



CITY AND COUNTY OF SAN FRANCISCO IMMIGRANT RIGHTS COMMISSION

CERTIFICATION OF EXECUTIVE DIRECTOR OF THE COMMISSION

Commissioners:

Celine Kennelly, Chair
Mario Paz, Vice Chair
Elahe Enssani
Donna Fujii
Haregu Gaime
Ryan Khojasteh
Camila Andrea Mena
Lucia Obregon
Nima Rahimi
Franklin M. Ricarte
Jessy Ruiz
Sarah Souza
Alicia Wang

Executive Director:

Adrienne Pon
Office of Civic Engagement
& Immigrant Affairs

Resolution No. 2021-05

Date Passed: November 8, 2021

[RESOLUTION IN SUPPORT OF PAID TIME OFF FOR DOMESTIC WORKERS IN SAN FRANCISCO]

Resolution supporting the Board of Supervisors action to ensure access to paid time off for domestic workers. This ordinance would establish the guidelines for an innovative portable benefits system that would make it possible for privately employed nannies, homecare workers and house cleaners in San Francisco to accumulate and use the paid time off that they are legally entitled to under the SF Paid Sick Leave Ordinance.

October 27, 2021

San Francisco Immigrant Rights Commission Executive Committee

Ayes: 3- Chair Kennelly, Commissioners Khojasteh, Rahimi

Nays: 0

November 8, 2021

San Francisco Immigrant Rights Commission

Ayes: 9- Chair Kennelly, Vice Chair Paz, Commissioners Gaime, Khojasteh, Mena, Obregon, Ricarte, Souza, Wang

Nays: 0

File No. IRC2021-05

I hereby certify that I am the duly appointed Executive Director of the Immigrant Rights Commission and that the attached resolution was adopted and approved by the Immigrant Rights Commission of the City and County of San Francisco at properly noticed meetings on October 27, 2021 (Executive Committee) and November 8, 2021 (Full Commission).

A handwritten signature in black ink that reads "Adrienne Pon".

Adrienne Pon
Executive Director
Office of Civic Engagement & Immigrant Affairs

Date: November 9, 2021

1 [RESOLUTION IN SUPPORT OF PAID TIME OFF FOR DOMESTIC WORKERS IN SAN
2 FRANCISCO]

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4 **Resolution supporting the Board of Supervisors action to ensure access to paid time**
5 **off for domestic workers. This ordinance would establish the guidelines for an**
6 **innovative portable benefits system that would make it possible for privately employed**
7 **nannies, homecare workers and house cleaners in San Francisco to accumulate and**
8 **use the paid time off that they are legally entitled to under the SF Paid Sick Leave**
9 **Ordinance.**

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11 WHEREAS, In 2013 California enacted its first Domestic Workers Bill of Rights extending
12 overtime pay rights to domestic workers under California Law Wage Order No.15; and

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14 WHEREAS, In 2006 Proposition F was approved by San Francisco voters, amending the
15 Administrative Charter adding provisions designating as a new chapter 12 known as “Sick
16 Leave Ordinance”; and

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18 WHEREAS, Pursuant to Administrative Code Section 12W.3(g), for every 30 hours worked
19 after paid sick leave begins to accrue for an employee, the employee shall accrue one hour of
20 paid sick leave. Paid sick leave shall accrue only in hour-unit increments; and

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22 WHEREAS, The San Francisco Paid Sick Leave Ordinance requires employers to provide
23 paid sick leave to all employees, including temporary and part-time employees, who perform
24 work in San Francisco; and

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1 WHEREAS, San Francisco domestic workers are the workforce with the highest estimated
2 number of minimum wage violations in the city, meaning that these workers are less likely
3 than all others to be paid wages they are due, or even get paid at all; and

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5 WHEREAS, 70% of domestic workers do not earn enough to meet their basic living
6 expenses. During this pandemic, the need for paid time off has never been more clear, as the
7 safety of domestic workers is threatened simply by going to work; and

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9 WHEREAS, When the person utilizing the services of a domestic worker obtains services
10 through a person, agency or entity that is the hiring entity, the hiring entity shall have a
11 contract with such person that sets forth the rights of a domestic worker under this Chapter;
12 and

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14 WHEREAS, The following paid leave time requirements shall be effective upon adoption of
15 regulations by the Enforcement Agency establishing a centralized portable benefits system
16 for: recording and dispersing paid leave time earned by domestic workers on an aggregated
17 basis for work performed for multiple hiring entities; collecting funds from hiring entities to pay
18 for such leave time; and developing the infrastructure to administer portable access to such
19 funds for domestic workers who earn such leave time; and

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21 WHEREAS, Paid leave time shall be accrued in concurrence with the San Francisco Office of
22 Labor Standards Enforcement (OLSE) Paid Sick Leave Ordinance and capped accordingly to
23 worked hours meeting specific needs of part-time workers. Live-in workers shall accrue paid
24 leave time only for on-duty time. Paid leave time shall be calculated and accrued in the same

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1 manner as the regular rate of pay for the work week in which the hiring entity engages the
2 domestic worker for domestic worker services; now therefore be it

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4 RESOLVED, That the Immigrant Rights Commission supports the Paid Time Off for Domestic
5 Workers in San Francisco endorsed by diverse community-based groups championing equity
6 for immigrant workers including California Domestic Workers Coalition, La Colectiva, Mujeres
7 Unidas y Activas, Chinese for Affirmative Action, and various labor groups, to ensure basic
8 protections against retaliation and create a portable, accessible system for domestic workers
9 to access accrual of paid time off work; and be it

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11 FURTHER RESOLVED, That the Immigrant Rights Commission shall transmit a copy of this
12 resolution to the Sponsor, Board of Supervisors, and Mayor.

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