

1 [Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-  
2 19 Pandemic]

3 **Reenactment of emergency ordinance (Ordinance No. 104-20, as reenacted by**  
4 **Ordinance Nos. 159-20 and 231-20) temporarily creating a right to reemployment for**  
5 **certain employees laid off due to the COVID-19 pandemic if their employer seeks to fill**  
6 **the same position as, or a position substantially similar to, the position previously held**  
7 **by the laid-off employee.**

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

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

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

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

23 (b) Pursuant to Charter Section 2.107, the City enacted Ordinance No. 104-20, the  
24 “Back to Work” emergency ordinance, which temporarily requires certain employers operating  
25 in San Francisco to offer reemployment to eligible employees laid off as a result of the  
COVID-19 public health emergency. The emergency ordinance became effective when

1 enacted, on July 3, 2020. On September 4, 2020, Ordinance No. 159-20 reenacted Ordinance  
2 No. 104-20, retroactive to September 1, 2020, the date that Ordinance No. 104-20 had  
3 expired. On November 13, 2020, Ordinance No. 231-20 reenacted Ordinance No. 104-20, as  
4 reenacted by Ordinance No. 159-20, retroactive to October 31, 2020, the date that Ordinance  
5 No. 104-20, as reenacted, had expired. The original emergency ordinance, Ordinance No.  
6 104-20, will terminate automatically on December 30, 2020, unless reenacted.

7 (c) The Board of Supervisors hereby finds that the findings declared in Sections 2 and  
8 3 of Ordinance No. 104-20 and reaffirmed in Section 1 of Ordinance No. 159-20 and Section 1  
9 of Ordinance No. 231-20 remain valid and compelling, and declares further that an actual  
10 emergency continues to exist that requires the reenactment of the Back to Work emergency  
11 ordinance to mitigate the economic effects of layoffs caused by the public health emergency.  
12 COVID-19 continues to present an extremely dangerous public health risk to the community,  
13 and the adverse economic impact on workers and their families remains severe,  
14 notwithstanding gradual efforts to reopen sectors of the economy. Further, many employees  
15 continue to experience family caregiving challenges due to school and care facility closures,  
16 challenges securing caregiving assistance, and the continuation of distance learning for  
17 school children.

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19 Section 2. Reenactment of Emergency Ordinance.

20 Consistent with Charter Section 2.107, this emergency ordinance reenacts for an  
21 additional 60 days the emergency ordinance temporarily requiring certain employers operating  
22 in San Francisco to offer reemployment to eligible employees laid off as a result of the  
23 COVID-19 public health emergency (Ordinance No. 104-20, as reenacted by Ordinance No.  
24 159-20 and Ordinance No. 231-20).

1           Section 3. Effective Date; Expiration.

2           (a) If enacted prior to the expiration of Ordinance No. 231-20, which reenacted  
3 Ordinance No. 104-20, this reenacted emergency ordinance shall become effective  
4 immediately upon the date of expiration of Ordinance No. 231-20, and shall itself expire on the  
5 61st day following its effective date unless reenacted as provided by Charter Section 2.107.

6           (b) If enacted after the expiration of Ordinance No. 231-20, this reenacted emergency  
7 ordinance shall become effective immediately upon enactment, shall have operative effect  
8 retroactively to the date that Ordinance No. 231-20 expired, and shall expire on the 61st day  
9 following the date that Ordinance No. 231-20, expired, unless reenacted as provided by  
10 Charter Section 2.107.

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12           Section 4. Directions to Clerk.

13           The Clerk of the Board of Supervisors is hereby directed to place a copy of this  
14 reenacted emergency ordinance in File No. 200455 for Ordinance No. 104-20, File No.  
15 200816 for Ordinance No. 159-20, and File No. 201087 for Ordinance No. 231-20 and to  
16 make a notation cross-referencing this emergency ordinance where Ordinance No. 104-20,  
17 Ordinance No. 159-20, and Ordinance No. 231-20 appear on the Board of Supervisors  
18 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.

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

8 By: /s/ Lisa Powell  
9 LISA POWELL  
Deputy City Attorney

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