insurance
22 payments, paid sick leave, compensatory time, and other forms of paid leave, to ensure that an
23 employee will receive the equivalent of the employee's salary for 12 weeks, or, if the employee is
temporarily disabled by pregnancy, up to 16 weeks, while on approved leave.

24 In accordance with this section, eligible employees on approved Parental Leave shall
25 receive Ssupplemental Compensation as set forth herein.

1 Nothing in this section shall be construed to expand, reduce or otherwise affect the total
2 amount of leave time available to employees under federal, state, or local law, Civil Service
3 Commission rules, or applicable memoranda of understanding between the City and County of
4 San Francisco and employee organizations. This section is intended to supplement other
5 available sources of income during specified periods of leave to which the employee is otherwise
6 eligible. Except for leave mandated by law, requests for leave continue to be subject to the
7 approval of the appointing officer.

8 **A8.365-1 DEFINITIONS**

9 The following words and phrases as used in this section, unless a different meaning is
10 plainly required by the context, shall have the following meaning:

11 "Domestic Partner" shall have the same meaning as set forth in Administrative Code
12 Section 62.1 et seq.

13 "Employee" shall mean any person who is appointed to a position created by or which is
14 under the jurisdiction of the City and County, whose compensation is paid by the City and
15 County, and who is under the control of the City and County as to employment, direction and
16 discharge and does not include persons who occupy classified or certificated positions with the
17 San Francisco Unified School District or the Community College District or who work for the
18 City as independent contractors.

19 "Paid Leave" shall mean all paid time-off provided by the Charter, the Administrative
20 Code, the Civil Service Rules or through a collective bargaining agreement and shall include but
21 not be limited to vacation, sick leave, compensatory time, administrative or executive leave and
22 floating holidays. For purposes of this section, "Paid Leave" shall not include statutory holidays.

23 "Parental Leave" shall mean (a) Family Medical Leave as defined below; (b) Temporary
24 Pregnancy Disability Leave as defined below:
25

1 (a) "Family Medical Leave" shall mean leave taken pursuant to the Family
2 and Medical Leave Act, the California Family Rights Act, or Civil Service Commission Rules,
3 where such leave is taken after the birth of a child to the Employee, the Employee's spouse or
4 the Employee's Domestic Partner or for placement of a child with the Employee's family for
5 adoption or foster care, and has been requested and approved in accordance with the procedures
6 set forth in those respective statutes or rules, except to the extent that those statutes, rules, or any
7 associated regulations allow an employer to limit leave to a combined total maximum duration if
8 more than one employee qualifies to take leave for the birth or placement of the same child.
9 Charter Sections A8.365 through A8.365-4 are intended to provide each Employee the
10 maximum duration of Parental Leave to which he or she would otherwise be entitled under its
11 provisions, regardless of the amount of leave taken by another Employee for the birth or
12 placement of the same child.

13 (b) "Temporary Pregnancy Disability Leave" shall mean disability leave taken
14 in accordance with State law or the Civil Service Commission Rules because of an Employee's
15 inability to work, as certified by a health care provider, for reasons of pregnancy, childbirth, or
16 related conditions, as defined by the California Fair Employment and Housing Act, Govt. Code
17 Section 12945.1(b)(2) *et seq.*

18 "Supplemental Compensation" shall mean compensation paid by the City to eligible
19 Employees on Parental Leave. The amount of Supplemental Compensation shall be the
20 Employee's regular base wage less (1) all accrued Paid Lease from the City with the
21 exception of 40 hours of sick leave and (2) any payments received by the Employee from a
22 federal, state or other local government agency in lieu of compensation.

23 **A8.365-2 ELIGIBILITY**

24 The following Employees shall be eligible to receive compensation as set forth herein:
25

1 (a) Permanent, provisional, and exempt Employees whose normal work week is not
2 less than ~~twenty (20)~~ hours upon completion of six months of continuous service; and

3 (b) All other Employees of the City and County of San Francisco, including "as
4 needed" Employees, who have worked ~~one thousand and forty 1040~~ hours ~~(1040)~~ in the ~~twelve~~
5 ~~(12)~~ months prior to the beginning of the Parental Lease and whose average work week is not
6 less than ~~twenty~~ 20 hours.

7 **A8.365-3 DURATION**

8 Employees shall receive Supplemental Compensation as set forth herein for a period
9 not to exceed ~~twelve~~ 12 weeks while on approved Family Medical Leave. Employees who take
10 approved Temporary Pregnancy Disability Leave shall receive up to an additional ~~four~~ 4 weeks
11 of compensation. Such compensation shall be subject to the conditions set forth in Section
12 A8.365-4.

13 **A8.365-4 SUPPLEMENTAL COMPENSATION**

14 (a) Employees shall receive their regular base wage while on approved Parental Leave
15 subject to the following conditions;

16 (1) Employees on approved Parental Leave shall first exhaust all accrued
17 Paid Lease, with the exception of 40 hours of sick leave, before receiving any Supplemental
18 Compensation ~~under this section~~. Alternatively, If if an Employee chooses not to exhaust ~~these~~
19 ~~accrued leaves, as required by the previous sentence~~, the total amount of ~~the benefit~~
20 Supplemental Compensation for which the Employee would otherwise ~~have been~~ be eligible
21 will be reduced by the total amount of accrued Paid Lease ~~accrued by the E~~mployee chooses
22 to retain, with the exception of 40 hours of accrued sick leave, as of the start of the leave.

23 (2) The amount of Supplemental Compensation shall be reduced by any
24 payments received by the Employee from a federal, state or other local government agency
25 while on Parental Leave.

1 (3) Supplemental Compensation shall be provided for no more than ~~twelve~~ 12
2 weeks, in the case of Employees taking Family Medical Leave, or ~~sixteen~~ 16 weeks, in the case
3 of Employees who take Temporary Pregnancy Disability Leave. For Employees eligible for
4 both Family Medical Leave and Temporary Pregnancy Disability Leave, Supplemental
5 Compensation shall be provided for no more than 16 ~~sixteen~~ weeks total. The 12 ~~twelve~~-or
6 16 ~~sixteen~~ week period shall be reduced by any Paid Lease taken by the Employee: (A) after
7 the birth of a child to the Employee, the Employee's spouse, or the Employee's Domestic
8 Partner; (B) after placement of a child with the Employee's family for adoption or foster
9 care; or ~~taken~~ (C) for temporary pregnancy disability, within ~~twelve~~ 12 months prior to the
10 commencement of Parental Leave as defined herein.

11 (4) Under no circumstance shall an Employee receive from the City
12 Supplemental Compensation ~~under this Charter section~~ which would result in an Employee
13 receiving total compensation while on Parental Leave which is greater than the Employee's
14 regular base wage.

15 (b) During Parental Lease, the City shall continue to pay the contributions required
16 by this Charter for retirement and health benefits, and any employer-paid Employee retirement
17 and health contributions required under the memorandum of understanding or unrepresented
18 ordinance covering the Employee. Retirement contributions shall be based on the actual amount
19 of City pay received during the period of Parental Lease.

20 (c) The amendment of this Section A8.365-4 approved at the November 3, 2015
21 election shall apply only to Employees who have not yet begun Parental Leave on the effective

22 ////
23 ////
24 ////
25 ////

1 date of the amendment, or who have begun Parental Leave but have not yet exhausted all of their
2 accrued sick leave on the effective date of the amendment.

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

5 By:


6 SALLIE P. GIBSON
7 Deputy City Attorney

8 n:\leganas2015\1500632\01020330.doc

REVISED LEGISLATIVE DIGEST

(6/2/2015, Substituted)

[Charter Amendment - Enhancement of Paid Parental Leave for City Employees]

Describing and setting forth a proposal to the voters to amend the Charter of the City and County of San Francisco to allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, and to permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave, at an election to be held on November 3, 2015.

Existing Law

Charter sections A8.365 et seq. provide qualifying City employees with compensation to supplement state disability insurance payments, paid sick leave, compensatory time and other forms of paid leave to ensure that the employee receives the equivalent of the employee's salary for 12 weeks, if leave is taken to care for a child after birth or placement for adoption or foster care, or up to 16 weeks, if the employee is temporarily disabled by pregnancy.

If more than one City employee qualifies to receive supplemental compensation for the birth or placement of a particular child, the combined total maximum duration for which the City will provide them with supplemental compensation is 12 weeks.

Prior to receiving supplemental compensation, an employee must exhaust all other paid leave balances accrued with the City, for example, sick leave, vacation, floating holidays, etc. If the employee chooses not to exhaust these leaves, the total supplemental compensation for which the employee is eligible will be reduced by the amount of paid leave accrued by the employee as of the start of the leave.

Amendments to Current Law

The proposed Charter Amendment would:

1. allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, regardless of the amount of paid parental leave received by another employee for the same event.
2. permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave.

Background Information

This "Second Draft" of the Charter Amendment is being introduced as a substitute for the original draft introduced on May 19, 2015. This draft of the amendment adds subsection (c), which clarifies that the amendment only applies to City employees who have not yet begun Parental Leave on its effective date, or who have begun Parental Leave but have not yet exhausted all of their accrued sick leave on the effective date of the amendment.

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

June 8, 2015

File No. 150524-2

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

On June 2, 2015, Supervisor Tang introduced the following **substitute** Charter Amendment for the November 3, 2015, Election:

File No. 150524-2 Charter Amendment - Enhancement of Paid Parental Leave for City Employees

Charter Amendment (Second Draft) to amend the Charter to allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, and to permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave, at an election to be held on November 3, 2015.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Alisa Somera".

By: Alisa Somera, Committee Clerk
Rules Committee

Attachment

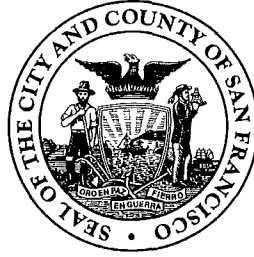
c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

Not defined as a project under CEQA Guideline Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2015.06.09 11:44:43 -0700

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: June 8, 2015

SUBJECT: SUBSTITUTE CHARTER AMENDMENT INTRODUCED
November 3, 2015 Election

The Board of Supervisors' Rules Committee has received the following substitute Charter Amendment for the November 3, 2015, Election, introduced by Supervisor Tang on June 2, 2015. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3.

File No. 150524-2 Charter Amendment - Enhancement of Paid Parental Leave for City Employees

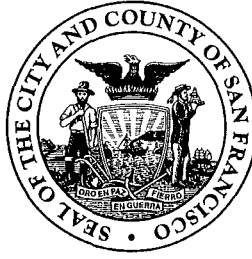
Charter Amendment (Second Draft) to amend the Charter to allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, and to permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave, at an election to be held on November 3, 2015.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

If you have any questions or concerns please call me at (415) 554-4447 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Todd Rydstrom, Deputy City Controller
Peg Stevenson, City Performance Director

BOARD of SUPERVISORS



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Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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By: Alisa Somera, Committee Clerk
Rules Committee

Attachment

c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
Naomi Kelly, City Administrator
John St. Croix, Executive Director, Ethics Commission
John Arntz, Director, Department of Elections
Harvey Rose, Budget and Legislative Analyst
Micki Callahan, Director, Department of Human Resources
Michael Brown, Executive Officer, Civil Service Commission
Richard Carranza, Superintendent, San Francisco Unified School District

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: June 8, 2015

SUBJECT: SUBSTITUTE CHARTER AMENDMENT INTRODUCED
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Please review and submit any reports or comments you wish to be included with the legislative file.

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c: Debra Newman, Office of the Budget and Legislative Analyst
Severin Campbell, Office of the Budget and Legislative Analyst
Gabriela Loeza, Office of the Budget and Legislative Analyst
Susan Gard, Department of Human Resources
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District

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MEMORANDUM

TO: Ben Rosenfield, City Controller

FROM: Alisa Somera, Clerk, Rules Committee
Board of Supervisors

DATE: May 26, 2015

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2015 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2015, Election, introduced by Supervisor Tang on May 19, 2015. This matter is being referred to you in accordance with Elections Code, Section 305(B)(2) and Rules of Order 2.22.3.

File No. 150524 Charter Amendment - Enhancement of Paid Parental Leave for City Employees

Charter Amendment (First Draft) to amend the Charter to allow City employees who qualify to take leave for the birth or placement of the same child to each receive the maximum amount of paid parental leave for which they qualify, and to permit City employees to retain 40 hours of accrued sick leave at the end of paid parental leave, at an election to be held on November 3, 2015.

Please review and prepare a financial analysis of the proposed measure prior to the first Rules Committee hearing.

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BOARD of SUPERVISORS



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May 19, 2015

File No. 150524

Sarah Jones
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Jones:

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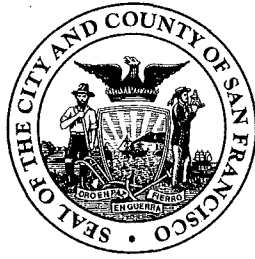
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By: Alisa Somera, Committee Clerk
Rules Committee

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c: Joy Navarrete, Environmental Planner
Jeanie Poling, Environmental Planner

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MEMORANDUM

TO: Nicole Elliott, Mayor's Office
Jon Givner, Office of the City Attorney
Naomi Kelly, City Administrator
John St. Croix, Executive Director, Ethics Commission
John Arntz, Director, Department of Elections
Harvey Rose, Budget and Legislative Analyst
Micki Callahan, Director, Department of Human Resources
Michael Brown, Executive Officer, Civil Service Commission
Richard Carranza, Superintendent, San Francisco Unified School District

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Please review and submit any reports or comments you wish to be included with the legislative file.

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Severin Campbell, Office of the Budget and Legislative Analyst
Gabriela Loeza, Office of the Budget and Legislative Analyst
Susan Gard, Department of Human Resources
Chris Armentrout, San Francisco Unified School District
Jamila Brooks, San Francisco Unified School District

Introduction Form

By a Member of the Board of Supervisors or the 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 [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [150524]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) 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 a Imperative

Sponsor(s):

Tang, Christensen, Breed, Cohen, Kim, Wiener, Farrell, Avalos, Yee, Campos, Mar

Subject:

Charter Amendment - Enhancement of Paid Parental Leave for City Employees

The text is listed below or attached:

[Empty box for text listing]

Signature of Sponsoring Supervisor: Jeff Tang

For Clerk's Use Only: