

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Carol Isen, Director, Department of Human Resources  
Ingrid Mezquita, Executive Director, Children and Families Commission  
Maria Su, Director, Department of Children, Youth, and Their Families  
Abbie Yant, Director, Health Service System  
Patrick Mulligan, Director, Office of Labor Standards Enforcement

FROM: Brent Jalipa, Assistant Clerk  
Youth, Young Adult, and Families Committee

DATE: June 15, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Youth, Young Adult, and Families Committee has received the following proposed legislation, introduced by Supervisor Myrna Melgar on June 8, 2021:

**File No. 210586**

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

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [brent.jalipa@sfgov.org](mailto:brent.jalipa@sfgov.org).

c: Mawuli Tugbenyoh, Department of Human Resources  
Greg Asay, Office of Labor Standards Enforcement

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

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

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

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

21 Section 1. This ordinance would authorize members of the Board of Supervisors and  
22 other City boards and commissions to meet by teleconferencing under certain circumstances  
23 and to the extent permitted by State law. The Brown Act, California's public meetings law,  
24 places limits on the ability of public bodies to meet by teleconferencing: each teleconference  
25 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  
public must have an opportunity to address the rest of the body directly from each

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

5  
6 Section 2. Article I of Chapter 2 of the Administrative Code is hereby amended by  
7 adding Section 2.3, to read as follows:

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

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

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

18 *Although Charter Section 2.105 provides that “[t]he Board of Supervisors shall meet and*  
19 *transact its business according to rules which it shall adopt,” and the Board generally adopts its rules*  
20 *of order by motion, Charter Section 2.104 specifies that the Board shall act in this instance by*  
21 *ordinance. By adopting this Administrative Code Section 2.3 and implementing its provisions, the*  
22 *Board of Supervisors intends to accept and exercise the authority given to it by the voters in Charter*  
23 *Section 2.104 to permit members of the Board of Supervisors to participate in meetings by*  
24 *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 member  
10 no longer meets the eligibility requirements of subsection (b), above, whichever comes first.

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

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

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

17           (d) The Board of Supervisors’ parental leave policy may authorize a member to attend and  
18 participate by teleconferencing while that member is on parental leave pursuant to the Board’s  
19 parental leave policy. “Teleconference” shall mean a meeting of the Board or its committees, the  
20 members of which are in different locations, connected by electronic means, through either audio or  
21 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                   (e) The Board of Supervisors may include its parental leave policy in the Board’s Rules of  
4 Order, and may provide a copy to all Board staff and newly-elected or newly-appointed Board  
5 members.

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

8  
9                   Section 3. The Administrative Code is hereby amended by adding Chapter 67B,  
10 consisting of Section 67B.1, to read as follows:

11                   **CHAPTER 67B: PARENTAL LEAVE AND TELECONFERENCING**  
12                   **FOR CITY BOARDS AND COMMISSIONS**

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

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

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

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

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

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

24                   (c) A member of the Commission shall be eligible for parental leave when:  
25

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

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

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

9                   (e) A member may attend and participate in meetings of the Commission or its committees by  
10 teleconferencing while that member is on parental leave granted pursuant to this Section 67B.1.

11 “Teleconference” shall mean a meeting of the Commission or its committees, the members of which are  
12 in different locations, connected by electronic means, through either audio or video, or both.

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

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

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

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

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

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

9  
10          APPROVED AS TO FORM:  
11          DENNIS J. HERRERA, City Attorney

12  
13          By:                  /s/ Thomas J. Owen            
                                THOMAS J. OWEN  
14                                  Deputy City Attorney

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16          n:\legana\as2021\2100313\01536610.docx

## LEGISLATIVE DIGEST

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

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

### Existing Law

**Parental Leave.** Current City law does not address parental leave policies for members of the Board of Supervisors and other City boards and commissions.

**Teleconferencing.** The Charter requires members of the Board of Supervisors and other City boards and commissions to be physically present at a meeting in order to be counted towards a quorum and able to conduct business. The Charter generally does not allow participation in public meetings by teleconferencing.

But the Charter includes a limited exception for teleconferencing authorized as part of a qualifying parental leave policy. Charter Section 2.104 provides, in relevant part, that members of the Board may legally participate in a meeting by teleconferencing or other electronic means as authorized by the Brown Act (Cal. Govt. Code § 54953(b)) "after the Board of Supervisors has adopted an ordinance . . . allowing such participation" as part of a parental leave policy. Charter Section 4.104 provides similar authorization for members of other City boards and commissions.

### Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to address parental leave policies for members of the Board of Supervisors and other City boards and commissions, and allow those members to participate in public meetings by teleconferencing while on parental leave.



**The Board of Supervisors.** The ordinance would authorize the Board of Supervisors to adopt a parental leave policy for its members. Board members would be eligible to take parental leave when a member:

- Was physically unable to fulfill the member’s duties, including attending Board meetings in person, due to the member’s pregnancy, childbirth, or related condition, as certified by a health care provider, or
- Was absent to care for the member’s child after birth of the child, or after placement of the child with the member or the member’s immediate family for adoption or foster care.

Members would be allowed to take parental leave for 16 weeks or until the member no longer met the eligibility requirements, above, whichever came first. Members would be excused from attending and participating in meetings of the Board or its committees, whether in-person or by teleconferencing, while on parental leave. And members would be allowed to attend and participate in meetings of the Board or its committees by teleconferencing while on parental leave.

Members participating in meetings by teleconferencing would still have to comply with all otherwise applicable State and City laws regarding public meetings and public records. (Some of those requirements are listed in the “Background Information” section of this digest, below.)

**Other City Boards and Commissions.** The ordinance would establish a parental leave policy for City boards and commissions. Commission members would be eligible to take parental leave when a member:

- Was physically unable to fulfill the member’s duties, including attending Commission meetings in person, due to the member’s pregnancy, childbirth, or related condition, as certified by a health care provider, or
- Was absent to care for the member’s child after birth of the child, or after placement of the child with the member or the member’s immediate family for adoption or foster care.

Members would be allowed to take parental leave for 16 weeks or until the member no longer met the eligibility requirements, above, whichever came first. Members would be excused from attending and participating in meetings of the Commission or its committees, whether in-person or by teleconferencing, while on parental leave. And members would be allowed to attend and participate in meetings of the Commission or its committees by teleconferencing while on parental leave.

Members participating in meetings by teleconferencing would still have to comply with all otherwise applicable State and City laws regarding public meetings and public records.

The ordinance would make it City policy that a member should not be removed from a Commission for having sought or taken parental leave, and that seeking or taking parental leave should not be considered good cause for removing a member. Absences occurring while a member is on parental leave would not be considered for purposes of any ordinance

providing that a member of a Commission shall be deemed to have constructively resigned after missing a specified number of meetings.

#### Background Information

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

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [ ] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Supervisors Melgar; Chan, Ronen, Stefani, Walton, Safai, Mar, and Preston

Subject:

Administrative Code - Parental Leave Policies Authorizing Teleconferencing by Members of the Board of Supervisors and City Boards and Commissions

The text is listed:

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

Signature of Sponsoring Supervisor: /s/Myrna Melgar