

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
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## MEMORANDUM

GOVERNMENT AUDIT AND OVERSIGHT COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Gordon Mar, Chair  
Government Audit and Oversight Committee

FROM: John Carroll, Assistant Clerk

DATE: August 21, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, August 25, 2020

The following file should be presented as COMMITTEE REPORT at the regular Board meeting on Tuesday, August 25, 2020. This resolution was acted upon at the regular Government Audit and Oversight Committee meeting on Thursday, August 20, 2020, at 10:00 a.m., by the votes indicated.

**Item No. 22                      File No. 200912**

**Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.**

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Gordon Mar - Aye  
Supervisor Aaron Peskin - Aye  
Supervisor Matt Haney - Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

File No. 200912

Committee Item No. 2

Board Item No. 22

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: August 20, 2020

Board of Supervisors Meeting:

Date: August 25, 2020

#### Cmte Board

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|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | 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"/>            | Public Correspondence                        |

#### OTHER

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referral FYI – August 14, 2020</u>                  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – August 14, 2020</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |

Prepared by: John Carroll

Date: August 14, 2020

Prepared by: John Carroll

Date: August 21, 2020

1 [Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery  
2 Service Employee Protections]

3 **Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance**  
4 **No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand**  
5 **delivery service employers to provide health and scheduling protections to employees**  
6 **during the public health emergency related to COVID-19.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman*;  
9 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman*~~.  
10 **Board amendment additions** are in double underlined Arial font.  
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
12 Asterisks (\* \* \* \*) indicate the omission of unchanged Code  
13 subsections or parts of tables.

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

15 Section 1. Declaration of Emergency Pursuant to Charter Section 2.107.

16 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in  
17 cases of public emergency affecting life, health, or property, or for the uninterrupted operation  
18 of any City or County department or office required to comply with time limitations established  
19 by law. An emergency ordinance enacted under Charter Section 2.107 automatically  
20 terminates on the 61st day after passage, but may be reenacted upon the same terms and  
21 conditions applicable to its initial enactment.

22 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 74-20, an  
23 emergency ordinance to temporarily require grocery store, drug store, restaurant, and on-  
24 demand delivery service employers to provide health and scheduling protections to  
25 employees during the public health emergency related to COVID-19. That emergency

1 ordinance became effective when enacted, on May 1, 2020. Emergency Ordinance No. 110-  
2 20, effective July 10, 2020, reenacted Ordinance No. 74-20.

3 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1 and  
4 2 of Ordinance No. 74-20 and reaffirmed in Ordinance No. 110-20 remain valid and  
5 compelling, and declares further that an actual emergency continues to exist that requires the  
6 reenactment of Ordinance No. 74-20 to reduce the likelihood of COVID-19 infection among  
7 employees of grocery stores, drug stores, restaurants, and on-demand delivery services and  
8 the members of the public with whom they interact.

9

10 Section 2. Reenactment of Emergency Ordinance.

11 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an  
12 additional 60 days the emergency ordinance temporarily requiring grocery store, drug store,  
13 restaurant, and on-demand delivery service employers to provide health and scheduling  
14 protections to employees during the public health emergency related to COVID-19 (Ordinance  
15 No. 74-20), as reenacted by Ordinance No. 110-20.

16

17 Section 3. Effective Date; Expiration.

18 (a) If enacted prior to the expiration of Ordinance No. 110-20, which reenacted  
19 Ordinance No. 74-20, this reenacted emergency ordinance shall become effective  
20 immediately upon the date of expiration of Ordinance No. 110-20, and shall itself expire on the  
21 61st day following its effective date unless reenacted as provided by Charter Section 2.107, or  
22 upon the termination of the Public Health Emergency, whichever occurs first.

23 (b) If enacted after the expiration of Ordinance No. 110-20, this reenacted emergency  
24 ordinance shall become effective immediately upon enactment, and shall expire on the 61st

25

1 day following its effective date unless reenacted as provided by Charter Section 2.107, or  
2 upon the termination of the Public Health Emergency, whichever occurs first.

3  
4 Section 4. Directions to Clerk.

5 The Clerk of the Board of Supervisors is hereby directed to place a copy of this  
6 reenacted emergency ordinance in File No. 200360 for Ordinance No. 74-20 and File No.  
7 200609 for Ordinance N0. 110-20, and to make a notation cross-referencing this emergency  
8 ordinance where Ordinance Nos. 74-20 and 110-20 appear on the Board of Supervisors  
9 website as legislation passed.

10  
11 Section 5. Supermajority Vote Required.

12 In accordance with Charter Section 2.107, passage of this reenacted emergency  
13 ordinance by the Board of Supervisors requires an affirmative vote of two-thirds of the Board  
14 of Supervisors.

15  
16 APPROVED AS TO FORM:  
17 DENNIS J. HERRERA, City Attorney

18 By: /s/ \_\_\_\_\_  
19 LISA POWELL  
20 Deputy City Attorney

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23  
24  
25

**LEGISLATIVE DIGEST**

[Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]

**Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.**

Existing Law

An emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) temporarily requires certain health and scheduling protections for grocery store, drug store, restaurant, and on-demand delivery service employees during the public health emergency related to COVID-19.

The legislative digest for that emergency ordinance is found in Board File No. 200360. Slightly edited, it summarizes the emergency ordinance as follows:

The emergency ordinance provides certain protections for employees of “covered employers,” which are grocery stores, drug stores, restaurants, and on-demand delivery services. Consistent with the presumption in California Labor Code Section 2750.3, which has not been demonstrated to be inapplicable, on-demand delivery service workers are defined as employees for the purposes of the emergency ordinance regardless of how the employer classifies them.

The emergency ordinance supplements and clarifies how Order No. C19-07f’s social distancing and sanitation requirements apply in the on-demand delivery service context. The emergency ordinance requires on-demand delivery services to provide to or reimburse employees for the reasonable cost of purchasing necessary hand sanitizer, disinfecting cleaning supplies, and any needed personal protective equipment such as gloves and face masks, and to provide employees a social distancing protocol. Additionally, on-demand delivery services must offer delivery employees the option of a no-contact delivery method where feasible to facilitate social distancing and must provide employees detailed guidance on how to safely make both in-person and no-contact deliveries. On-demand delivery services also must require delivery drivers to regularly disinfect high-touch surfaces in their vehicles and compensate them for doing so.

The emergency order provides scheduling protections that give grocery, drug store, restaurant, and on-demand delivery service employees an additional tool to keep

themselves safe. Covered employers must, where reasonably feasible, allow employees to cancel work for any reason for which sick leave or emergency paid sick leave under the federal Families First Coronavirus Response Act may be taken. Employees may use any available accrued paid sick leave or emergency paid sick leave, or reschedule the work.

The emergency ordinance includes anti-retaliation protections that, among other provisions, prohibit interfering with any right protected under the emergency ordinance and taking any adverse action against an employee for exercising rights protected under the emergency ordinance.

The Office of Labor Standards Enforcement (OLSE) has implemented and is enforcing the emergency ordinance. Complaints of potential violations can be reported by calling 311 or contacting OLSE.

The emergency ordinance became effective on May 1, 2020, and the reenactment became effective on July 10, 2020. The reenactment expires on September 9, 2020.

#### Amendments to Existing Law

The proposed emergency ordinance reenacts Ordinance No. 74-20, with the result that it does not terminate on September 9, 2020, but rather is extended for an additional 60 days.

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Naomi Kelly, City Administrator  
Dr. Grant Colfax, Director, Department of Public Health

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight  
Committee, Board of Supervisors

DATE: August 13, 2020

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Haney on August 11, 2020:

**File No. 200912**

**Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Office of Chair Mar  
Office of Supervisor Haney  
Lynn Khaw, Office of the City Administrator  
Lihmei Leu, Office of the City Administrator  
Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health





Member, Board of Supervisors  
District 4


City and County of San Francisco

## GORDON MAR

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DATE: August 14, 2020

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Mar   
Chairperson

RE: Government Audit and Oversight Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Government Audit and Oversight Committee, I have deemed the following matters are of an urgent nature and request that each be considered by the full Board on Tuesday, August 25, 2020, as Committee Reports:

**File No. 200912 [Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]**

Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.

**File No. 200819 [Contract Amendment - Retroactive - 1231 Market Street Owner L.P. - Hotel Rooms and Associated Services - Not to Exceed \$35,608,542]**

Resolution retroactively approving a third amendment to an emergency agreement between the Human Services Agency and 1231 Market Street Owner L.P., for the City's continued use of 459 hotel rooms and associated services; increasing the contract amount by \$25,618,542 for a total amount not to exceed \$35,608,542; and extending the booking period for a potential total term of April 8, 2020, through July 1, 2021.

**File No. 200816 [Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic]**

Reenactment of emergency ordinance (Ordinance No. 104-20) temporarily creating a right to reemployment for certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill the same position previously held by a laid-off worker, or a substantially similar position, as defined.



Member, Board of Supervisors  
District 4

City and County of San Francisco

## **GORDON MAR**

**File No. 200854 [Settlement of Lawsuit - Verizon Wireless and AT&T Mobility - City to Receive \$2,161,773]**

Ordinance authorizing settlement of the lawsuit filed on behalf of the State of California, the City and County of San Francisco, and 189 other California governmental entities against Verizon Wireless for \$839,356 and against AT&T Mobility National Accounts LLC for \$1,322,417 for a total settlement of \$2,161,773; the lawsuit was filed on July 5, 2012, in Sacramento County Superior Court, Case No. 34-2012-00127517; entitled State of California et al., ex rel. OnTheGo Wireless, LLC v. Verizon Wireless and AT&T Mobility National Accounts LLC; the lawsuit involves alleged violations of the California False Claims Act.

These matters will be heard in the Government Audit and Oversight Committee during a regular meeting on August 20, 2020, at 10:00 a.m.

# Introduction Form

By a Member of the Board of Supervisors or 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  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic 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 the Imperative Form.**

Sponsor(s):

Haney

Subject:

Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections

The text is listed:

Reenactment of emergency ordinance (Ordinance No. 74-20, reenacted by Ordinance No. 110-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.

Signature of Sponsoring Supervisor:

For Clerk's Use Only