

# INTERNATIONAL LONGSHORE & WAREHOUSE UNION



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SAN FRANCISCO  
CALIFORNIA 94109  
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(415) 775-1302 FAX  
www.ILWU.org

March 17, 2021

Dear San Francisco County Board of Supervisors,

On behalf of the International Longshore and Warehouse Union (ILWU), we are writing to urge the San Francisco County Board of Supervisors to continue to include employers with less than 200 employees in the **Emergency Ordinance - Temporary Right to Reemployment Ordinance Following Layoff Due to COVID-19 Pandemic**. Excluding employers with less than 200 employees, as the Public Safety and Neighborhood Services Committee is currently recommending, does a disservice to workers across the city who have experienced incredible hardship due to the pandemic. We strongly encourage the Board of Supervisors to reconsider this change.

Our union is privileged to represent workers at Tartine Bakery, one of the city's most renowned bakeries. Workers have been organizing at Tartine for over two years now for a voice on the job and a union. Tartine workers faced an intense anti-union campaign; last winter leading up to the union election, the employer spent hundreds of thousands of dollars on anti-union consultants to pressure Tartine workers. In March of 2020, right before San Francisco closed down due to the pandemic, Tartine workers won their union in a National Labor Relations Board (NLRB) election. Unfortunately, Tartine's management has continued to appeal the decision with the NLRB, delaying the official recognition of the union.

Despite this hurdle, Tartine workers have never wavered in their commitment to each other. Immediately after they were laid off in March 2020, Tartine workers, alongside the ILWU, launched a GoFundMe campaign and raised over \$35,000 to support Tartine workers who needed financial assistance. However, in the early stages of the pandemic, Tartine workers realized that GoFundMe accounts and donations could only go so far: what workers really needed was the assurance that they would have the option to return to work at Tartine when conditions allowed. Particularly for Tartine's strong union supporters, our members knew it would be critical to have an impartial re-hiring process so that Tartine management would not discriminate against union activists in its rehiring.

Tartine workers approached Supervisor Marr this past spring for his assistance in drafting the Right to Reemployment Ordinance to address these concerns and ensure that workers across the city would be treated fairly when the time came for businesses to reopen. Thanks to our members' advocacy and the critical support of the Board of Supervisors, the Right to Reemployment Ordinance took effect this past summer; the ordinance has assured our members that their jobs will be waiting for them when the city is able to reopen.

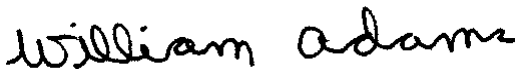
Our union, and our members at Tartine in particular, were disappointed to learn that the Public Safety and Neighborhood Services Committee is recommending that the Board of Supervisors amend this critical ordinance so that it does not apply to companies like Tartine, who have less than 200 employees. At present, Tartine management has received over \$1 million

dollars in PPP loans from the federal government to retain staff, but the company has only rehired a few workers. Because the ordinance no longer applies to Tartine, we fear that Tartine management— and other employers across the city— will try to selectively rehire staff to reduce labor costs and minimize union support. We believe that the most equitable rehiring process— for all employers, not just the largest in the city— is what the Emergency Ordinance calls for: for workers to be rehired based on seniority.

During an incredibly challenging time, Tartine workers have fought hard for their right to join a union, for their coworkers to access needed financial support, and for the right to have their jobs back. We are calling on the Board of Supervisors to acknowledge the sacrifices that Tartine workers— like so many across San Francisco— have made throughout the pandemic. These workers aren't asking for free money or special treatment: they just want the right to go back to work at the company they have helped build. We strongly urge the Board of Supervisors to allow them that right.

Thank you in advance for your support.

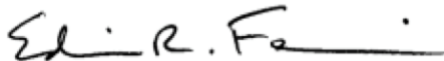
In solidarity,



William E. Adams  
International President



Robert Olvera, Jr.  
International Vice President, Mainland



Edwin R. Ferris  
International Secretary-Treasurer

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Carroll, John \(BOS\)](#)  
**Subject:** FW: Back to work letter - San Francisco Latinx Democratic Club  
**Date:** Tuesday, February 9, 2021 1:51:43 PM  
**Attachments:** [SFLDC LTR TO BOS - ITEM 16 \(Final\).pdf](#)

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Hello,

Please see the attached letter for Item 16 on today's Board agenda.

**File No. 200830: Police Code – Right to Reemployment Following layoff Due to COVID-19 Pandemic.**

Regards,

Jackie Hickey  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102-4689  
Phone: (415) 554-5184 | Direct: (415) 554-7701  
[jacqueline.hickey@sfgov.org](mailto:jacqueline.hickey@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)

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**From:** Kevin Ortiz <kevinortizsf@gmail.com>  
**Sent:** Tuesday, February 9, 2021 1:17 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>  
**Cc:** Christopher Christensen <chrisducky9976@gmail.com>; Venecia Margarita <vene\_la\_necia@yahoo.com>; anabel ibanez <ibaneza02@gmail.com>; Laurel Muniz <lmunizsf@gmail.com>; Robert Sandoval <r.sandoval@ibtlocal350.com>  
**Subject:** Back to work letter - San Francisco Latinx Democratic Club

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi All,

Attached you find the SFLDC letter attached for supporting the back to work ordinance extension.

All the best,

**Kevin Ortiz**

*Transportation Authority Community Advisory Commissioner - District 9*

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"WORKING TO EMPOWER  
THE LATINX COMMUNITY"

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"TRABAJANDO PARA EMPODERAR  
LA COMUNIDAD LATINX"

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## SAN FRANCISCO LATINX DEMOCRATIC CLUB

### CO-PRESIDENTS

VENECIA MARGARITA  
ANABEL IBANEZ

### VICE-PRESIDENTS OF POLITICAL AFFAIRS

KEVIN ORTIZ  
LAUREL MUNIZ

### VICE-PRESIDENT OF CULTURAL AFFAIRS

ROBERT SANDOVAL

### VICE-PRESIDENTS OF MEMBERSHIP

MARIA JANDRES  
PEPE RODRIGUEZ

### VICE-PRESIDENT OF COMMUNICATIONS

MALLORY SHINGLE

### TREASURER

KARLA GARCIA

### SECRETARY

ERNESTO CUELAR

### PARLIAMENTARIAN

BAHLAM VIGIL

February 7, 2021

### **Re: Supporting Item 16 - Right to Reemployment Following Layoff Due to COVID-19 Pandemic**

Dear Honorable Supervisors,

The mission of the San Francisco Latinx Democratic Club is to empower the Latinx community. As we look at the devastating impacts of the COVID-19 pandemic, it is clear the Latinx community has been one of the most impacted demographics by this virus, with glaring health concerns that cannot be ignored.

Simultaneously, there has been an economic standstill shutting down entire countries and nearly destroying entire industries. Over 40 million workers have been laid off, creating an unemployment crisis unrivaled since the Great Depression. Latinx essential workers are the foundation of many of these businesses, and they deserve the opportunity to be first in line for re-hire when it is safe to reopen in their industry.

We are writing today to urge your continued support for Item 16, the Right to Reemployment Following Layoff, also known as the Back to Work Ordinance.

In July 2020, the membership of the SFLDC voted to support this ordinance. Since then, this law has helped thousands of laid-off San Francisco workers secure job offers through a fair process and re-hire nearly a thousand workers. This ordinance will continue to do so as the pandemic rages on, a critical step to support working people in San Francisco. It is fair, thoughtful, and targeted and affects no small businesses. It simply asks bigger businesses to rehire, not replace, their workers when they can.

Workers, especially those of color, are looking to you now as our elected representatives to show that you have the back of communities that need you most. Economic security is crucial for public health.

We urge you to support the essential workers that make this city thrive. Please support the Back to Work Ordinance.

Sincerely,

The San Francisco Latinx Democratic Club

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SAN FRANCISCO LATINX DEMOCRATIC CLUB  
60 29TH STREET, #619  
SAN FRANCISCO, CA 94110

**From:** [Gee, Natalie \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: 2-5-21 ILWU Letter of Support re Right to Reemployment.pdf  
**Date:** Monday, February 8, 2021 2:51:34 PM  
**Attachments:** [2-5-21 ILWU Letter of Support re Right to Reemployment.pdf](#)

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Good afternoon Clerks,

Please add this to the [Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic] file.

Thank you,  
Natalie

**Natalie Gee** 朱凱勤, Chief of Staff  
**Supervisor Shamann Walton, District 10**  
**President, Board of Supervisors**  
1 Dr. Carlton B. Goodlett Pl, San Francisco | Room 282  
**Direct:** 415.554.7672 | **Office:** 415.554.7670

*I am working from home due to the **COVID-19 Stay Safer At Home order** and will be most responsive by email.*

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**From:** Agustin Ramirez <Agustin.Ramirez@ilwu.org>  
**Date:** Monday, February 8, 2021 at 1:54 PM  
**To:** Walton, Shamann (BOS) <shamann.walton@sfgov.org>, Gee, Natalie (BOS) <natalie.gee@sfgov.org>  
**Subject:** 2-5-21 ILWU Letter of Support re Right to Reemployment.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Walton,

Thank you for your support of SF workers. Attached please find letter of ILWU's support for the Right to Reemployment Ordinance.

Agustin Ramirez  
ILWU Northern CA Lead Organizer  
916-606-4681 (Cell)  
415-775-0533 (Office)

Agustin.Ramirez@ilwu.org  
CalNorth.organizer@ilwu.org

INTERNATIONAL  
LONGSHORE &  
WAREHOUSE UNION



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February 5, 2021

To the San Francisco County Board of Supervisors,

On behalf of the International Longshore and Warehouse Union (ILWU), we are writing to express our strong support for the **Emergency Ordinance - Temporary Right to Reemployment Following Layoff Due to COVID-19 Pandemic**. The Right to Reemployment Ordinance requires employers operating in the City of San Francisco that employ 100 or more employees to offer the opportunity for reemployment to eligible employees who were laid off because of the COVID-19 pandemic. The ordinance was originally adopted in the summer of 2020 and it is imperative that the Board of Supervisors renew the ordinance at next week's session.

The ILWU strongly supports this ordinance, which provides a much-needed economic stimulus to workers in need and also can help minimize hiring and training costs for businesses. Through no fault of their own, hundreds of thousands of San Francisco workers have been laid off over the last year due to the COVID-19 pandemic and related shelter-in-place ordinances. These workers should be entitled to return to their previous jobs as they become available; employers who fall under this Ordinance's provisions should not be allowed to hire new employees without first offering the available jobs to their previous employees.

If renewed, this emergency ordinance will go a long way toward ensuring that both workers and businesses can begin to return to normal as our city begins to reopen. As we all continue to grapple with so much uncertainty caused by this crisis, workers deserve to know that their jobs are waiting for them when it is possible to return. This ordinance will also provide benefits to employers, who could save money by rehiring workers who require less training and onboarding expenses.

It is San Francisco's workers — like Tartine's employees, who voted in March 2020 to join our union — who have made this city what it is today. Now it's time for our elected leadership to show their support for San Francisco's workers by renewing this emergency ordinance.

Thank you for your consideration.

Sincerely,

William E. Adams  
International President

Bobby Olvera, Jr.  
International Vice President

Edwin R. Ferris  
International Secretary-Treasurer

**From:** [Emily Abraham](#)  
**To:** [Carroll, John \(BOS\)](#)  
**Subject:** SF Chamber Opposition of File #200830  
**Date:** Thursday, January 28, 2021 10:11:09 AM  
**Attachments:** [Outlook-cid\\_image0.png](#)  
[SFChamber Opposition File#200830.docx .pdf](#)

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

On behalf of the San Francisco Chamber of Commerce and the hundreds of large and small businesses we represent, I sincerely thank you for your continued efforts to support the employees of our San Francisco businesses.

We support all efforts to keep San Francisco employees protected and employed. However, we cannot support legislation that creates added burdens on our small business community. **Due to the administrative barriers, our changing economy, and risk of liabilities, we respectfully ask you to reject File #200830 “Police Code - Right to Reemployment Following Layoff Due to COVID-19 Pandemic” at this time.** Please see attached for the full letter from the Chamber and our co-signers.

We would support this legislation being reconstituted as a strong policy statement encouraging San Francisco employers to reemploy persons laid off because of COVID-19. Imposing a new set of rigid requirements on employers with potential liability for failing to meet those requirements is not what is needed at this moment.

Respectfully,

Emily Abraham



**Emily Abraham**

Deputy Director, Public Policy

San Francisco Chamber of Commerce

(Direct) 916-294-5029 • (E) [eabraham@sfchamber.com](mailto:eabraham@sfchamber.com)

Pronouns: [she/her/hers](#)





235 Montgomery St., Ste. 760, San Francisco, CA 94104  
tel: 415.392.4520 • fax: 415.392.0485  
sfchamber.com • twitter: @sf\_chamber

January 28, 2021

Honorable Supervisors Mar, Stefani, and Haney  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Opposition to File #200830 "Police Code - Right to Reemployment Following Layoff Due to COVID-19 Pandemic."

Dear Supervisors,

On behalf of the Chamber of Commerce and the hundreds of large and small businesses we represent, I sincerely thank you for your continued efforts to support the employees of our San Francisco businesses.

In these uncertain times, businesses of all sizes are not only suffering, but many are being forced to reimagine their business models. **With such rapidly changing safety guidelines, orders for shelter in place, and even our economy, we must oppose this File #200830 "Police Code - Right to Reemployment Following Layoff Due to COVID-19 Pandemic."**

Emergency legislation was needed to meet a dire situation. However, legislation that was borne out of response to the COVID-19 pandemic was meant for a very unique and specific situation, and economy. Hastily codifying emergency legislation from this period could have unforeseen and dire consequences to our local San Francisco businesses and their employees.

The "Right to Reemployment" legislation is overly burdensome, especially for smaller businesses. The administrative requirements create a barrier to small businesses who are already barebones, and may have to outsource their human resource personnel. The steps required for notification of employees and the city, along with forcing employers to determine which jobs are "similar" or "substantially similar," create logistical barriers for employers who might not have the resources to hire back employees.

An employer may not be able to provide similar working conditions or pay benefits after COVID-19, due to social distancing or changes in economic landscape. While financial hardship may be a reason for a change in terms and conditions, expanded safety regulations and precautions might change the workplace.

Further, the ambiguity of which may force businesses to defend themselves from lawsuits from employees through the legislation's Private Right of Action. This ordinance creates a novel, retroactive right that is contrary to businesses' foundational understanding of employment law in California. Under California law, and absent agreement otherwise, all employment may be terminated at the will of either party on notice to the other. State and local law do not recognize a statutory right to reemployment or any cause of action for violating such a right. This ordinance likely violates the contracts clauses of the federal and California constitutions. Its passage will result in substantial litigation when businesses and the state should be focused on economic recovery.

This legislation comes at a time when San Francisco can finally start to look forward. As we enter the Purple Tier again and the Regional Stay At Home Order is lifted, our businesses are able to begin safely reopening and serving customers in approved capacities. Given the economic devastation that has occurred in San Francisco over the past eleven months, and what is clearly a long road to recovery, businesses need flexibility, not burdensome and unnecessary requirements.

We support all efforts to keep San Francisco employees protected and employed. However, we cannot support legislation that creates added burdens on our small business community. **Due to the administrative barriers, our changing economy, and risk of liabilities, we respectfully ask you to reject this legislation at this time.** We would support this legislation being reconstituted as a strong policy statement encouraging San Francisco employers to reemploy persons laid off because of COVID-19. Imposing a new set of rigid requirements on employers with potential liability for failing to meet those requirements is not what is needed at this moment.

Thank you for your service and consideration.

Respectfully,

Rodney Fong  
President & CEO  
**San Francisco Chamber of Commerce**

Chris Wright  
Executive Director  
**Committee on Jobs**

Laurie Thomas  
Executive Director  
**Golden Gate Restaurant Association**

Kevin Carroll  
President & CEO  
**Hotel Council of San Francisco**

Lee Gregory  
Executive Vice President  
**McCalls Catering & Events**

Taylor Safford  
President & CEO  
**PIER 39**

Maryo Mogannam  
President  
**San Francisco Council of District Merchants Associations**

Jennifer Stojkovic  
Executive Director  
**sf.citi**

Kate Sofis  
CEO  
**SFMade**