

1 [Emergency Ordinance - Public Health Emergency Leave]

2

3 **Reenactment of emergency ordinance (Ordinance No. 59-20) to temporarily require**
4 **private employers with 500 or more employees to provide public health emergency**
5 **leave during the public health emergency related to COVID-19.**

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

10

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

12

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

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

20 (b) Pursuant to Charter Section 2.107, the City enacted an emergency ordinance
21 (Ordinance No. 59-20), the Public Health Emergency Leave Ordinance, which temporarily
22 requires private employers with 500 or more employees to provide public health emergency
23 leave during the public health emergency related to COVID-19. The emergency ordinance
24 became effective when enacted, on April 17, 2020. It would have terminated automatically on
25 June 16, 2020, but Ordinance No. 90-20 reenacted the emergency ordinance prior to its

1 termination. Then, on August 24, 2020, Ordinance No. 136-20 reenacted Ordinance No. 59-
2 20, as reenacted by Ordinance No. 90-20, retroactive to August 15, 2020, the date that
3 Ordinance No. 59-20, as reenacted by Ordinance No. 90-20, expired. The original emergency
4 ordinance, Ordinance No. 59-20, will terminate automatically on October 14, 2020, unless
5 reenacted.

6 (c) The Board of Supervisors hereby finds that the findings declared in Sections 1 and
7 2 of Ordinance No. 59-20 and reaffirmed in Ordinance No. 90-20 and Ordinance No. 136-20
8 remain valid and compelling, and declares further that an actual emergency continues to exist
9 that requires the reenactment of the Public Health Emergency Leave Ordinance to reduce the
10 spread of COVID-19 and mitigate the economic harm for individuals unable to work due to the
11 public health emergency. COVID-19 continues to present an extremely dangerous public
12 health risk to the community, and the adverse economic impact on workers and their families
13 remains severe, notwithstanding gradual efforts to reopen sectors of the economy. Further,
14 many employees continue to experience family caregiving challenges due to care facility
15 closures, remote learning for school children, and other challenges securing caregiving
16 assistance.

17

18 Section 2. Reenactment of Emergency Ordinance.

19 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an
20 additional 60 days the emergency ordinance temporarily requiring private employers with 500
21 or more employees to provide public health emergency leave (Ordinance No. 59-20), as
22 reenacted by Ordinance No. 90-20 and Ordinance No. 136-20.

23

24

25

1 Section 3. Effective Date; Retroactive Application; Expiration.

2 (a) If enacted prior to the expiration of Ordinance No. 59-20, as reenacted by
3 Ordinance No. 90-20 and Ordinance No. 136-20, this reenacted emergency ordinance shall
4 become effective immediately upon the date of expiration of Ordinance No. 59-20, and shall
5 itself expire on the 61st day following its effective date unless reenacted as provided by
6 Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever
7 occurs first.

8 (b) If enacted after the expiration of Ordinance No. 59-20, as reenacted by Ordinance
9 No. 90-20 and Ordinance No. 136-20, this reenacted emergency ordinance shall become
10 effective immediately upon enactment, shall have operative effect retroactively to the date that
11 Ordinance No. 59-20, as reenacted, expired, and shall expire on the 61st day following the
12 date that Ordinance No. 59-20, as reenacted, expired, unless reenacted as provided by
13 Charter Section 2.107, or upon the termination of the Public Health Emergency, whichever
14 occurs first.

15
16 Section 4. Directions to Clerk.

17 The Clerk of the Board of Supervisors is hereby directed to place a copy of this
18 reenacted emergency ordinance in File No. 200355 for Ordinance No. 59-20, File No. 200576
19 for Ordinance No. 90-20, and File No. 200733 for Ordinance No. 136-20 and to make a
20 notation cross-referencing this emergency ordinance where Ordinance Nos. 59-20, 90-20,
21 and 136-20 appear on the Board of Supervisors website as legislation passed.

1 Section 5. Supermajority Vote Required.

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

5

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

8 By: /s/ _____
9 LISA POWELL
Deputy City Attorney

10

11 n:\legana\as2020\2000428\01478122.doc

12

13

14

15

16

17

18

19

20

21

22

23

24

25