

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.

11
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.

5
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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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 201287

Date Passed: January 12, 2021

Reenactment of emergency ordinance (Ordinance No. 104-20, as reenacted by Ordinance Nos. 159-20 and 231-20) 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 as, or a position substantially similar to, the position previously held by the laid-off employee.

January 07, 2021 Government Audit and Oversight Committee - RECOMMENDED AS COMMITTEE REPORT

January 12, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai and Walton

Noes: 1 - Stefani

File No. 201287

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

1/22/2021

Date Approved

I hereby certify that the foregoing Ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

1/22/2021

Date