

From: [Dick-Endrizzi, Regina \(ECN\)](#)
To: [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Donovan, Dominica \(ECN\)](#); [RivamonteMesa, Abigail \(BOS\)](#); [Wright, Edward \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Hepner, Lee \(BOS\)](#)
Subject: Update Letter from OSB regarding Item #4 - GAO- 200360
Date: Thursday, April 16, 2020 9:18:34 AM
Attachments: [200360 OSB Letter to GAO.Amended.pdf](#)
Importance: High

Dear Supervisor Mar, Peskin and Haney,
The attached letter is an update to my letter sent last night.

I have discussed OSB's proposed amendments with Supervisor Haney's aide Abigail RivamonteMesa and support:

- Striking Section 6 in its entirety as it addresses the Office of Small Business's (OSB) key concern for San Francisco's small businesses and local independent grocers.
- Not amending the definition of "Covered Employer" to include "350 or more employees" as this qualifier is no longer needed by striking Section 6.
- Agree to retaining "...performs at least two hours of work..." in the definition of "Employee".

The Office of Small Business key concern is now addressed. Thank you for your consideration and all you are doing for the health and safety of San Francisco.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573

www.sfosb.org | businessportal.sfgov.org | [facebook](#) | [twitter](#)

COVID-19 Assistance for Businesses & Employees

From: Dick-Endrizzi, Regina (ECN)

Sent: Thursday, April 16, 2020 2:34 AM

To: Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Aaron Peskin <aaron.peskin@sfgov.org>

Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; Dominica Donovan (dominica.donovan@sfgov.org) <dominica.donovan@sfgov.org>; RivamonteMesa, Abigail (BOS)

<abigail.rivamontemesa@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Subject: RE: Item #4 - GAO- 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections

Letter attached

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573
www.sfosb.org | businessportal.sfgov.org | [facebook](https://www.facebook.com/sfgov) | [twitter](https://twitter.com/sfgov)

COVID-19 Assistance for Businesses & Employees

From: Dick-Endrizzi, Regina (ECN)

Sent: Thursday, April 16, 2020 2:31 AM

To: Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Aaron Peskin <aaron.peskin@sfgov.org>

Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; Dominica Donovan (dominica.donovan@sfgov.org) <dominica.donovan@sfgov.org>; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>

Subject: Item #4 - GAO- 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections

Importance: High

Dear Supervisors,

Attached is letter from me as Director, of the Office of Small Business. Due to the Emergency Ordinance, the Small Business Commission is not able to hear. I have one key amendment request so that small businesses, predominately our local independent grocers are hamstrung by Section 6 but still retains the core component requirements for formula retailers. Formula retailers have a very different way handling scheduling than our small and local brick and mortar business. This is why there is the <https://sfgov.org/olse/formula-retail-employee-rights-ordinances>. My recommendation is to modify the definition of "Covered Employer" to be an employer of a business that is 350+ employees. I am happy to speak with you directly on how I came to 350+ employees.

Below are the Legacy Business Registry that would be impacted by Section 6, should the definition of covered employer not change.

Legacy Business local grocers:

Avedano's Holly Park Market
Bi-Rite Market
Courtney's Produce
Haight and Fillmore Whole Foods
Le Beau Nob Hill Market
Lucca Delicatessen
Lucca Food & Wine Shop
Marina Supermarket
New World Market
Noriega Produce
Other Avenues
Pearl Market
Real Food Company
S & S Grocery
Ted's Market and Delicatessen
Valencia Whole Foods

Legacy Businesses restaurants cafés

Alioto's Restaurant	Escape From New York Pizza	Pacific Cafe
Balboa Cafe	Hamburger Haven	Pacitas Salvadorean Bakery
Beep's Burgers	Hayes Street Grill	Perry's San Francisco
Benkyodo Company	Henry's House of Coffee	Pier 23 Café
BIX Restaurant	House of Bagels	Sacred Grounds Cafe
Brazen Head	Izzy's Steaks and Chops	Sam Wo Restaurant
Butter Bar & Restaurant	Jackson Fillmore Trattoria	Sam's Grill and Seafood
Cafe du Nord	Joe's Ice Cream	Restaurant
Cafe International	Kimochi, Inc.	Schubert's Bakery
Caffé Sapore	La Mediterranee	Scoma's Restaurant
Caffe Trieste	Little Joe's Pizzeria	Sodini's Green Valley Restaurant
Castro Country Club	Lucca Delicatessen	St. Francis Fountain
Chloe's Café	Lucca Food & Wine Shop	Tommaso's Ristorante Italiano
Cinderella Bakery and Café	Marina Supermarket	Toy Boat Dessert Cafe
Cove on Castro	Moshi Moshi	Two Jack's Nik's Place Seafood
Dianda's Italian American Pastry	Mums - Home of Shabu Shabu	VIP Coffee and Cake Shop
Company	New Asia Restaurant	Yasukochi's Sweet Stop
Eddie's Cafe	New Delhi Restaurant	Yuet Lee Restaurant
El Toreador Fonda Mexicana	Noe Valley Bakery	Zam Zam
Restaurant	Original Joe's	Zazie Restaurant

Thank you for your time and consideration.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573

City Hall, Room 140* | 1 Carlton B. Goodlett Place | San Francisco, CA 94102

www.sfosb.org | businessportal.sfgov.org | [facebook](https://www.facebook.com/sfgov) | [twitter](https://twitter.com/sfgov)

*** Due to the [Public Health Order](#) to Shelter in Place, our office is **CLOSED to the public** through May 3, 2020. Services are being provided by email and phone only.**

[COVID-19 Assistance for Businesses & Employees](#)



CITY AND COUNTY OF SAN FRANCISCO
LONDON N. BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

April 16, 2020

Honorable Supervisor Gordon Mar, Chair
Honorable Supervisor Aaron Peskin
Honorable Supervisor Matt Haney

RE: BOS File No. 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections

Dear Honorable Chair Mar:

This letter is a follow to my first letter dated April 15, 2020. I have discussed OSB's proposed amendments with Supervisor Haney's aide Abigail RivamonteMesa and support:

- **Striking Section 6 in its entirety as it addresses the Office of Small Business's (OSB) key concern for San Francisco's small businesses and local independent grocers.**
- **Not amending the definition of "Covered Employer" to included "350 or more employees" as this qualifier is no longer needed by striking Section 6.**
- **Agree to retaining "..performs at least two hours of work..." in the definition of "Employee".**

I want thank you to Supervisor Haney and his aide Abigail RivamonteMesa for their consideration to OSB's amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Executive Director, Office of Small Business and Small Business Commission

cc: Members of the Board of Supervisors
Andres Power, Policy Director, Office of Mayor London N. Breed
Lisa Pagan, Office of Economic and Workforce Development
John Carol, Clerk, Government Audits and Oversight Committee

From: [Dick-Endrizzi, Regina \(ECN\)](#)
To: [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Donovan, Dominica \(ECN\)](#); [RivamonteMesa, Abigail \(BOS\)](#); [Wright, Edward \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Hepner, Lee \(BOS\)](#)
Subject: RE: Item #4 - GAO- 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections
Date: Thursday, April 16, 2020 2:33:39 AM
Attachments: [200360_OS Letter to GAO.pdf](#)

Letter attached

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573

www.sfosb.org | businessportal.sfgov.org | [facebook](https://www.facebook.com/sfgov) | [twitter](https://twitter.com/sfgov)

[COVID-19 Assistance for Businesses & Employees](#)

From: Dick-Endrizzi, Regina (ECN)
Sent: Thursday, April 16, 2020 2:31 AM
To: Haney, Matt (BOS) <matt.haney@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Aaron Peskin <aaron.peskin@sfgov.org>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; Dominica Donovan (dominica.donovan@sfgov.org) <dominica.donovan@sfgov.org>; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Hepner, Lee (BOS) <lee.hepner@sfgov.org>
Subject: Item #4 - GAO- 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections
Importance: High

Dear Supervisors,

Attached is letter from me as Director, of the Office of Small Business. Due to the Emergency Ordinance, the Small Business Commission is not able to hear. I have one key amendment request so that small businesses, predominately our local independent grocers are hamstrung by Section 6 but still retains the core component requirements for formula retailers. Formula retailers have a very different way handling scheduling than our small and local brick and mortar business. This is why there is the <https://sfgov.org/olse/formula-retail-employee-rights-ordinances>. My recommendation is to modify the definition of "Covered Employer" to be an employer of a business that is 350+ employees. I am happy to speak with you directly on how I came to 350+ employees.

Below are the Legacy Business Registry that would be impacted by Section 6, should the definition of covered employer not change.

Legacy Business local grocers:

Avedano's Holly Park Market
Bi-Rite Market
Courtney's Produce
Haight and Fillmore Whole Foods

Le Beau Nob Hill Market
 Lucca Delicatessen
 Lucca Food & Wine Shop
 Marina Supermarket
 New World Market
 Noriega Produce
 Other Avenues
 Pearl Market
 Real Food Company
 S & S Grocery
 Ted's Market and Delicatessen
 Valencia Whole Foods

Legacy Businesses restaurants cafés

Alioto's Restaurant	Escape From New York Pizza	Pacific Cafe
Balboa Cafe	Hamburger Haven	Pacitas Salvadorean Bakery
Beep's Burgers	Hayes Street Grill	Perry's San Francisco
Benkyodo Company	Henry's House of Coffee	Pier 23 Café
BIX Restaurant	House of Bagels	Sacred Grounds Cafe
Brazen Head	Izzy's Steaks and Chops	Sam Wo Restaurant
Butter Bar & Restaurant	Jackson Fillmore Trattoria	Sam's Grill and Seafood Restaurant
Cafe du Nord	Joe's Ice Cream	Schubert's Bakery
Cafe International	Kimochi, Inc.	Scoma's Restaurant
Caffé Sapore	La Mediterranee	Sodini's Green Valley Restaurant
Caffe Trieste	Little Joe's Pizzeria	St. Francis Fountain
Castro Country Club	Lucca Delicatessen	Tommaso's Ristorante Italiano
Chloe's Café	Lucca Food & Wine Shop	Toy Boat Dessert Cafe
Cinderella Bakery and Café	Marina Supermarket	Two Jack's Nik's Place Seafood
Cove on Castro	Moshi Moshi	VIP Coffee and Cake Shop
Dianda's Italian American Pastry Company	Mums - Home of Shabu Shabu	Yasukochi's Sweet Stop
Eddie's Cafe	New Asia Restaurant	Yuet Lee Restaurant
El Toreador Fonda Mexicana Restaurant	New Delhi Restaurant	Zam Zam
	Noe Valley Bakery	Zazie Restaurant
	Original Joe's	

Thank you for your time and consideration.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573

City Hall, Room 140* | 1 Carlton B. Goodlett Place | San Francisco, CA 94102

www.sfosb.org | businessportal.sfgov.org | [facebook](#) | [twitter](#)

*** Due to the [Public Health Order](#) to Shelter in Place, our office is CLOSED to the public through May 3, 2020. Services are being provided by email and phone only.**

[COVID-19 Assistance for Businesses & Employees](#)



CITY AND COUNTY OF SAN FRANCISCO
LONDON N. BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

April 15, 2020

Honorable Supervisor Gordon Mar, Chair
Honorable Supervisor Aaron Peskin
Honorable Supervisor Matt Haney

RE: BOS File No. 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections

Dear Honorable Chair Mar:

First, thank you to you and your colleagues for your significant leadership in responding to the needs of all San Franciscans during this crisis. And, thank you for being responsive to and mindful of small business needs. I am writing to you regarding BOS File No. 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections which is scheduled to be heard at the Government Audit and Oversight Committee on Thursday April 16.

The Office of Small Business has received concerns from the small business community, primarily small and independent grocers, since last week's introduction of this emergency ordinance. While the Commission would normally have an opportunity to publicly opine on this matter, in lieu of that privilege we would like to submit the following for your consideration and discussion:

- **Section 3:**
 - Modify the definition of "Covered Employer" to: "Covered Employer" means any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs, suffers or permits to work, or exercises control over the wages, hours, or working conditions **of 350 employees or more** for any of the following: (a) a grocery store, supermarket, convenience store, restaurant, cafe, or other establishment primarily engaged in the retail sale of food; or (b) a drug store, pharmacy, or other establishment primarily engaged in the retail sale of medication, pharmaceuticals, or medical supplies;
 - Modify the definition of "Employee" to "in a particular week performs at the **eight** hours of work. It is very rare for small service sector business schedule for less than 8 hours in one week.



CITY AND COUNTY OF SAN FRANCISCO
LONDON N. BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

- **Section 6 (a)(b)(c)(d)** applies only to businesses with 350+ employees. Section 6 prescribes how a Covered Business, as defined in the Ordinance, must notify their employees of the opportunity for additional hours. Section 6(c) requires that employees must accept the offer within 72 hours of it being made. Most small and independently owned grocers need their employees to respond to requests for additional work within 24 hours or less. This is particularly true due to the expanded eligible Paid Sick Leave uses necessary to contain the COVID-19 virus under the declaration of the Public Health Emergency.

Amending the covered employee definition by employee size allows Section 6 to be retained but only applies to business with 350+ employees.

Below is data gathered on San Francisco grocers and supermarkets. This data is presented to support the suggested amendment to the definition of a "Covered Employer" to an employer with 350+ employees:

1. San Francisco has 625 groceries
2. 76% are business with under 10 employees
3. 95% are business with less than 50 employees.
1. 12,251 employees are employed by 625 grocery stores and supermarkets.
4. 47% of the total employees are employed by businesses that have 350+ employees

While the data provided is intended to focus on local independent grocers, restaurants, corner stores and small independent pharmacies experience similar challenges in having to work with reduced staff during the COVID-19 crisis.

Amending the definition of covered employer retains the core components of the legislation and still provides the key supports for the employees it is intended to help, without impacting San Francisco's neighborhood serving local independent grocers and small business identified in the ordinance.

Thank you for your attention to this and for your thoughtful consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Executive Director, Office of Small Business and Small Business Commission

cc: Members of the Board of Supervisors
Andres Power, Policy Director, Office of Mayor London N. Breed
Lisa Pagan, Office of Economic and Workforce Development
John Carol, Clerk, Government Audits and Oversight Committee

From: [Dick-Endrizzi, Regina \(ECN\)](#)
To: [Haney, Matt \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Donovan, Dominica \(ECN\)](#); [RivamonteMesa, Abigail \(BOS\)](#); [Wright, Edward \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Hepner, Lee \(BOS\)](#)
Subject: Item #4 - GAO- 200360 - Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections
Date: Thursday, April 16, 2020 2:31:06 AM
Importance: High

Dear Supervisors,

Attached is letter from me as Director, of the Office of Small Business. Due to the Emergency Ordinance, the Small Business Commission is not able to hear. I have one key amendment request so that small businesses, predominately our local independent grocers are hamstrung by Section 6 but still retains the core component requirements for formula retailers. Formula retailers have a very different way handling scheduling than our small and local brick and mortar business. This is why there is the <https://sfgov.org/olse/formula-retail-employee-rights-ordinances>. My recommendation is to modify the definition of "Covered Employer" to be an employer of a business that is 350+ employees. I am happy to speak with you directly on how I came to 350+ employees.

Below are the Legacy Business Registry that would be impacted by Section 6, should the definition of covered employer not change.

Legacy Business local grocers:

Avedano's Holly Park Market
 Bi-Rite Market
 Courtney's Produce
 Haight and Fillmore Whole Foods
 Le Beau Nob Hill Market
 Lucca Delicatessen
 Lucca Food & Wine Shop
 Marina Supermarket
 New World Market
 Noriega Produce
 Other Avenues
 Pearl Market
 Real Food Company
 S & S Grocery
 Ted's Market and Delicatessen
 Valencia Whole Foods

Legacy Businesses restaurants cafés

Alioto's Restaurant	Escape From New York Pizza	Pacific Cafe
Balboa Cafe	Hamburger Haven	Pacitas Salvadorean Bakery
Beep's Burgers	Hayes Street Grill	Perry's San Francisco
Benkyodo Company	Henry's House of Coffee	Pier 23 Café
BIX Restaurant	House of Bagels	Sacred Grounds Cafe
Brazen Head	Izzy's Steaks and Chops	Sam Wo Restaurant
Butter Bar & Restaurant	Jackson Fillmore Trattoria	Sam's Grill and Seafood Restaurant
Cafe du Nord	Joe's Ice Cream	Schubert's Bakery
Cafe International	Kimochi, Inc.	Scoma's Restaurant
Caffé Sapore	La Mediterranee	

Caffe Trieste	Little Joe's Pizzeria	Sodini's Green Valley Restaurant
Castro Country Club	Lucca Delicatessen	St. Francis Fountain
Chloe's Café	Lucca Food & Wine Shop	Tommaso's Ristorante Italiano
Cinderella Bakery and Café	Marina Supermarket	Toy Boat Dessert Cafe
Cove on Castro	Moshi Moshi	Two Jack's Nik's Place Seafood
Dianda's Italian American Pastry Company	Mums - Home of Shabu Shabu	VIP Coffee and Cake Shop
Eddie's Cafe	New Asia Restaurant	Yasukochi's Sweet Stop
El Toreador Fonda Mexicana Restaurant	New Delhi Restaurant	Yuet Lee Restaurant
	Noe Valley Bakery	Zam Zam
	Original Joe's	Zazie Restaurant

Thank you for your time and consideration.

Kindly,

Regina Dick-Endrizzi | Executive Director | Office of Small Business

regina.dick-endrizzi@sfgov.org | D: 415.554.6481 | O: 415.554.6134 | c: 415.902-4573

City Hall, Room 140* | 1 Carlton B. Goodlett Place | San Francisco, CA 94102

www.sfosb.org | businessportal.sfgov.org | [facebook](https://www.facebook.com/sfosb) | [twitter](https://twitter.com/sfosb)

*** Due to the [Public Health Order](#) to Shelter in Place, our office is **CLOSED to the public** through May 3, 2020. Services are being provided by email and phone only.**

[COVID-19 Assistance for Businesses & Employees](#)