

1 [Administrative Code - ~~Parental Leave~~ Policies Authorizing Parental Leave and  
2 Teleconferencing During Leave by Members of the Board of Supervisors and City Boards and  
3 Commissions]

4 **Ordinance amending the Administrative Code to: authorize the Board of Supervisors to**  
5 **adopt a parental leave policy for its members, which policy shall, among other things,**  
6 **authorize members to participate in public meetings by teleconferencing to the extent**  
7 **permitted by State law when the member is not able to attend in person due to**  
8 **pregnancy, childbirth, or a related condition, and which may authorize members to**  
9 **participate in public meetings by teleconferencing to the extent permitted by State law**  
10 **when the member is absent to care for the member's child after birth of the child or**  
11 **after placement of the child with the member for adoption or foster care; and, adopt a**  
12 **parental leave policy for other City boards and commissions, including authorization to**  
13 **participate in public meetings by teleconferencing under the same conditions.**

14 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
17 **Board amendment additions** are in double-underlined Arial font.  
18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
20 subsections or parts of tables.

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

22 Section 1. This ordinance would authorize members of the Board of Supervisors and  
23 other City boards and commissions to meet by teleconferencing under certain circumstances  
24 and to the extent permitted by State law. The Brown Act, California's public meetings law,  
25 places limits on the ability of public bodies to meet by teleconferencing: each teleconference  
location must be identified on the agenda; the agenda must be posted at each location; each  
location must be accessible to the general public and to disabled persons; members of the

1 public must have an opportunity to address the rest of the body directly from each  
2 teleconference location; and during the teleconference at least a quorum of the body must  
3 participate from within the geographic boundaries of the City. (Cal. Govt. Code  
4 §§ 54953(b)(3), 54961.) If the proposed ordinance is adopted, these requirements would  
5 continue to apply.

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7 Section 2. Article I of Chapter 2 of the Administrative Code is hereby amended by  
8 adding Section 2.3, to read as follows:

9 **SEC. 2.3. PARENTAL LEAVE POLICY; TELECONFERENCING.**

10 (a) Absent a declaration of emergency, the Charter requires members of the Board of  
11 Supervisors to be physically present at a meeting in order to be counted towards a quorum and able to  
12 conduct the Board’s business. The Charter generally does not allow members of the Board to  
13 participate in meetings by teleconferencing.

14 But the Charter includes a limited exception for teleconferencing authorized as part of a  
15 qualifying parental leave policy. Charter Section 2.104 provides, in relevant part, that members of the  
16 Board may legally participate in a meeting by teleconferencing or other electronic means as authorized  
17 by the Brown Act (Cal. Govt. Code § 54953(b)) “after the Board of Supervisors has adopted an  
18 ordinance . . . allowing such participation” as part of a parental leave policy.

19 Although Charter Section 2.105 provides that “[t]he Board of Supervisors shall meet and  
20 transact its business according to rules which it shall adopt,” and the Board generally adopts its rules  
21 of order by motion, Charter Section 2.104 specifies that the Board shall act in this instance by  
22 ordinance. By adopting this Administrative Code Section 2.3 and implementing its provisions, the  
23 Board of Supervisors intends to accept and exercise the authority given to it by the voters in Charter  
24 Section 2.104 to permit members of the Board of Supervisors to participate in meetings by  
25 teleconferencing pursuant to the terms of a parental leave policy as outlined in this ordinance.

1           (b) In keeping with Charter Section 2.104, the Board of Supervisors may adopt a parental leave  
2 policy by motion to accommodate its members where:

3                   (1) A member is physically unable to fulfill the member's duties, including attending  
4 Board meetings in person, due to the member's pregnancy, childbirth, or related condition, as certified  
5 by a health care provider, or

6                   (2) The member is absent to care for the member's child after birth of the child, or after  
7 placement of the child with the member or the member's immediate family for adoption or foster care.

8           (c) The parental leave policy may include the following provisions:

9                   (1) ~~Members shall be allowed to take parental leave for 16 weeks or until the~~  
10 ~~member no longer meets the eligibility requirements of subsection (b), above, whichever~~  
11 ~~comes first. Members meeting the eligibility requirements of subsection (b)(1), above, shall be~~  
12 ~~allowed to take parental leave for 32 weeks, or until the member no longer meets the eligibility~~  
13 ~~requirements. Members meeting the eligibility requirements of subsection (b)(2), above, shall~~  
14 ~~be allowed to take parental leave for 16 weeks, or until the member no longer meets the~~  
15 ~~eligibility requirements.~~

16                   (2) Members shall be excused from attending and participating in meetings of the  
17 Board or its committees, whether in-person or by teleconferencing, while on parental leave.

18                   (3) Members may attend and participate in meetings of the Board or its committees by  
19 teleconferencing while on parental leave, as further provided in subsection (d), below.

20                   (4) The Board may include other provisions in its parental leave policy not in conflict  
21 with this Section 2.3.

22                   (d) The Board of Supervisors' parental leave policy may authorize a member to attend and  
23 participate by teleconferencing while that member is on parental leave pursuant to the Board's  
24 parental leave policy. "Teleconference" shall mean a meeting of the Board or its committees, the  
25

1 members of which are in different locations, connected by electronic means, through either audio or  
2 video, or both.

3 (1) Participation by teleconferencing pursuant to such policy shall satisfy all otherwise  
4 applicable requirements of City law regarding quorum numbers and the number of votes required to  
5 take particular actions.

6 (2) Members participating by teleconferencing pursuant to such policy shall comply  
7 with all otherwise applicable State and City laws regarding public meetings and public records.

8 (e) The Board of Supervisors may include its parental leave policy in the Board's Rules of  
9 Order, and may provide a copy to all Board staff and newly-elected or newly-appointed Board  
10 members.

11 (f) A member on an approved parental leave shall maintain Health Service System benefits as  
12 provided in Administrative Code Section 16.700.

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14 Section 3. The Administrative Code is hereby amended by adding Chapter 67B,  
15 consisting of Section 67B.1, to read as follows:

16 **CHAPTER 67B: PARENTAL LEAVE AND TELECONFERENCING**

17 **FOR CITY BOARDS AND COMMISSIONS**

18 **SEC. 67B.1. PARENTAL LEAVE POLICIES; TELECONFERENCING.**

19 (a) For purposes of this Section 67B.1, "Commission" shall mean any appointive board,  
20 commission, or other multi-member unit of government of the City and County. For purposes of this  
21 Section 67B.1 only, "Commission" shall also mean a purely advisory City policy body.

22 (b) The following parental leave policy shall apply to all Commissions:

23 (1) Members shall be allowed to take parental leave for 16 weeks or until they  
24 no longer meet the eligibility requirements of subsection (c), below, whichever comes first.  
25 Members meeting the eligibility requirements of subsection (c)(1), below, shall be allowed to

1 take parental leave for 32 weeks, or until the member no longer meets the eligibility  
2 requirements. Members meeting the eligibility requirements of subsection (c)(2), below, shall  
3 be allowed to take parental leave for 16 weeks, or until the member no longer meets the  
4 eligibility requirements.

5 (2) Members shall be excused from attending and participating in meetings of the  
6 Commission or its committees, whether in person or by teleconferencing, while on parental leave.

7 (3) Members may attend and participate in public meetings of the Commission or its  
8 committees by teleconferencing while on parental leave, as further provided in subsection (e), below.

9 (c) A member of the Commission shall be eligible for parental leave when:

10 (1) The member is physically unable to fulfill the member's duties, including attending  
11 Commission meetings in person, due to the member's pregnancy, childbirth, or related condition, as  
12 certified by a health care provider, or

13 (2) The member is absent to care for the member's child after birth of the child, or after  
14 placement of the child with the member or the member's immediate family for adoption or foster care.

15 (d) If the Charter or any ordinance supersedes any part of the leave policy set out in  
16 subsection (b), above, it shall be City policy to support and promote the substance of that leave policy  
17 to the fullest extent allowed by law.

18 (e) A member may attend and participate in meetings of the Commission or its committees by  
19 teleconferencing while that member is on parental leave granted pursuant to this Section 67B.1.  
20 "Teleconference" shall mean a meeting of the Commission or its committees, the members of which are  
21 in different locations, connected by electronic means, through either audio or video, or both.

22 (1) Participation by teleconferencing pursuant to such policy shall satisfy all otherwise  
23 applicable requirements of City law regarding quorum numbers and the number of votes required to  
24 take particular actions.

1                   (2) Members participating by teleconferencing pursuant to such policy shall comply  
2 with all otherwise applicable State and City laws regarding public meetings and public records.

3                   (f) A member participating in the Health Service System and on parental leave shall maintain  
4 Health Service System benefits as provided in Administrative Code Section 16.700.

5                   (g) It shall be City policy that a member shall not be removed from a Commission for having  
6 sought or taken parental leave, and seeking or taking parental leave shall not be considered good  
7 cause for removing a member. Absences occurring while a member is on parental leave shall not be  
8 considered for purposes of any ordinance providing that a member of a Commission shall be deemed to  
9 have constructively resigned after missing a specified number of meetings.

10                   (h) Each Commission shall amend its rules of order or other similar document to include the  
11 parental leave policy, and shall provide a copy to all Commission staff and newly-appointed  
12 Commission members.

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14                   Section 4. Effective Date. This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides the Mayor's veto of the ordinance.

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19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

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22 By:           /s/ Thomas J. Owen  
                  THOMAS J. OWEN  
                  Deputy City Attorney

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