

A scenic view of the Golden Gate Bridge in San Francisco, with the bridge's towers and suspension cables visible on the left. The background shows the city skyline across the water under a clear blue sky.

City and County of San Francisco Office of Labor Standards Enforcement

City-Wide Labor Laws Webinar Starts at 9:00 AM

The slide deck and a recording of this webinar will be posted at our website:
<https://sf.gov/departments/office-labor-standards-enforcement>

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic orange-red towers and suspension cables are visible against a clear blue sky. In the background, the city of San Francisco is nestled on a hillside, with the bay and distant hills visible under a bright, sunny sky.

City and County of San Francisco Office of Labor Standards Enforcement

Welcome!
City-Wide Labor Laws Webinar

October 23, 2024



Office of Labor Standards Enforcement

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City and County of San Francisco Office of Labor Standards Enforcement

Welcome!

Patrick Mulligan, Director



Office of Labor Standards Enforcement

Session 1

Introduction to City-Wide Labor Laws



Materials & Recording

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Chat Box

- Public announcements & helpful information
- Chat/Message with Host



Questions and Answers

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San Francisco International Airport (SFO)

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Session 1 – Introduction to City-Wide Labor Laws

Host & Presenter

Beverly Popek

Q&A

Jade San Diego

Chat Box

Sally Chen





City and County of San Francisco Office of Labor Standards Enforcement

Introduction to City-Wide Labor Laws

Beverly Popek
Supervising Compliance Officer



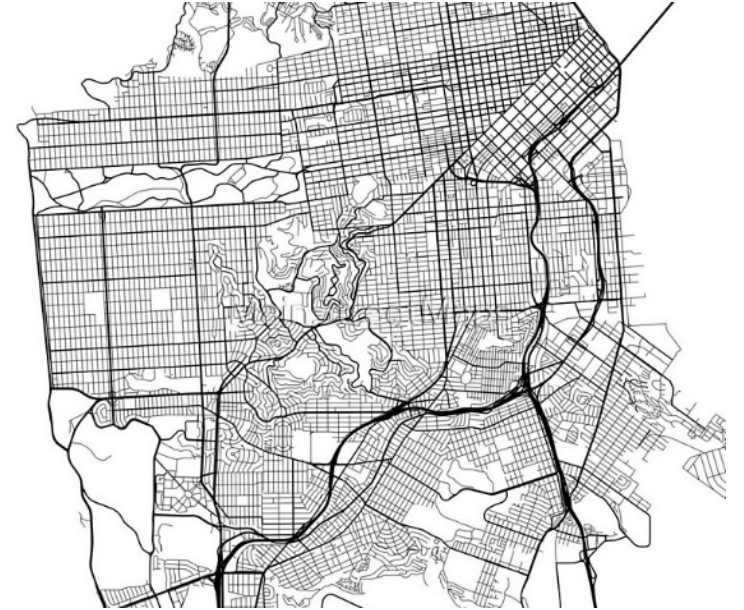
Office of Labor Standards Enforcement

The goal is to help you understand which City-Wide Labor Laws are relevant to you



What's “City-Wide” Labor Laws?

City-Wide labor laws are required for all business who operate and have employees in the City and County of San Francisco.



Does it matter where my company is headquartered?

No. It does not matter where your company is headquartered.

What's Your Employee Count?

To determine which laws you must comply with, you must know your ***employee count***.

Employee count includes everyone working for the employer, anywhere in the world (global count) regardless of whether they are located in San Francisco or outside of the city.



Determine Which Laws Are Relevant To The Size Of Your Company

- Once you know your Employee Count, you can make a list of the labor laws relevant to you.

For Profit and Non-Profit Worksheets

- We have worksheets to download for For-Profits and Non-Profits on the OLSE webpage for this event.
- Open up your Chat Box and the URLs for these worksheets will be found there.

For Profit City-Wide Labor Laws

All Employers

Minimum Wage

Paid Sick Leave

Consideration of Salary History

Lactation in the Workplace

Employers w/ 5+

Fair Chance

Employers w/ 20+

Health Care Security

Family Friendly Workplace

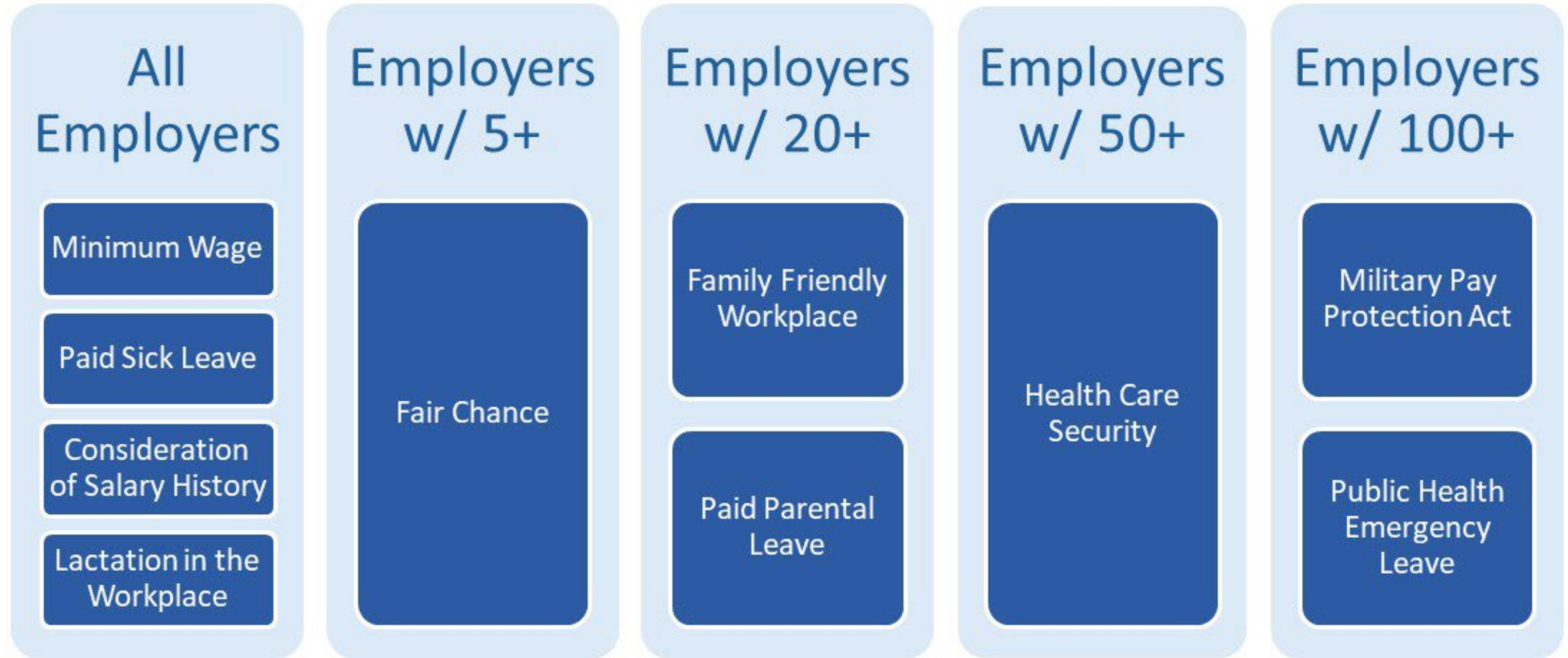
Paid Parental Leave

Employers w/ 100+

Military Pay Protection Act

Public Health Emergency Leave

Non-Profit City-Wide Labor Laws



Tips and Best Practices

Learn about the requirements of each labor law

- Attend webinars like this one today
- Information at OLSE's website
- For each ordinance's webpage
 - Overview
 - Posters & Forms
 - Legal Authority
 - Resources
 - OLSE Video-On-Demand Library
 - Contact Information

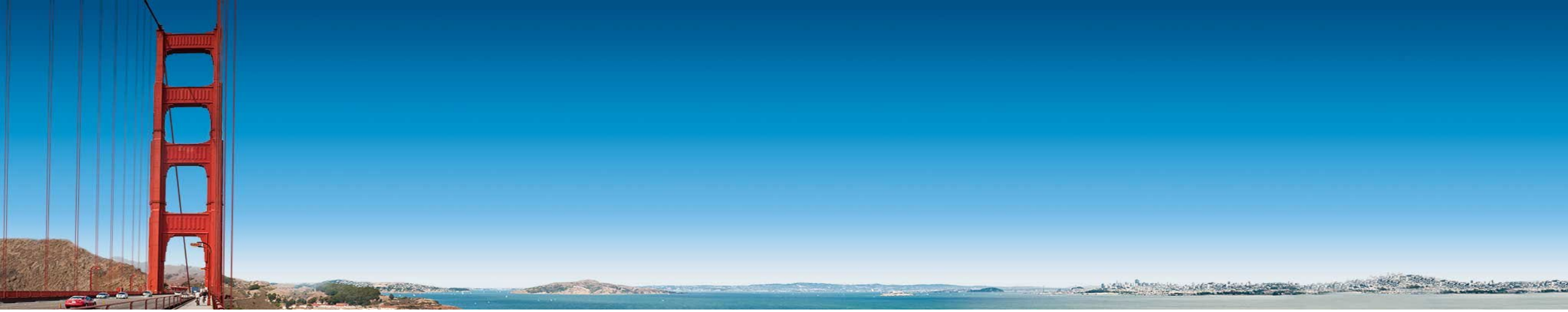
Contact Us

Office of Labor Standard Enforcement
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 430
San Francisco, CA 94102

Website: www.sfgov.org/olse



Office of Labor Standards Enforcement



Questions?

Send us your questions in the Q&A Box



Office of Labor Standards Enforcement



Session 2: Minimum Wage Ordinance & Paid Sick Leave Ordinance

We will start at 9:30AM



Office of Labor Standards Enforcement

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Office of Labor Standards Enforcement

Session 2

- Minimum Wage Ordinance
- Paid Sick Leave Ordinance



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Session 2

Minimum Wage and Paid Sick Leave Ordinances

Host

Beverly Popek

Presenter

Helen Morales-Velasquez

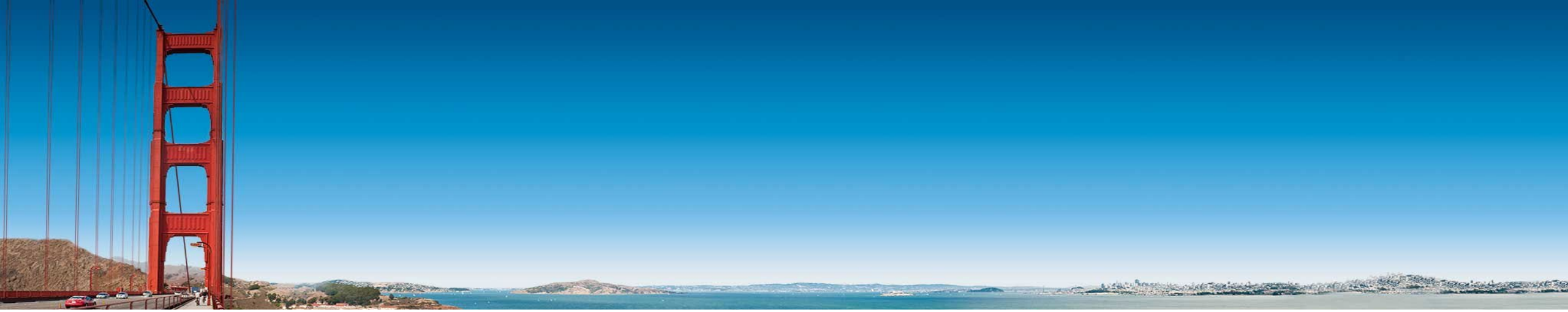
Q&A

Josh Pastreich

Chat Box

Sally Chen





San Francisco Minimum Wage Ordinance (MWO)

Helen Morales-Velasquez
Compliance Officer



Office of Labor Standards Enforcement

San Francisco Minimum Wage Ordinance



\$18.67 per hour
por hora
每小時
bawat oras

Rate Effective - La tasa entrará en vigor el - 生效日期 - Simula sa
July 1, 2024

OFFICIAL NOTICE

- The current minimum wage is **\$18.67** per hour
- On **July 1** of every year, the minimum wage is adjusted based on the annual calculation of the Consumer Price Index.



Office of Labor Standards Enforcement

Covered Employees

- Works at least 2 hours per week in San Francisco
- Qualifies as an Employee under Section 1197 of the California Labor Code
- Welfare-to-Work Program participant



**OLSE HOTLINE for
Minimum Wage Questions**

(415) 554-6292

mwo@sfgov.org

www.sfgov.org/olse/mwo





San Francisco Paid Sick Leave Ordinance (PSLO)

Helen Morales-Velasquez
Compliance Officer



Office of Labor Standards Enforcement

Covered Employees and Employers

- All businesses in San Francisco are required to provide paid sick leave
- Employees who perform work in San Francisco 56 or more hours per year must accrue paid sick leave



Minimum Compensation Ordinance and Paid Sick Leave

- Effective 7/1/20, the Minimum Compensation Ordinance (MCO) integrated the PSLO into the PTO requirements. For more information, please watch the on-demand MCO webinars on the MCO webpage, read the MCO Rules and Regulations, or contact the MCO unit at mco@sfgov.org.



Use of Paid Sick Leave

- For illness, injury, medical care, treatment or diagnosis.
- To provide care for a family member, spouse, domestic partner or designated person.
- For victims of domestic violence, sexual assault or stalking.



Accrual and Use of Paid Sick Leave

- Accrue 1 hour of PSL for every 30 hours worked
- Accrue PSL starting on day 1
- Use PSL hours after 90 days
- Caps on accrual:
 - 40 hours for employers with <10 employees
 - 72 hours for all other employers

**State Law has a higher cap. Here is the DLSE's contact number 415-703-5300 and website https://www.dir.ca.gov/dlse/Paid_Sick_Leave.htm*



Accrual and Use of Paid Sick Leave

- Caps are not annual; accrued PSL hours carry over from year to year
- Employers must notify employees of PSL accrued each pay period
- Employees can use any PSL accrued



QUESTION: Can a company front load 72 hours instead of using an accrual method?

ANSWER: Although this is technically legal, we strongly recommend against doing this. This does not relieve the company of any obligations in terms of record keeping and creates additional monetary obligations to the employer.



EXAMPLE:

- January 1 - Employee has 72 hours of sick leave previously accrued, calls in sick and uses all 72 hours
- Mid January – Employee returns to work
- Mid January to mid December – Employee works 1,944 hours and accrues 64 hours of paid sick leave
- End of December – calls in sick, uses 64 hours of sick leave



EXAMPLE:

Example of compliant payroll systems are where employees accrue 0.0333 hours of paid sick leave for every hour worked (1 hour of sick leave earned divided by 30 hours worked). Employers may establish a cap of 40 hours at any given time for a small business, or 72 hours for a large employer. The balance in an employee's accrued, unused sick leave would roll over from year to year.



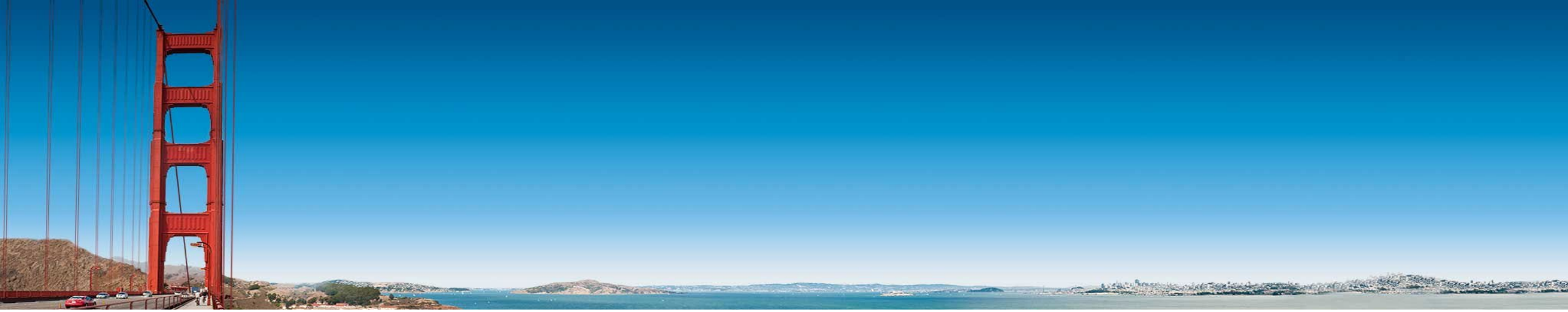
Paid Sick Leave Questions

(415) 554-6271

psl@sfgov.org

www.sfgov.org/olse/pslo



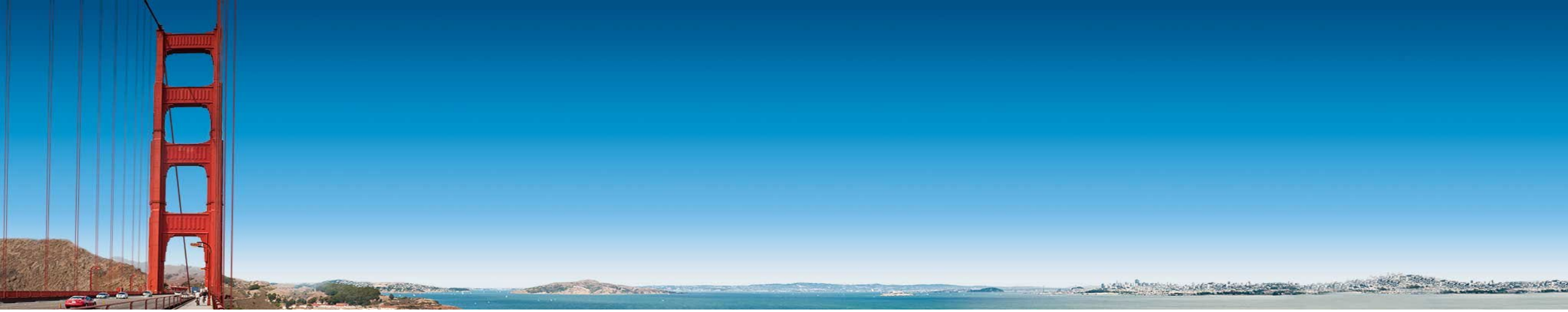


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Office of Labor Standards Enforcement



Session 3: Consideration of Salary History and Lactation in the Workplace Ordinances

We will start at 10:00AM



Office of Labor Standards Enforcement

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City and County of San Francisco Office of Labor Standards Enforcement

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Office of Labor Standards Enforcement

Session 3

- Consideration of Salary History Ordinance
- Lactation in the Workplace Ordinance



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Session 3

Consideration of Salary History and Lactation in the Workplace Ordinances

Host & Presenter

Beverly Popek

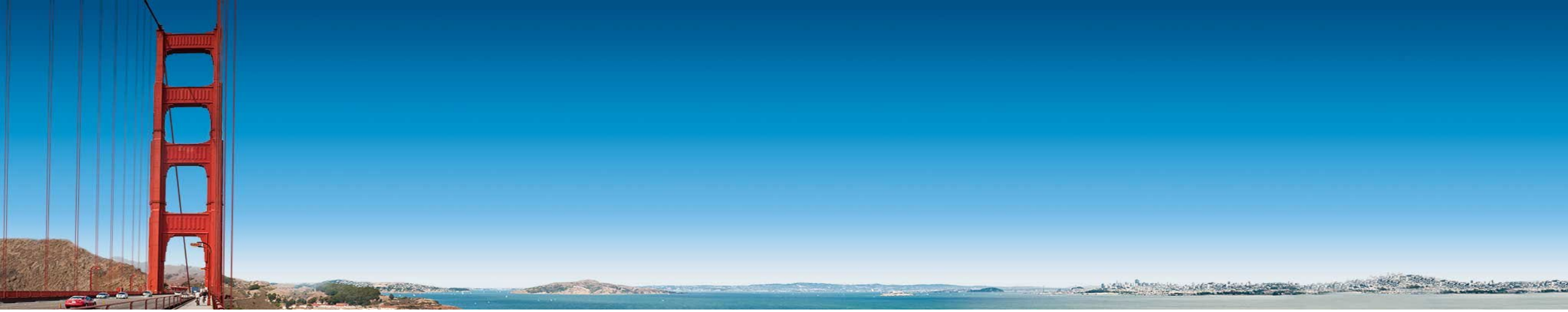
Q&A

Jade San Diego

Chat Box

Sally Chen





Consideration of Salary History Ordinance

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Legislative History



The Ordinance will help ensure that an individual's prior earnings, which may reflect widespread, longstanding, gender-based wage disparities in the labor market, do not continue to weigh down a woman's salary throughout her career.



Key Provisions

[1 of 2]



1. Employers may not ask applicants about their current or past salary

Don't ask this information on the application, text, email, interview, etc.

2. Employers may not disclose a current or former employee's salary history without that employee's written authorization unless the salary history is publicly available



Key Provisions

[2 of 2]



3. An applicant may choose to share salary history information voluntarily and without prompting. If the applicant does so, the employer may consider that information in determining the salary to offer that applicant.





- Ensure that all steps of the hiring process does not inquire about salary history such as the job application.
- Inform everyone involved in the hiring process about the requirements under the Consideration of Salary History Ordinance.



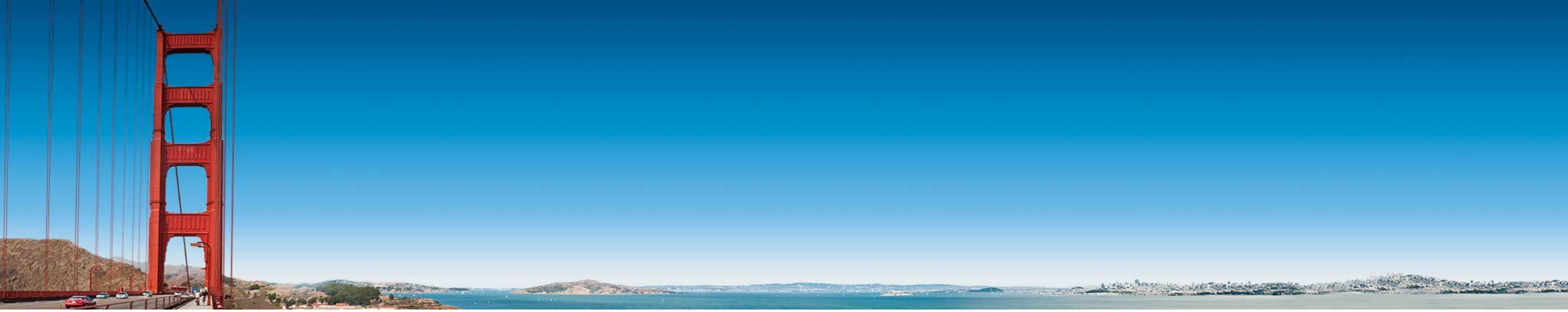
OLSE – Consideration of Salary History

Website: <https://sf.gov/information/salary-history-ordinance>

Phone: (415) 554-6469

Email: salaryhistory@sfgov.org





Lactation Accommodation in the Workplace

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Covered Employers and Employees

Covered Employers

All employers – except for government entities – that have employees working in San Francisco* are covered

Covered Employees

All employees working within the geographic boundaries of San Francisco*, including part-time employees, are covered

- *Federal Enclaves (i.e. The Presidio or Fort Mason) and the San Francisco International Airport are not considered San Francisco

Legislative History

- The purpose of the ordinance “is to provide a supportive work environment to enable employees who are nursing mothers to breastfeed or express breast milk during work hours”
- Complements State and Federal law
 - Amended the San Francisco Police and San Francisco Building Codes

Employer Requirements – Lactation Breaks

Employers must provide a reasonable amount of break time for employees to express breast milk

- Break time shall, if possible, run concurrently with any break time already provided to the employee
- Break time that does not run concurrently with the rest time authorized under State law may be unpaid

Employer Requirements – Lactation Location 1/2

- Employers must provide a location for lactation, other than a bathroom, in close proximity to the employee's work area that:
 - Is shielded from view and free from intrusion
 - Is safe and clean
 - Contains a surface
 - Contains a place to sit
 - Has access to electricity
 - Is not a bathroom

Employer Requirements – Lactation Location 2/2

- Employers in multi-tenant buildings may use a shared location if they cannot satisfy the location requirements on their own
- Employers must provide, in close proximity* to the employee's work area, access to a refrigerator and a sink with running water

Definition of “Close Proximity”

It depends on the specifics of the situation, but it must be close enough that its location does not deter a reasonable employee from using it.

Employer Requirements – Lactation Accommodation Policy

1. Identify the process by which an employee may submit a request
2. Employer must respond within 5 business days
3. Must engage in an interactive process with employee to determine the appropriate
 - a) lactation break period(s)
 - b) location

Denying the Request

If you deny the request, you must provide the employee a written response that identifies the basis upon which the you have denied the request.

Exemptions 1/2

- An employer may establish an exemption from a requirement in the Ordinance to provide lactation breaks and/or a lactation space.
- Such exemptions may not be available under state law.
- **Employer must still comply with all other requirements of the Ordinance, as well as all state and federal legal requirements.**

Exemptions 2/2

Undue hardship exemption under the Ordinance

Significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of the employer's business

Examples of an undue hardship could, in some circumstances, include:

- building a room
- undertake a construction project
- remove seating from a restaurant
- remove retail floor space

Best Practices (1/2)

- Learn about lactation
- Watch the On-Demand Lactation Video
- Use sample policies to make your own
- Read the Rules and Regulations on our website
- Read the FAQ our website

Best Practices (2/2)

- Distribute policy at the time of hire and/or issue a memo with a copy of the policy to current employees
- Make sure the policy is in your handbook
- Retain records
- Contact OLSE if you have any questions

OLSE – Lactation in the Workplace

<https://sf.gov/information/lactation-workplace-ordinance>

- Legislative Text
- Frequently Asked Questions
- Sample Employer Policy & Request Form

(415) 554-6406

lactation@sfgov.org





Questions?

Send us your questions in the Q&A Box



Office of Labor Standards Enforcement



Session 4: Fair Chance Ordinance

We will start at 10:30AM



Office of Labor Standards Enforcement



City and County of San Francisco Office of Labor Standards Enforcement

Welcome!
City-Wide Labor Laws Webinar

October 23, 2024



Office of Labor Standards Enforcement

Session 4

Fair Chance Ordinance



Materials & Recording

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Session 4 – Fair Chance Ordinance

Host & Presenter

Beverly Popek

Q&A

Jade San Diego

Chat Box

Sally Chen





Fair Chance Ordinance (FCO)

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Who is Covered?



Employers

A company with 5+ employees worldwide & any employees (or planned positions) in San Francisco

Employee

Someone who works or will work at least 8 hours a week in San Francisco



What is the FCO?

- The FCO is a City-Wide Labor law that is required by the City and County of San Francisco

- The FCO is a process law

Step by step process that employers are required to follow regarding applicants or employees with arrest and conviction records, or related information

- The State of California has a Fair Chance Act

<https://civildrights.ca.gov/fair-chance-act/>



Office of Labor Standards Enforcement



City & County of San Francisco Fair Chance Ordinance

Post Where Employees Can Read Easily. Failure to post this notice may result in penalties.

OFFICIAL NOTICE

Under the San Francisco Fair Chance Ordinance, employers must follow strict rules regarding criminal records. Employers with 5 or more employees worldwide and all City contractors must comply.

- Employers MAY NOT ask about arrests or convictions on a job application.
- Employers MAY NOT conduct a background check or ask about criminal records until AFTER making a conditional offer of employment.
- Employers may only consider convictions that are directly related to the job, and may never consider 7 types of arrests or convictions, including convictions that are more than 7 years old (see www.sfgov.org/olse/fco).
- Before an employer rejects an applicant based on a background check, the employer must: notify the applicant and provide a copy of the background check; give the applicant 7 days to respond; reconsider based on evidence the applicant provides.

For more information, visit www.sfgov.org/olse/fco or call the San Francisco Fair Chance hotline at (415) 554-5192.

FCO Requirements

- Requires a compliant hiring process
- Use our FCO Employer Tool Kit
 - Job Announcements & Applications
 - Initiating a Background Check after an Initial Offer
 - After the Background Report, Initial Assessment, and Reassessment
 - Notice of Final Determination to Revoke the Job Offer

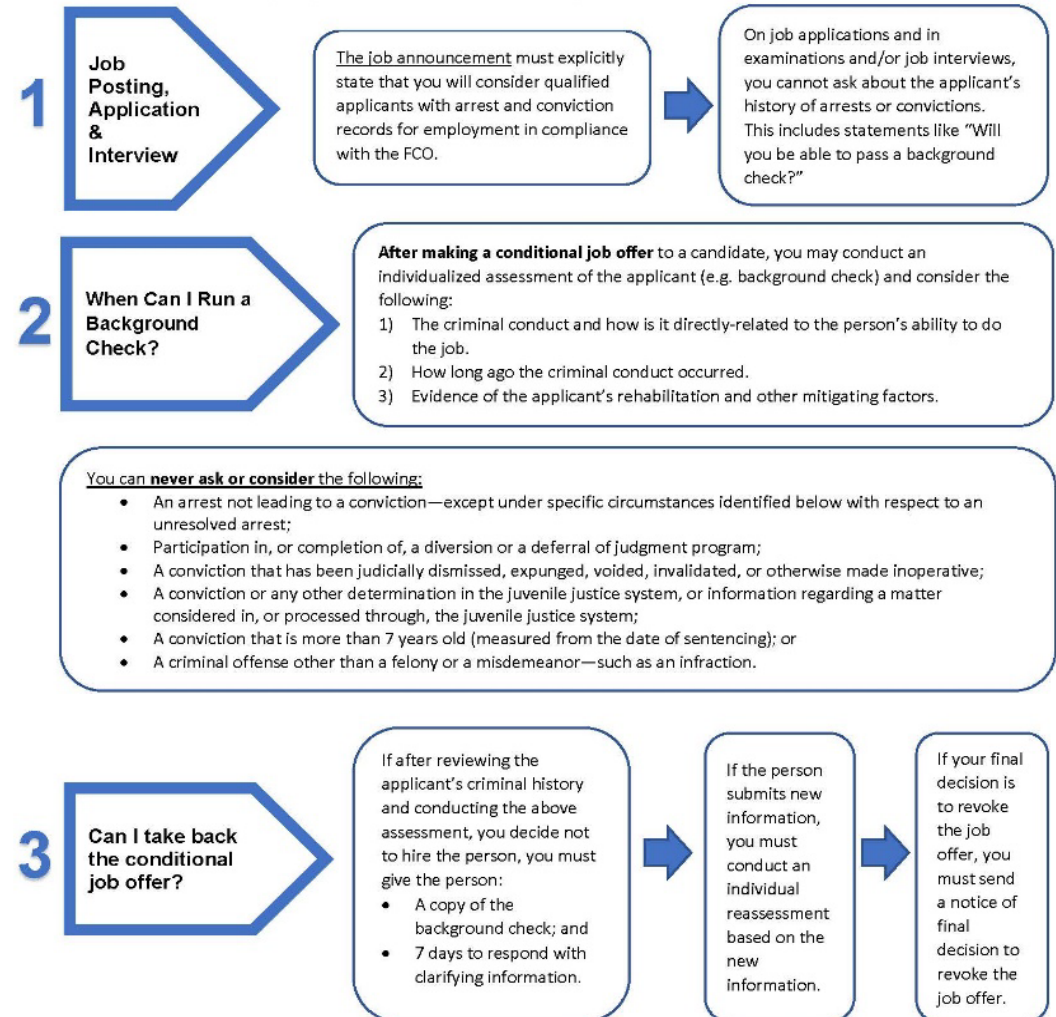
• Watch our FCO Employer Tool Kit Videos:
https://www.youtube.com/playlist?list=PLFJs8bFVpkCdOQ2glqPtvh_W74fWYXCii

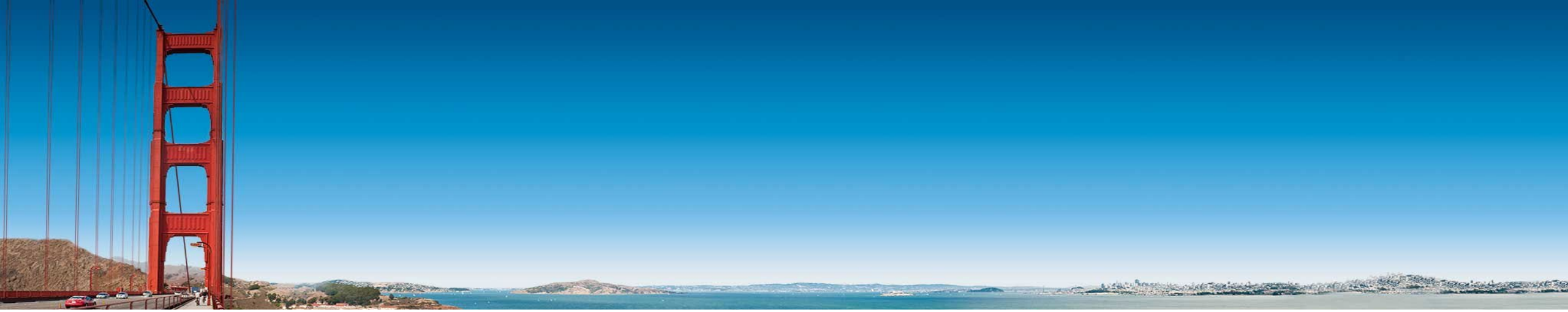
HOW TO COMPLY WITH THE FAIR CHANCE ORDINANCE

Is the position covered by the San Francisco Fair Chance Ordinance (FCO)?

- Do you have 5 or more employees globally and the new or promotional position is for 8 or more hours per week in San Francisco?
- Are you a San Francisco City Contractor and the new or promotional position is for 8 or more hours per week in San Francisco?

If you checked either option, the position is covered and you must follow the steps listed below:





Compliant Hiring Process



Office of Labor Standards Enforcement

1. Job Announcements



- Announcements **cannot** say that someone with arrests or convictions will not be considered, or that a background check must be “passed.”
- Announcements **must** include an affirmative statement of compliance with the FCO:

“Pursuant to the San Francisco Fair Chance Ordinance, we will consider for employment qualified applicants with arrest and conviction records.”



2. Job Applications/Interview

- Job applications **cannot** ask about the applicant's history of arrests or convictions.
- Employers **cannot** ask about, or inquire into, convictions or unresolved arrests until after a conditional offer of employment.



3. Making a Conditional Job Offer

- The employer has the choice to conduct a background check
- After a conditional of employment has been made, employer may conduct background check

4. Background Report

- OLSE does NOT require you to conduct a background report
- The employer can make the decision to hire the applicant



Background Check Prohibited Information

Seven categories of information may not be considered at any time:

1. an arrest not leading to a conviction (except unresolved arrests)
2. participation in a diversion or deferral of judgment program
3. a conviction that has been dismissed or expunged
4. a conviction in the juvenile justice system
5. a conviction that is more than 7 years old
6. an offense other than a felony or misdemeanor (i.e. traffic ticket)
7. Any decriminalized offense (such as some cannabis convictions)



Exceptions to Prohibited Information

Employers can consider convictions and arrests prior to 7-year look back period for jobs supervising:

- Minors
- Dependent adults
- Persons 65 years or older

Employers can consider infractions (driving record) where driving is a significant part of the job



State and Federal Preemptions

- Federal or State laws that require background checks for certain jobs preempt the FCO.
 - Example: financial services/insurance employees



5. Individualized Assessment

- If you plan to revoke the job offer due to the background report, you must conduct an individualized assessment considering the following:
 - The criminal conduct and how it is directly-related to the person's ability to do the job.
 - How long ago the criminal conduct occurred.
 - Evidence of the applicant's rehabilitation or other mitigating factors.
- Provide the preliminary decision to revoke the job offer
- No automatic rejections



6. Rescinding the Job Offer

- Provide the applicant a copy of the background report and a copy of the individualized assessment
- Offer applicant **7 days*** to provide clarification of errors in the background, mitigating circumstances, and evidence of rehabilitation
 - Did the applicant perform the same job elsewhere?
 - Does the applicant have reference letters?
 - Did the applicant complete a rehabilitation program?

* The CA Fair Chance Act requires at least 5 days.



7. Individualized Reassessment

- With the background report and new information from the applicant conduct an individualized reassessment and make your determination.
- If you decide to not hire the applicant, provide the decision in writing, a copy of the reassessment, and FCO poster as the applicant has the right to file a claim with OLSE



What the FCO Does NOT Do:

- FCO does **NOT** require employers to give preference to or hire an unqualified individual with an unresolved arrest or conviction record.
- FCO does **NOT** limit employers' ability to choose the most qualified and appropriate candidate among the applicants.
- FCO does **NOT** require employers to conduct a background check.
- FCO does **NOT** prohibit employers from conducting a background check.





Common Violations



Office of Labor Standards Enforcement

Common Violations

[1 of 2]

1. Employer asks about convictions on job applications
2. Employer refuses to hire based on a conviction that is 7+ years old
3. Employer implies that no individuals with convictions will be hired (saying a background check must be “passed”)

VIOLATION



Common Violations

[2 of 2]

4. Employer has an improper process of notifying applicants of conviction or unresolved arrests and length of durations
5. Failing to provide a copy of the background check
6. Failing to provide 7 days for applicant to review and respond to the questions regarding the background report



Office of Labor Standards Enforcement

VIOLATION



The FCO is a process law

Gain an understanding of the necessary steps to comply with the FCO

Go to the <https://sf.gov/information/fair-chance-ordinance> and review:

- Review the frequently asked questions and the ordinance
- View the recorded webinars about the FCO Tool Kit
- Download the FCO Tool Kit and figure out if your hiring process is compliant
- Contact the FCO Unit and schedule a meeting to discuss the FCO



Contact OLSE

Office of Labor Standard Enforcement – FCO

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 430

San Francisco, CA 94102

Phone: (415) 554-5192

Fax: (415) 554-6291

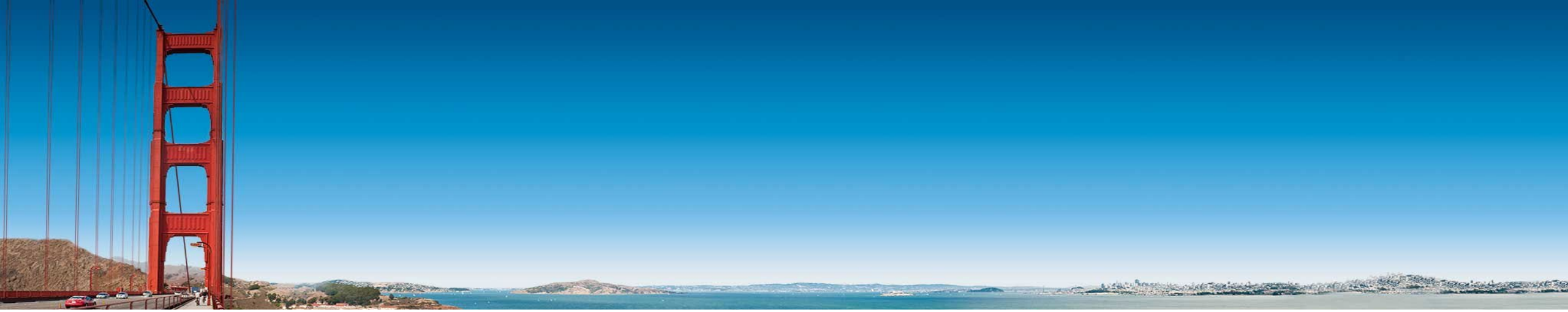
Email: fco@sfgov.org

Website: www.sf.gov/olse

FCO

<https://sf.gov/information/fair-chance-ordinance>



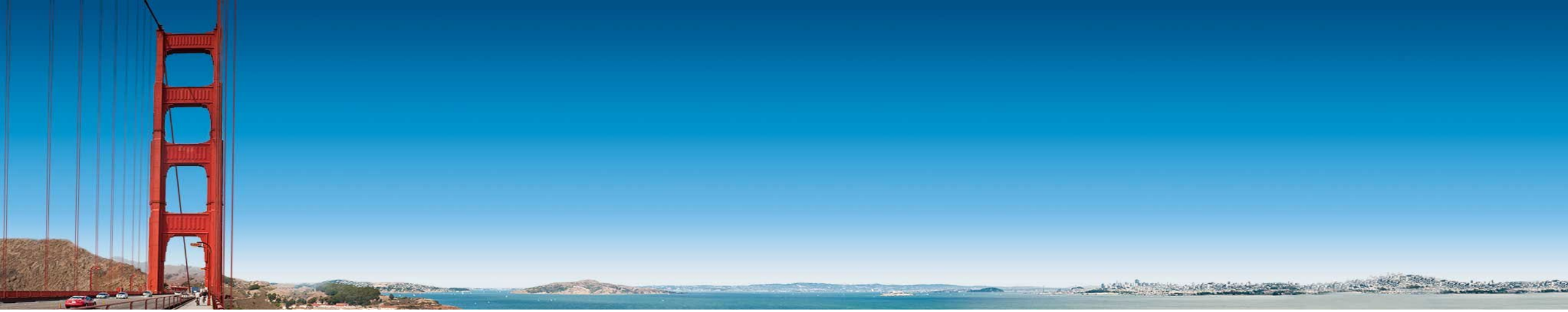


Questions?

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Office of Labor Standards Enforcement



Session 5: Health Care Security Ordinance

We will start at 11:00AM



Office of Labor Standards Enforcement

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Office of Labor Standards Enforcement

Session 5

Health Care Security Ordinance



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Session 5

Health Care Security Ordinance

Host

Beverly Popek

Presenter

Gabrielle Moses

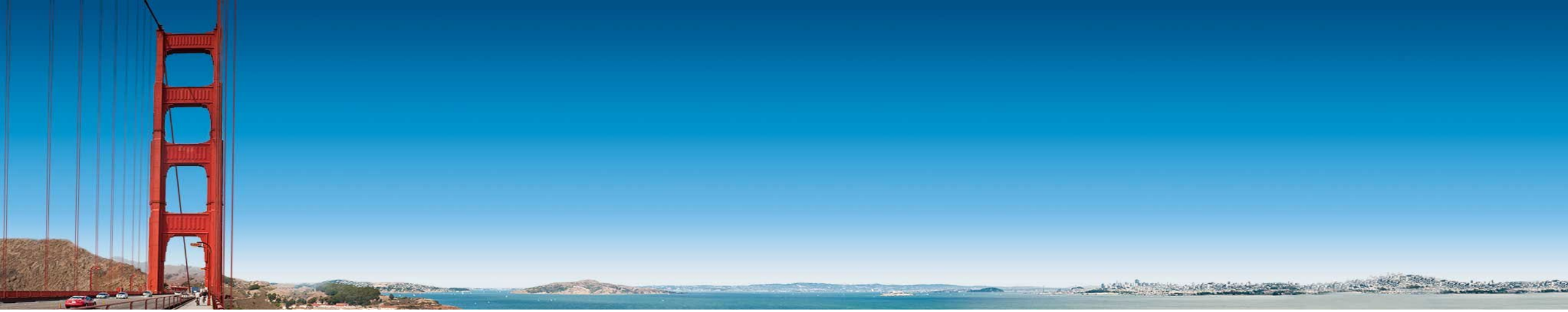
Q&A

Maura Prendiville

Chat Box

Sally Chen





Health Care Security Ordinance

Gabrielle Moses
Compliance Officer



Office of Labor Standards Enforcement

Overview

- The HCSO has been around since 2008; it is a **spending requirement**. It requires employers to spend a certain amount of money on employee health care.
- There are different ways to comply with the HCSO.



Who's a Covered Employer?

Minimum size threshold based on total number of persons performing work in ALL locations throughout the world, not only San Francisco

- For-profit employers: 20+ persons perform work per quarter
- Nonprofit employers: 50+ persons perform work per quarter

Exception: government employers are not covered by the HCSO



Who's a Covered Employee?

- Employed for at least 90 calendar days for the company organization; and
- Works at least 8 hours per week **in San Francisco** in a quarter (104 hours/quarter)
 - Note: the SF airport is *not* within the geographic boundaries of San Francisco

→ This means that ***nearly all*** of a company's San Francisco employees are covered by the HCSO. The few categories of workers who are exempt are addressed later in the presentation.

The employee's place of residence does not matter; what matters is where the work is performed.



Employer Obligation #1: Satisfy Employer Spending Requirement

- Expenditures must be made quarterly.
- Expenditure rate is based on employer's *global* workforce size, not just those in San Francisco. Companies with under 100 workers have a lower spending rate.

Employer size	2024 Rate
100+ workers worldwide	\$3.51/hr
20-99 workers worldwide (or nonprofits with 50 – 99 workers)	\$2.34/hr
Employer size	2025 Rate
100+ workers worldwide	\$3.85/hr
20-99 workers worldwide (or nonprofits with 50 – 99 workers)	\$2.56/hr

****Health Care Expenditure Rates Change Annually****



Employer Obligation #1: Satisfy Employer Spending Requirement

- Multiply the expenditure rate by the employee’s payable hours to get the correct quarterly spending amount.
- Payable hours: hours worked in SF or hours for which employee is *entitled to be paid* (sick time, vacation, overtime). Capped at 172h/mo.
- What this looks like for a **full-time** employee:

Employer size	2024 rates
Large (100+ workers worldwide)	\$3.51/hr (rate) x max 172hrs = \$603.72/mo or \$1,811.16/Q
Medium (20-99 workers worldwide or nonprofits with 50-99 workers)	\$2.34/hr (rate) x max 172hrs = \$402.48/mo or \$1,207.44/Q
Employer size	2025 rates
Large (100+ workers worldwide)	\$3.85/hr (rate) x max 172hrs = \$662.20/mo or \$1,986.60/Q
Medium (20-99 workers or nonprofits with 50-99 workers)	\$2.56/hr (rate) x max 172hrs = \$440.32/mo or \$1,320.96/Q



Employer Obligation #1: Satisfy Employer Spending Requirement

Options to satisfy Employer Spending Requirement:

- Provide health insurance:
 - Payments for insurance premiums, including medical, dental, and/or vision insurance for covered employees and/or their spouses, partners, children, or other dependents
- Contribute to SF City Option (managed by SF Dept of Public Health, not OLSE. For more information see www.sfcityoption.org)
- Contribute to a Health Savings Account, Medical Savings Account, or other irrevocable reimbursement account
- Combination of these options.



Employer Obligation #1: Satisfy Employer Spending Requirement

Deadlines:

- Expenditures must be made within 30 days of the end of the quarter. Exception for self-funded health plans which are calculated annually
- **Quarterly Deadlines:**
 - Quarter 1: Apr. 30
 - Quarter 2: July 30
 - Quarter 3: Oct. 30
 - Quarter 4: Jan. 30



Employer Obligation #2: Mandatory Poster



OFFICIAL NOTICE 2024

You may be entitled to employer health care spending

Most workers in San Francisco are entitled to employer health care spending, if you:

- Work at least **8 hours** per week in San Francisco
- Have been employed by your employer for about 3 months (**90 days**)
- Work for a business that has **20 or more workers** worldwide or a non-profit with **50 or more workers** worldwide

2024 Required Health Care Spending Rates	
Employer size	Required rate
20-99 workers worldwide (or nonprofits with 50-99 workers)	\$2.34 / hour
100 or more workers worldwide	\$3.51 / hour

Your employer may choose how they spend the money. For example, your employer may pay for health, dental, or vision insurance, make payments to the SF City Option program, etc.

The City may investigate possible violations of the law, and can order employers who violate the law to pay penalties and make payments to workers. Employers may not punish employees who file a complaint or who cooperate with an investigation.

If you have any questions, please contact your employer or the San Francisco Office of Labor Standards Enforcement at (415) 554-7892 or HCSO@sfgov.org. You can also visit the OLSE website at www.sfgov.org/olse-hcso

AVISO OFICIAL 2024 - Ordenanza de Seguridad del Cuidado de la Salud (HCSO)

Es posible que tenga derecho a los gastos de atención médica del empleador

La mayoría de los trabajadores en San Francisco tienen derecho a los gastos de atención médica del empleador, si usted:

- Trabaja por lo menos **8 horas** a la semana en San Francisco
- Ha estado trabajando por su empleador durante aproximadamente unos 3 meses (**90 días**)
- Trabaja para una empresa que tiene **20 o más trabajadores** en todo el mundo o una organización sin fines de lucro con **50 o más trabajadores** en todo el mundo

Tasas de gasto en atención médica requerida 2024	
Tamaño de la empresa	Tasa obligatoria
20-99 trabajadores en todo el mundo (o entidades sin fines de lucro con 50-99 trabajadores)	\$2.34/hora
100 o más trabajadores en todo el mundo	\$3.51/hora

Su empleador puede elegir cómo gastar el dinero. Por ejemplo, su empleador puede pagar un seguro médico, dental o de visión, hacer pagos al programa SF City Option, etc.

La Ciudad podría investigar los posibles incumplimientos de la ley, y puede ordenar a los empleadores que violen la ley que paguen multas y realicen pagos a los trabajadores. Los empleadores no deben castigar a los empleados que presenten una queja o que cooperen con una investigación.

Si usted tiene alguna pregunta, comuníquese con su empleador o con la Oficina de Normas Laborales de San Francisco en (415) 554-7892 ó HCSO@sfgov.org. También puede visitar el sitio web de OLSE en: www.sfgov.org/olse-hcso

2024 年政府通知 - 醫療保障條例 (HCSO)

您可能有權享有僱主提供的醫療保健費

大多數三藩市僱員有權享有僱主提供的醫療保健費，符合條件如下：

- 在三藩市每周至少工作 **8 小時**
- 受聘約 3 個月(90天)
- 在全球範圍內擁有 **20 名或以上僱員**的企業或在全球擁有 **50 名或以上僱員**的非營利組織工作。

2024 年法定醫療保健費率	
僱主規模	法定費率
全球有 20-99 名僱員 (或有 50-99 名僱員的非營利組織)	\$2.34 / 小時
全球有 100 名或以上僱員	\$3.51 / 小時

您的僱主可以選擇如何使用這些保健費用。例如，僱主可以用這些錢來支付醫療保險、牙科保險、眼科保險或向三藩市市府健康保健計劃（稱為 City Option）付款等。



Employer Obligation #3: Maintain Records

Maintain records for four years of:

- Payable hours;
- Health care expenditures made (including insurance enrollment and invoices ;
- HCSO waiver forms, if any;
- Anything else you'd need to demonstrate compliance (work location, payroll records showing start & end dates, City Option contributions, etc)



Employer Obligation #4: Annual Reporting Form

- Available April 1 each year; due April 30th each year
- Purpose: to demonstrate total health care spending for SF employees, and demonstrate the different compliance options employer utilized
- Additional webinars and resources available on OLSE website



Annual Reporting Form Notification

- Notices about Annual Reporting form are mailed to physical address listed on employer's business registration with City of SF.
- Emailed to all employers on OLSE's email list.

Exemptions to HCSO: Part 1

Very few employees are exempt from these requirements. Safest approach is to assume they are all covered by HCSO and entitled to health care spending.

- Exempt: employees eligible for MediCare (program for ages 65+) or TriCare (for veterans). Note: employees on Medi-Cal are **not** exempt, and are still covered by HCSO.



Exempt if covered by other Health Care Law

- Exempt: employees who are covered by Health Care Accountability Ordinance (only applies if employer is a City contractor or lessee).

Non-profit Trainee Exemption

- Exempt: temporary non-profit employees in specific training programs
- Must be a bona fide training program consistent with Federal law, which training program enables the trainee to advance into a permanent position
- This exemption only covers a limited type of position. (Please contact OLSE for more info).

Exemptions to HCSO: Part 2

Exempt: managerial & supervisory employees who earn a certain salary.

- Salary amounts change annually (2024 \$121,327); (2025 \$125,405)
- HCSO has a specific definition for “managerial” and “supervisory” that is different from other laws;
- **Always** contact OLSE for more information. Do **not** assume that all highly paid employees are exempt. Do not assume that any employee with the word “manager” in their title is exempt.



Exemptions to HCSO: Part 3

- Exempt: Employees who sign voluntary waiver forms. Form must be:
 - (1) OLSE's specific waiver form for HCSO (**not** simply a form in which employee declines insurance);
 - (2) Signed voluntarily (free of coercion by employer);
 - (3) Employee **must** have health care services from **another employer** (spouse/domestic partner's job; parents' job; employee's other job) AND be willing to waive their right to an alternate expenditure.



Waiver Exemption Continued

- Waivers good for one year only, can be revoked by the employee at any time, and cannot be retroactive.
- Employees who buy their own insurance, or who have Medi-Cal, or are uninsured may **not** sign a waiver.
- Waivers are the exception, not the rule; most employees do not want to sign them because they are entitled to an expenditure even if they have insurance from elsewhere.

Other issues: self-funded plans

- Employers who have self-funded medical, dental and vision plans must still comply with the employer spending requirement at the same hourly rate as other Covered Employers
- However, self-funded plans are calculated differently, and the employer has to satisfy the spending requirement annually, rather than quarterly, *only for the employees enrolled in the self-funded plans*. For employees enrolled in traditional, fully funded health plans, the quarterly deadlines still apply



Other issues: Surcharges

- The HCSO neither prohibits nor requires an employer to pass on the costs of HCSO compliance to its customers. However, if an employer *chooses* to implement a surcharge on customers to cover the costs, the employer must:
 - Ensure that the full amount collected is used towards the cost of satisfying the spending requirement for its Covered Employees; and
 - Keep record of the amount collected and the amount spent.



Common Compliance Issues

- Failing to make any health care expenditures for anyone;
- Spending too little for health insurance;
- Disregarding part time workers who work 8+ hours/week and may not qualify for employer's health insurance program;
- Assuming employees are exempt from the HCSO when they are not;
- Failing to make health care expenditures for employees with other health care coverage;
- Surcharges (collecting \$ from customers but then not spending it on health care)



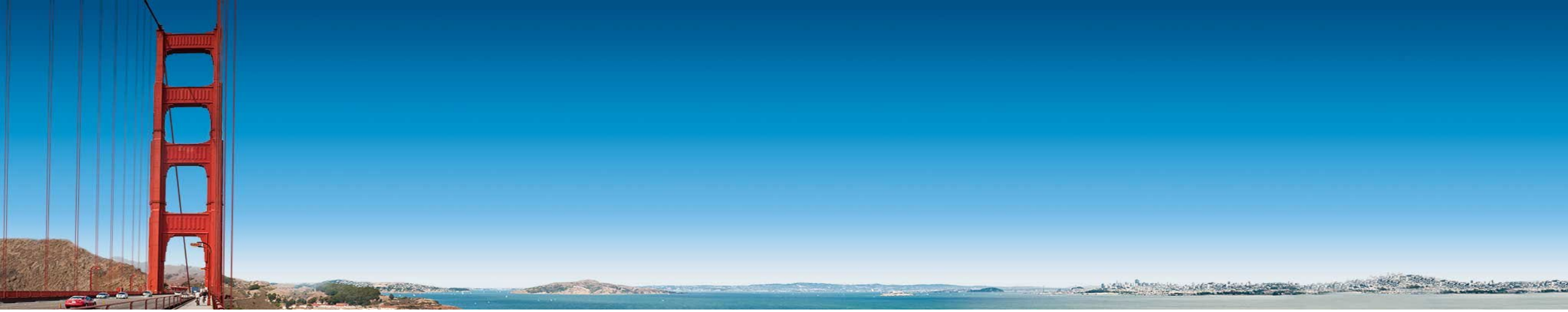
Consequences

- Employers may face enforcement actions, including but not limited to audits; assessment of restitution, interest, and penalties; administrative hearings and/or court actions.

HOWEVER...

- OLSE does not punish employers who contact us to ask questions, or who realize they have a compliance issue and want our help figuring how to remedy it.
- It is always better for an employer to proactively contact OLSE than to have us take enforcement action.





Frequently Asked Questions



Office of Labor Standards Enforcement

FAQ 1

Q: I offer insurance to my SF employees; isn't that enough to comply with the HCSO?

A: It depends. The employer must (1) ensure the insurance is sufficiently expensive to satisfy the expenditure rate for that year; and (2) ensure that all Covered Employees are enrolled in the plan.

If the answer to either of the above is “no,” employer should (1) add additional expenditures to the insurance; and (2) find a way to comply for the employees not on the insurance.

See more info here: <https://sfgov.org/olse/e-making-health-care-expenditures#insurance>



FAQ 2

Q: Do I need to make expenditures for employees who already have health insurance from elsewhere?

A: Most of the time, yes. See here: <https://sfgov.org/olse/e-making-health-care-expenditures#7>

Q: What do I do if I've offered insurance and the employee declines it?

A: In most situations, you'll need to find another way to make the expenditures. Many employers use the City Option program as a way to comply for the folks who are not enrolled in the company's insurance plan. See here: <https://sfgov.org/olse/e-making-health-care-expenditures#eesoptout>



FAQ 3

Q: What is the difference between the HCSO and the City Option?

A: The HCSO (Health Care Security Ordinance) is the law that requires employers to spend money on health care services. The HCSO is enforced by the OLSE. The OLSE also offers an advice hotline for employees and employers. The City Option is a health care program run by the San Francisco Department of Public Health. Payments to the City Option is *one of the ways* employers can comply with the HCSO.

Q: What is the City Option, and what do my employees get if I contribute to it?

A: Employees will get an individual MRA (Medical Reimbursement Account) that they can use for out-of-pocket medical expenses such as prescriptions, co-pays, premiums, and many other items. Employers must notify employees about the contributions and provide correct contact info.



FAQ 4

Q: I thought I only had to worry about employees who aren't on my health plan. Aren't those the only ones covered by this law?

A: No. All Covered Employees (basically, all SF employees) must receive their full health care expenditures. The employer may or may not be satisfying the expenditure requirement with the insurance—it depends how much the insurance costs.

Q: Doesn't this law apply only to people who live in SF?

A: No. The employee's place of residence does not matter. The *work location* (including remote work) is what matters.



FAQ 5

Q: Do I have to comply with this for my highly paid employees?

A: Employee salaries do not matter. The only time it comes into play is if the employee has a salary threshold above a certain amount **and** his/her job duties meet the HCSO's definition of a managerial/supervisory employee. For example, a CFO or CEO will not be covered by the HCSO. A "project manager" will be unlikely to satisfy the definition.



FAQ 6

Q: I'm confused about waivers. When are they required?

A: They're not required! The employer should just be providing the health care expenditures. In rare situations, if an employee has health care services from another employer, and is willing to waive their right to an alternate expenditure from your company, then they can be asked to sign an HCSO waiver form (different from the 'opt-out' form your insurer may collect). This must be done free of coercion. If the employee signs it, that means the employer does not have an expenditure obligation for that person for a one-year period, unless the employee revokes it.

Note: waivers are the exception, not the rule.



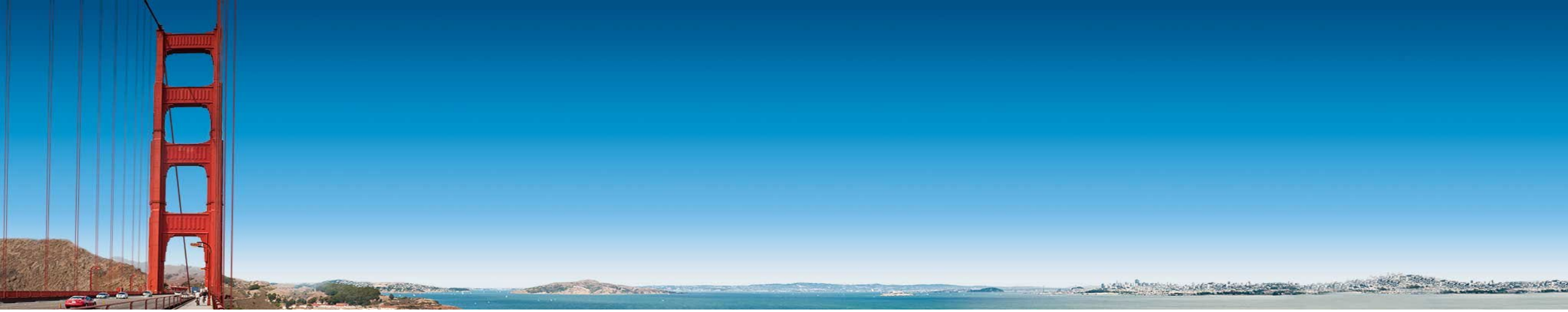
FAQ 7

Q: Where can I find more information?

A:

- [Sign up](#) for labor law updates, including HCSO news
- **OLSE/HCSO [Website](#)**
 - Administrative Guidance
 - OLSE Official Notices
 - Annual Reporting Form
 - Employee Voluntary Waiver Form
- **Attend a [webinar](#) (offered monthly)**
- **Email us: HCSO@sfgov.org**
- **Call us: (415) 554-7892**





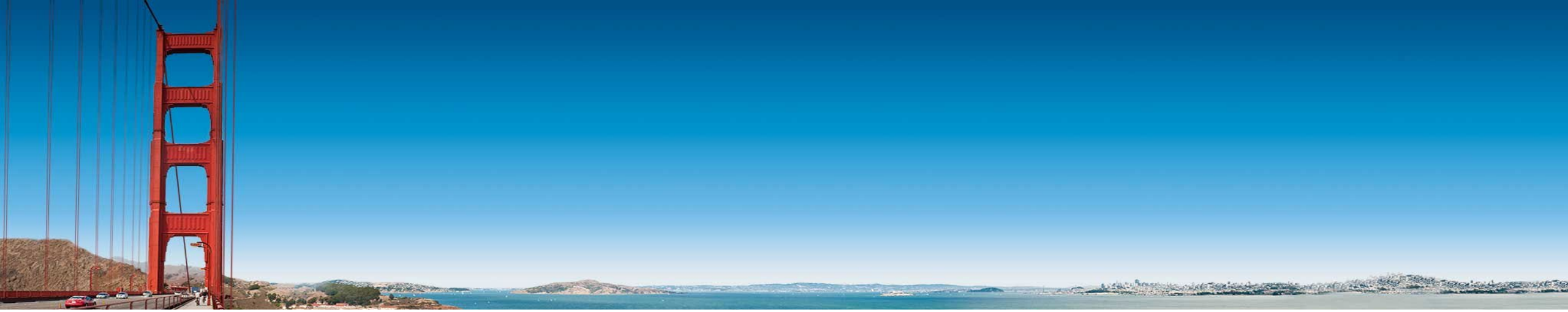
Thank you!

hcsosfgov.org

(415) 554-7892



Office of Labor Standards Enforcement

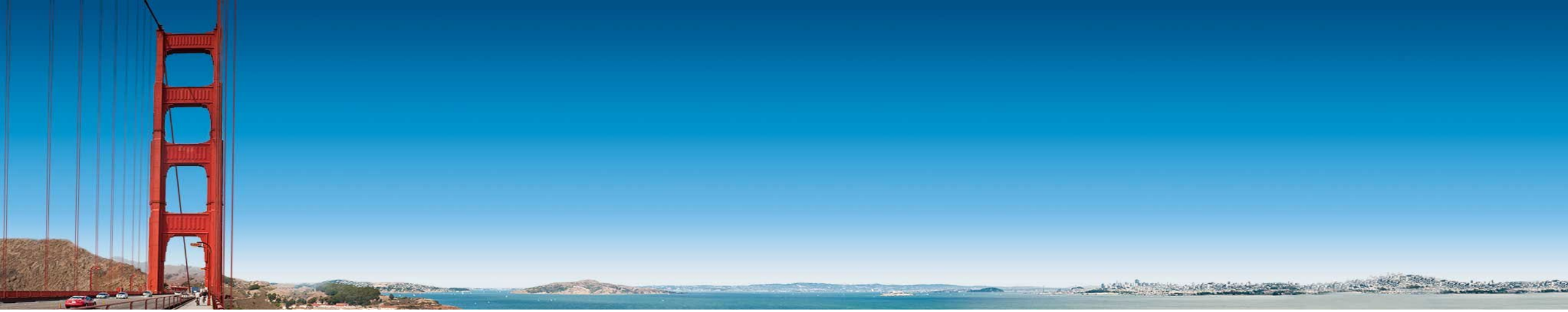


Questions?

Send us your questions in the Q&A Box



Office of Labor Standards Enforcement



Session 6: Family Friendly Workplace Ordinance

We will start at 12:00PM



Office of Labor Standards Enforcement

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic orange-red towers and suspension cables are visible against a clear blue sky. In the background, the city of San Francisco is nestled on a hillside, with the bay and distant hills visible under a bright, sunny sky.

City and County of San Francisco Office of Labor Standards Enforcement

Welcome!
City-Wide Labor Laws Webinar

October 23, 2024



Office of Labor Standards Enforcement

Session 6

Family Friendly Workplace Ordinance



Materials & Recording

The slide deck and a recording of this webinar will be posted at our website:

<https://sf.gov/departments/office-labor-standards-enforcement>



Chat Box

- Public announcements & helpful information
- Chat/Message with Host



Questions and Answers

Questions & Answers Box

- Staff will provide answers to your questions via the Q&A box during the presentation(s)

Live Question and Answer Session

- OLSE staff will answer select questions LIVE at the end of the presentation(s)

Some questions may require more information and you may be asked to contact us.



San Francisco International Airport (SFO)

This presentation is NOT for companies operating at the San Francisco International Airport (SFO)

SFO is not located in the City and County of San Francisco



Session 6

Family Friendly Workplace Ordinance

Host & Presenter

Beverly Popek

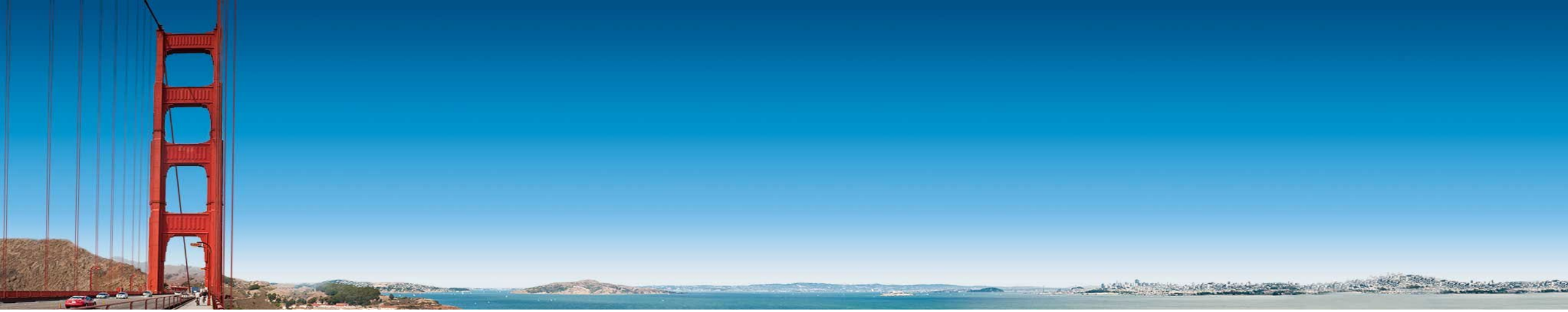
Q&A

Jade San Diego

Chat Box

Sally Chen





Family Friendly Workplace Ordinance (FFWO)

Beverly Popek, Supervising Compliance Officer



Today's Presentation

- Employee Rights
- Covered Employer
- FFWO Requirements
 - Noticing and Poster
 - FFWO Process
- Best Practices
- Resources



Legislative History



10 Aug. 2013

Board of
Supervisors
passed FFWO



3 Aug. 2022

Board of
Supervisors
amended FFWO



14 Mar. 2022

Mayor signed
amendment



7 Dec. 2022

Operation date
for amendment



Employee Rights

The FFWO gives Covered Employees the right to a flexible or predictable working arrangement to assist with caregiving responsibilities for:

1. A child or children for whom the Employee has assumed parental responsibility
2. A person(s) with a serious health condition in a family relationship* with the caregiver.
3. *A person who* is age 65 or older and in a family relationship* with a caregiver.

*“Family Relationship” means a relationship in which a Caregiver is related by blood, legal custody, marriage, or domestic partnerships, as defined in San Francisco Administrative Code Chapter 62 or California Family Code Section 297, as either may be amended from time to time, to another person as a spouse, domestic partner, child parent, sibling, grandchild, or grandparent.



Covered Employer

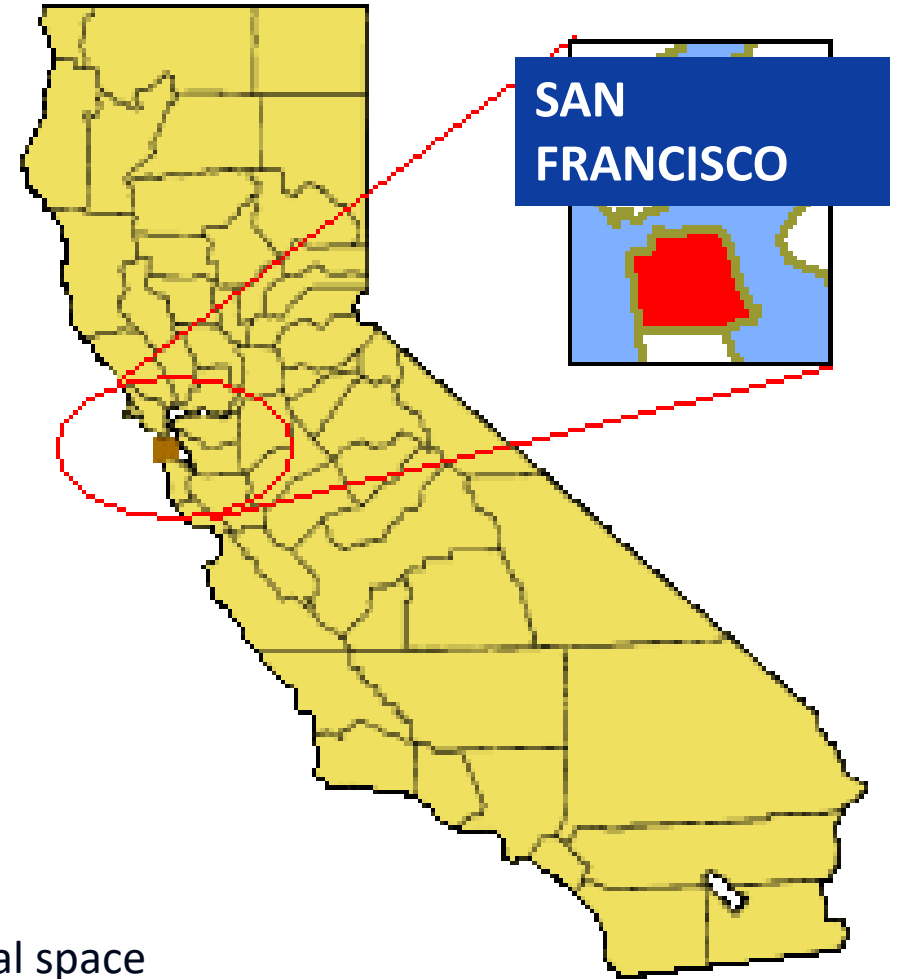


20 OR MORE EMPLOYEES
WORLDWIDE



MUST HAVE A *BUSINESS
LOCATION WITHIN THE
GEOGRAPHIC BOUNDARIES
OF THE CITY AND COUNTY OF
SAN FRANCISCO

*A business location is any physical space
used for the business to run its operations.



Covered Employee

1. Works at least 8 hours per week within the geographic boundaries of San Francisco, with those boundaries extending to telework if Employee is assigned to the San Francisco business location.
2. Has been employed by Covered Employer for 6 months or more.



What about Employees who telework?

An Employee is covered by the FFWO if they are assigned to a San Francisco Business location at the time the request is made regardless of where they are physically working. An Employee is NOT covered by FFWO if they were never assigned to the San Francisco office.

See Rule 2.3: When determining where a remote Employee is assigned for purposes of the FFWO, an Employer should consider factors including, but not limited to, the location of the Employee's computer, manager, teammates or co-workers, personnel file, where the Employee worked prior to beginning Telework, and/or Employee's proximity to the business location.



Requirements of the FFWO



What does the FFWO Require the Employer to do? (1/3)

1. Upon receiving a completed written request, review to determine if you can provide the Employee with the flexible or predictable work arrangement to assist in caring for their children, family members with serious health conditions, or family member 65 or older as requested.



What does the FFWO Require the Employer to do? (2/3)

2. If you do not agree to the request, engage in a good faith interactive process to determine a mutually-agreeable arrangement.

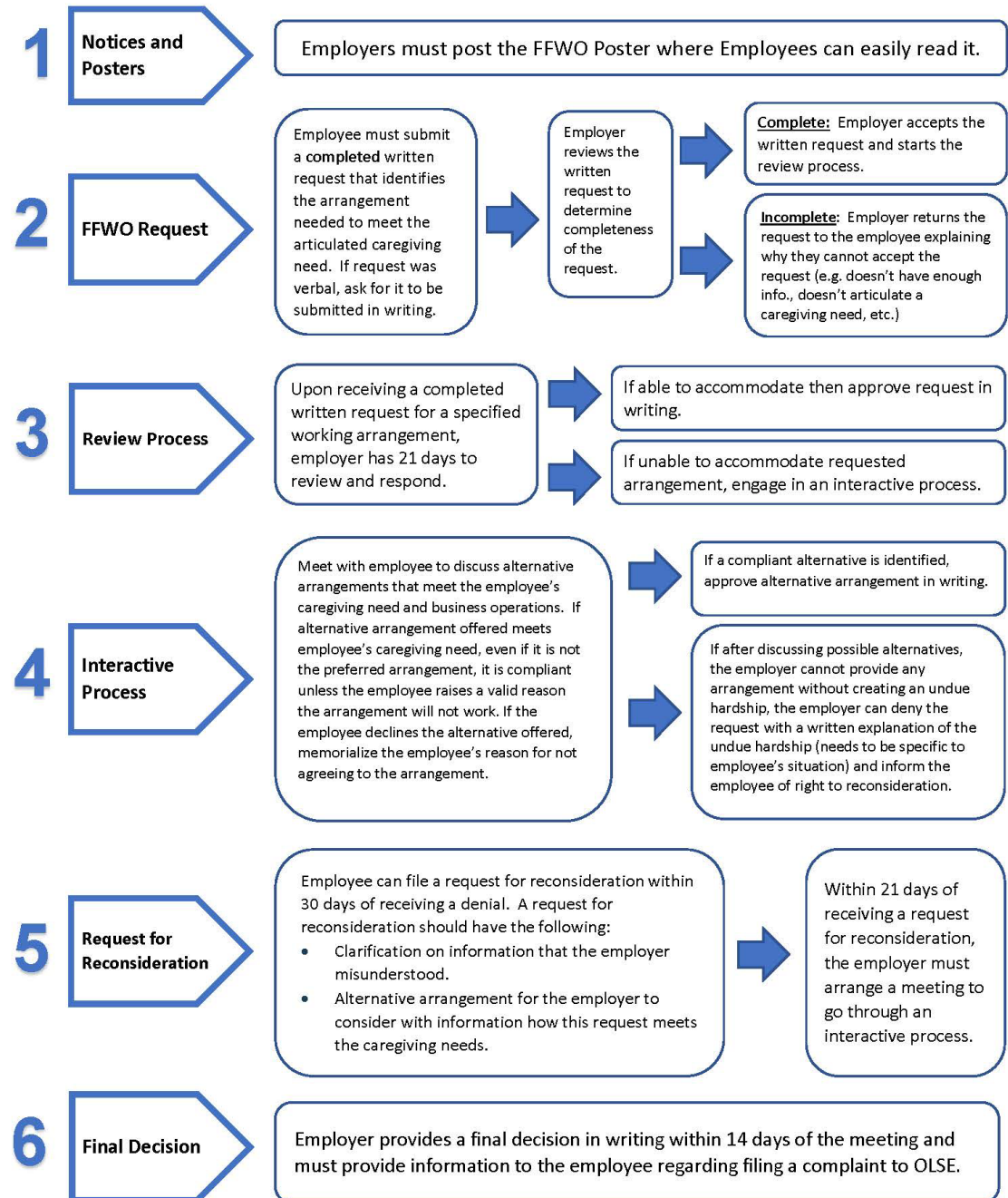


What does the FFWO Require the Employer to do? (3/3)

3. If after considering alternative arrangements, still unable to accommodate the request, notify the Employee in writing, explaining the undue hardship determination and the Employee's right to request reconsideration and file a complaint with OLSE.



FFWO Process Chart Found on FFWO Webpage



1- Notices/Posters (1/2)

Rule 11- Post the Official FFWO Notice/Poster

1. Printable version on FFWO Webpage (English, Spanish, Chinese, & Filipino/Tagalog)
 - <https://www.sf.gov/information/family-friendly-workplace-ordinance>
 - If the language spoken by 5% or more of the workforce is a language other than those listed, the Employer shall be responsible for translating the form and providing it to the workforce.



1- Notices & Posters (2/2)

2. Employer must provide the Employees with the FFWO request form or the comparable form within a reasonable time after the Employee inquired about the FFWO accommodation.

- Sample FFWO form on FFWO Webpage
- Provide copy of FFWO form to current and new employees
- Must add policy to your Employee handbook when your handbook is updated



2- FFWO Request (1/3)

1. Request must be in writing. If Employee makes a verbal request, Employer must immediately direct the Employee to submit in writing.
2. Request must be for caregiving responsibilities as defined under FFWO.



2- FFWO Request (2/2)

3. Request must explain how the request is related to caregiving.
4. Request must be specific as to the proposed start and end dates, modified hours, days, work location, predictable hours, etc.



2- FFWO Request (3/3)

5. Request date should be at least 21 calendar days* prior to the requested started date for the Flexible or Predictable Working Arrangement as Employers have 21 calendar days to issue a determination.

* If requested start date of the arrangement is less than 21 days from the time of the request, Employer should make best efforts to make a timely decision, but the law affords the Employer 21 days to issue a determination.



3- Review Process



Once a completed written request is received, Employer has **21 days to respond to the Employee's request.**



Employer has the right to request verification.*



The 21-day deadline may be extended if there is an agreement with the Employee confirmed in writing.



*More information discussed on next slide



Verification

1. Employee's attestation of caregiving duties may suffice but Employer can request verification within limits.
2. The Employer **may ask** the Employee to provide a note confirming the obligation (e.g. medical appointment is on Tuesdays at 3pm).
3. The Employer **may not ask** for confirmation about the reason for the appointment or extraneous verification, such as from Employee's family members that they are unavailable to assist, when there is no basis to believe that Employee's attestation is invalid.



Granting the Request

If the Employer is able to accommodate the request, then approve the agreement in writing to the Employee.



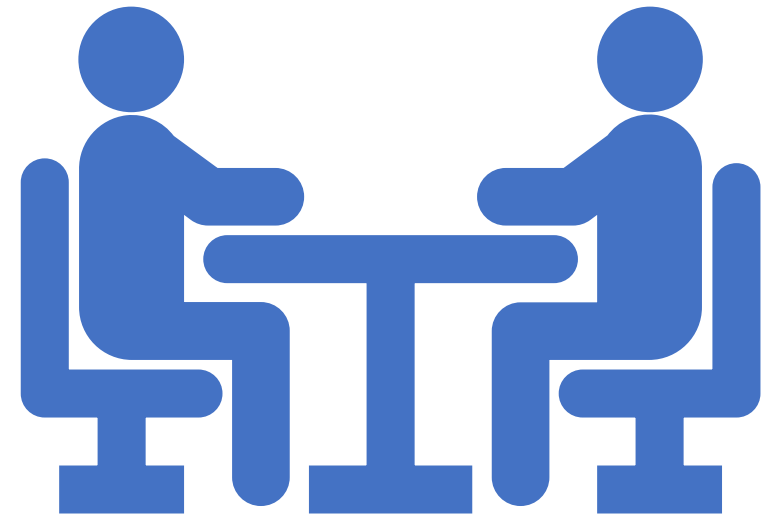
This must be completed within **21 days** of receiving the Employee's request.



If Employer can not accommodate the requested arrangement...

Engage in an interactive process

1. Both Employer and Employee must engage in an interactive process where they meet to discuss alternative arrangements that satisfy the Employee's caregiving need and do not cause undue hardship.
2. The Employer may approve an alternative arrangement that effectively meets the Employee's caregiving responsibilities.



4- Interactive Process (1/3)

Must engage in an interactive process with the Employee to attempt in good faith to determine a Flexible or Predictable Working Arrangement that is acceptable to both the Employee and Employer.

1. Interactive process - timely, good faith, discussion, either orally or in writing, between the Employer and Employee
2. Exchange essential information without delay or obstruction of the process



4- Interactive Process (2/3)

3. Employer should analyze the functions and purpose of the Employee's position in relation to the operations of the Employer.
4. The Employer should consider the requested arrangement, but may approve an alternative arrangement that is effective in meeting the Employee's caregiving responsibilities if that arrangement causes less impact on the operations of the business.



4- Interactive Process (2/3)

5. If Employer provides an alternative arrangement that would meet the caregiving needs of the employee and the employee declines, the employer is still compliant.



If no agreement is met...



If Employer seeks to deny the request, they must prove **undue hardship**, demonstrating the request would cause significant expense or operational difficulty.



An Employer is not required to alter or impede their business operations in a manner that would cause significant expense or operational difficulty.



Undue Hardship Reason for Denial (1/3)



Undue Hardship - causing the Employer significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of the Employer's business.



The denial must be in consideration of the most current arrangement the Employee has requested, whether it be the original request made or the alternative arrangement identified in the interactive process.



Undue Hardship Reason for Denial (2/3)

If an Employer asserts that it can only comply with some of the requested arrangement (e.g., the Employer can reduce hours but not allow the Employee to begin work earlier in the day) without undue hardship, it should comply with those provisions of the request and demonstrate undue hardship for the part of the request it cannot accommodate.



Undue Hardship Reason for Denial (3/3)

Each situation is unique and subject to an individualized analysis, and Employers should consider their circumstances in determining whether they can.



Denying the Request

An Employer must explain the denial in a written response containing the following:

1. Explanation of the basis for the denial and undue hardship.
2. Notification to the Employee of their rights to:
 - a) Request reconsideration by the Employer under Section 12Z.6; and
 - b) After filing a reconsideration request and completing this stage, file a complaint under Section 12Z.10, including a copy of the notice under Section 12Z.8.



5- Request for Reconsideration

01

Worker has right to request reconsideration within 30 days after the denial.

02

Employer must meet with the Employee within 21 days to discuss and reconsider FFWO request.

03

Employer must issue a final decision in writing within 14 days of the meeting.



6- Final Denial

Employer provides a final decision in writing within 14 days of the meeting and must provide information to the employee regarding filing a complaint to OLSE.



Employee May File a Complaint with OLSE

An Employee can file a complaint if:

1. They received a response from the Employer and there was a denial of the arrangement.

OR

2. The time frame elapsed without receiving a response from the Employer.



Enforcement, Penalties, & Appeal Procedures

Rules & Regulations

1. Enforcement Procedures
Rule 8.
2. Administrative Penalties
Rule 10.
3. Appeals Procedures
Rule 10.



Best Practices (1/2)

Must engage in an interactive process with the Employee to attempt in good faith to determine a Flexible or Predictable Working Arrangement that is acceptable to both the Employee and Employer.

Interactive process - timely, good faith, discussion, either orally or in writing, between the Employer and Employee.

Feel free to meet and discuss the request with Employee but everything should be memorialized in writing.



Best Practices (2/2)

Keep good notes, emails, analysis, calculations, etc.

Must save all documents involved in the FFWO process for at least three (3) years.

Remember that each situation is unique and subject to individualized analysis



Resources on FFWO Webpage

- Video On-Demand for FFWO*
- Poster/Notice
- Sample FFWO Request Form
- FFWO Process Chart
- Rules and Regulations
- Legislative Information

<https://www.sf.gov/information/family-friendly-workplace-ordinance>

* This VOD is a different presentation with different examples.



Contact Us

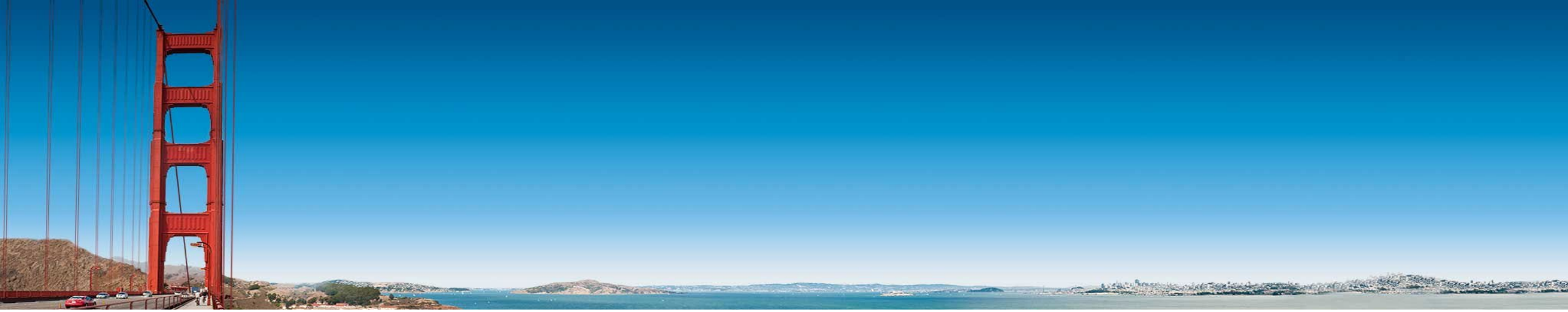
Office of Labor Standard Enforcement
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place, Room 430
San Francisco, CA 94102

Phone Number: 415-554-6424

Email: ffwo@sfgov.org

<https://www.sf.gov/information/family-friendly-workplace-ordinance>



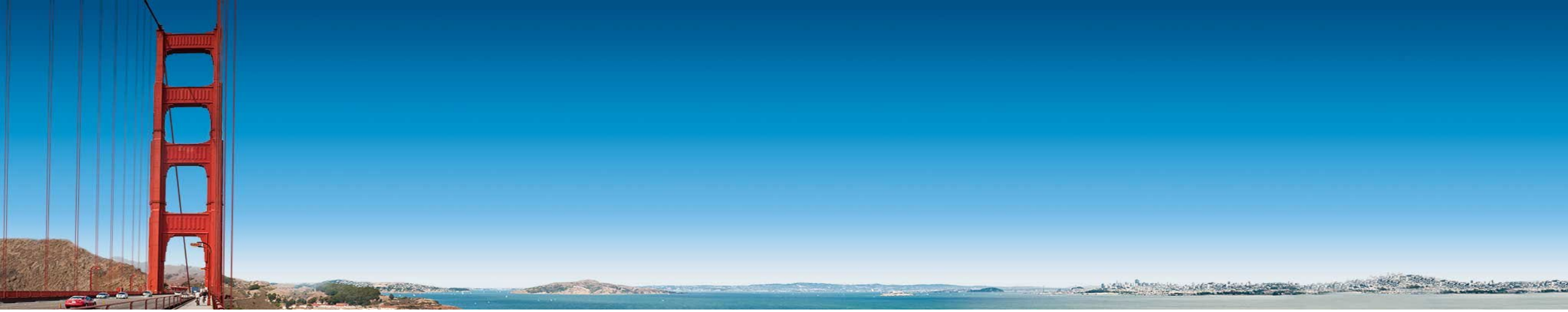


Questions?

Send us your questions in the Q&A Box



Office of Labor Standards Enforcement



**Session 7:
Paid Parental Leave Ordinance
&
Military Leave Pay Protection Act**

We will start at 1:00PM



Office of Labor Standards Enforcement



City and County of San Francisco Office of Labor Standards Enforcement

Welcome!
City-Wide Labor Laws Webinar

October 23, 2024



Office of Labor Standards Enforcement

Session 7

- Paid Parental Leave Ordinance
- Military Leave Pay Protection Act



Materials & Recording

The slide deck and a recording of this webinar will be posted at our website:

<https://sf.gov/departments/office-labor-standards-enforcement>



Chat Box

- Public announcements & helpful information
- Chat/Message with Host



Questions and Answers

Questions & Answers Box

- Staff will provide answers to your questions via the Q&A box during the presentation(s)

Live Question and Answer Session

- OLSE staff will answer select questions LIVE at the end of the presentation(s)

Some questions may require more information and you may be asked to contact us.



San Francisco International Airport (SFO)

This presentation is NOT for companies operating at the San Francisco International Airport (SFO)

SFO is not located in the City and County of San Francisco



Session 7 – Paid Parental Leave Ordinances & Military Leave Pay Protection Act

Host

Beverly Popek

Presenters

Bianca Polovina & Maura Prendiville

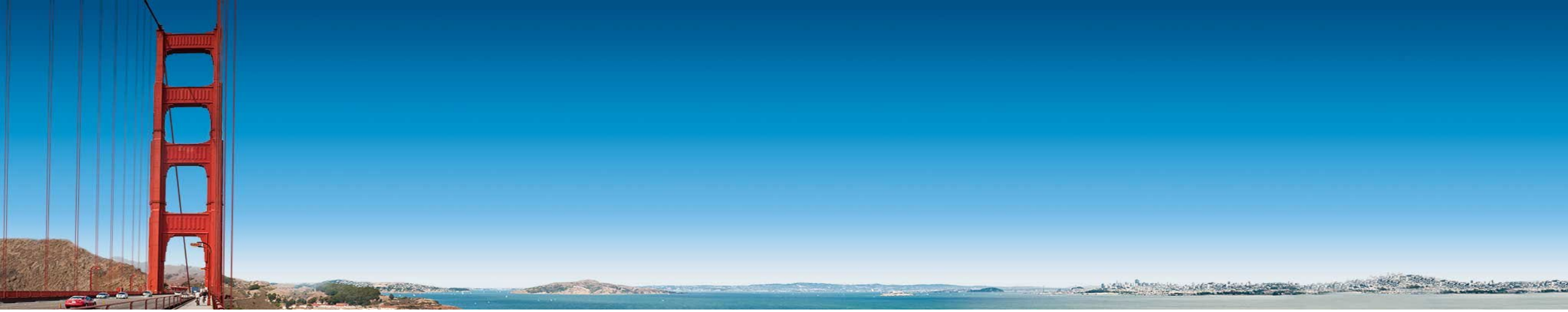
Q&A

Maura Prendiville

Chat Box

Sally Chen





Paid Parental Leave Ordinance

Bianca Polovina
Compliance Officer



Office of Labor Standards Enforcement

What is the Paid Parental Leave Ordinance?

- Requires Covered Employers to pay supplemental compensation to Covered Employees who receive California Paid Family Leave for child bonding purposes
- Intended to help Covered Employees take all eight (8) weeks of California Paid Family Leave for child bonding, without worrying about loss of income



Covered Employers

Who is a Covered Employer?

- Global count of twenty (20) or more employees – if number fluctuates, average employees over PPLO Lookback Period
- Government entities are NOT covered employers (State of CA, UCSF, CCSF, School Districts)

What must a Covered Employer do?

- Post / distribute the PPLO Poster
- Provide the PPLO Form to any employee expecting to become a parent
- Calculate and pay Supplemental Compensation on time and in full



Covered Employees

Works in San Francisco

Commenced work for a covered employer at least 180 days before leave period

Work at least 8 hours per week in San Francisco for a covered employer

Work in San Francisco at least 40% of weekly hours for a covered employer

Apply for and receive California Paid Family Leave (PFL) benefits from the Employment Development Department (EDD)

The employee does not have to be covered by other state or federal leave laws (CFRA, FMLA) to receive the PPLO benefit



Key Term: PPLO Lookback Period

- The 12 weekly, 6 semi-monthly or bi-weekly, or 3 monthly pay periods before the first day of an employee's leave
- How is the Lookback Period used?
 1. To determine if an employee is covered when work location(s) changes
 2. To determine if an employer is covered when the number of employees fluctuate
 3. To determine if an employee is covered when hours fluctuate
 4. To calculate the average Normal Weekly Wage when wages fluctuate.
- When in doubt, call OLSE with questions about whether employer and employee are covered by the PPLO



Employer's To-Do List

1. Post the Notice
2. Provide the PPLO form to any employee who indicates that they will be or have become a parent (Other employer obligations under federal & state law)
3. Determine employee eligibility
4. Calculate and pay employee



EMPLOYER'S Guide to the San Francisco Paid Parental Leave Ordinance

Step 1

Give Notice to Employees

Post OLSE's annual notice.

Include information about supplemental pay under the SF Paid Parental Leave Ordinance (SF PPLO) in employee handbook.

Step 2

Give Employee SF Paid Parental Leave Form (SF PPL Form)

The form is available at www.sfgov.org/pplo.

Give your employee a copy as soon as they ask about parental leave or notify you that they are expecting a newborn, adopted, or foster child. If the company has vacation or PTO policies, review those with the employee now.

Step 3

Determine Employee's Eligibility

The employee is eligible if they: (1) started work for you at least 180 days before the leave; (2) work for at least 8 hours and 40% of their total week hours in San Francisco; (3) have applied for and are eligible for EDD Paid Family Leave.

Step 4

Calculate & Pay Supplemental Compensation

You will need the employee's Normal Weekly Wages and EDD Weekly Benefit amount. This information will be on the completed SF PPL Form and EDD Notice of Computation, which the employee receives from the EDD.


Calculation instructions are available on the OLSE website.

Remember to Maintain Records and that Retaliation is Prohibited Under the Ordinance

Please contact the Office of Labor Standards Enforcement at plco@sfgov.org or at (415) 554-4190 with any further questions or online at www.sfgov.org/pplo.



Employee's To-Do List



EMPLOYEE'S
Guide to the San Francisco
Paid Parental Leave Ordinance

Step 1 Apply for EDD Paid Family Leave

Apply for PFL through the Employment Development Department (EDD) online at www.caiforncaliforniafamilyleave.com or with a [paper application](#). If you do not have a driver's license or ID, use a paper application.

Check box A22, allowing EDD to disclose your benefit amount to your employer.

Step 2 Complete SF Paid Parental leave Form (SF PPL Form)

Your employer should give you the form. You can also find it online at www.sfgov.org/pplp.

If you have multiple employers, complete a form for each employer.

Step 3 Give Employer SF PPL Form and EDD Notice of Computation

The EDD will send you a Notice of Computation that includes your weekly benefit amount. If you were paid State Disability Insurance (SDI) before PFL, use the Notice of Computation the EDD sent you for your SDI claim.

Step 4 Notify Employer When You Receive First PFL Payment

Your employer may ask for your Notice of Payment or Electronic Benefit Payment Notification.

Please contact the Office of Labor Standards Enforcement at oplo@sfgov.org or at (415) 554-4150 with any further questions or online at: www.sfgov.org/osl.

1. Apply for California Paid Family Leave, online or in paper form
2. Complete the San Francisco Paid Parental Leave (PPL) form
3. Submit the completed SF PPL form and the Notice of Computation to Employer
4. Maintain records and receipts from EDD



Paid Family Leave (PFL)

- Employee funded benefit
- **Eight weeks** of partial wage replacement to employees while:
 1. caring for a seriously ill family member; OR
 2. bonding with a newborn, adopted or foster child
- Benefit, depending on income, is 60% to 70% up to cap
- Both parents can take the same or different time
- Can be taken consecutively or intermittently
- Must be taken within one year of birth, adoption or placement

PFL Questions: Call 855.342.3645



Calculations: What the Employer Needs

PPL Form

- From the E'er, filled out by E'ee, back to E'er

EDD Weekly Rate

- From the EDD
- Easiest if E'ee provides to E'er

Gross Weekly Wage

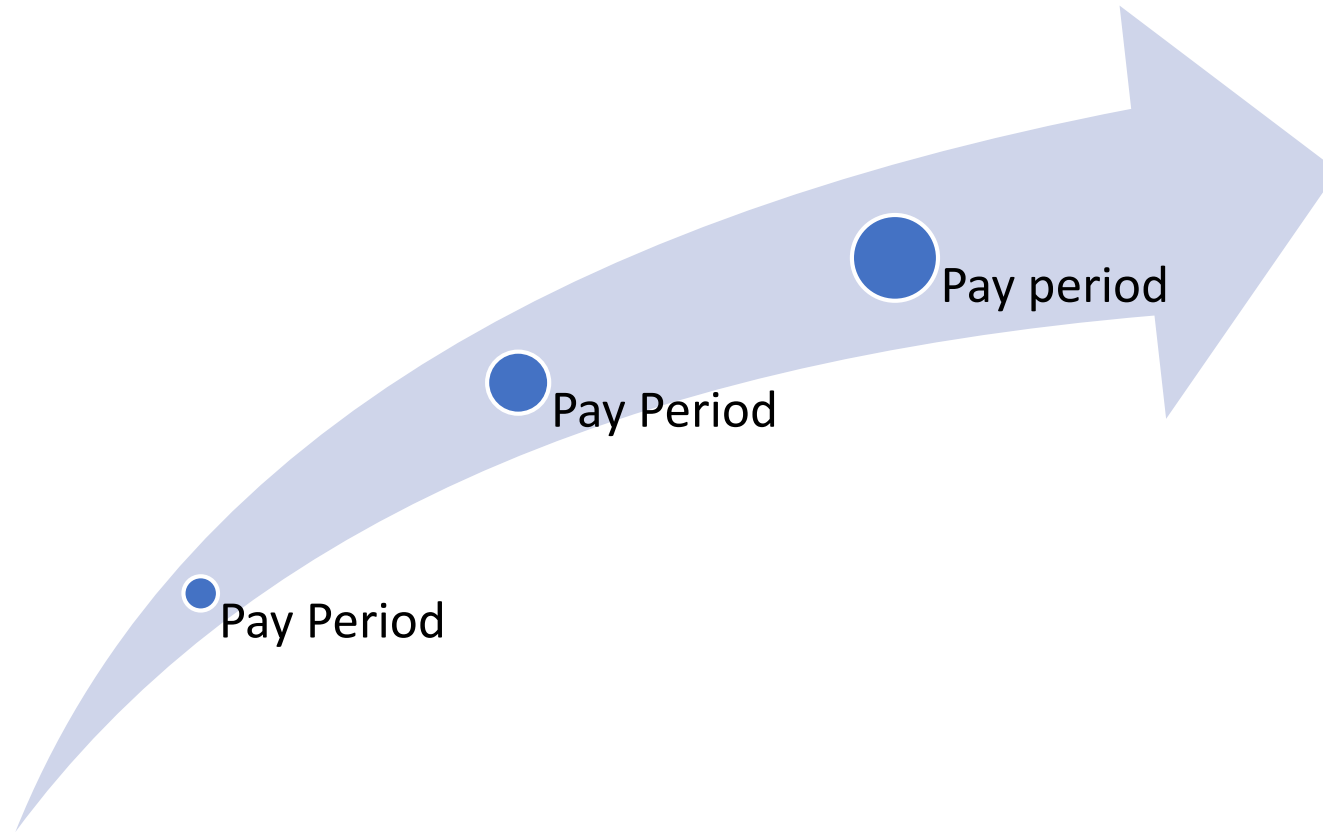
- From the PPL Form
- Calculator



The Math for Supplemental Compensation



When To Pay Supplemental Compensation



Paid Parental Leave Ordinance: Common Compliance Issues

- Notifying employees about their rights: *as soon as you become aware that an employee expects to become a parent via birth, adoption, or fostering*, provide them with the PPLO form and document that you provided the form.
- Common misconceptions:
 - Paid Family Leave and PPLO compensation are only for birth mothers (false)
 - An employee has to take their eight weeks all at once (false)
 - If an employee hasn't worked for 180 days, I don't need to notify them of their rights (false, against plain language of law)

Paid Parental Leave Ordinance Best Practices



Update your Employee Handbook/Portal about PPLO



Train everyone – supervisors, managers, etc – on PPLO duties



Keep records of the PPLO form: language (English/Spanish/Chinese/other), date provided to employee, date returned by employee.



Communicate with the employee before, during and after leave



Maintain all EDD records and payroll records



Use the Calculation Instructions on the PPLO website



Pay the employee supplemental compensation at regularly scheduled pay periods



Contact OLSE if you have questions



Employer Resources on PPLO Website

- Official Notice – required to be posted
- Webinar slides and audio presentations
- Downloadable Excel calculators
- Written Calculation Instructions
- FAQs
- Rules
- Employee & Employer documents in multiple languages

www.sf.gov/pplo



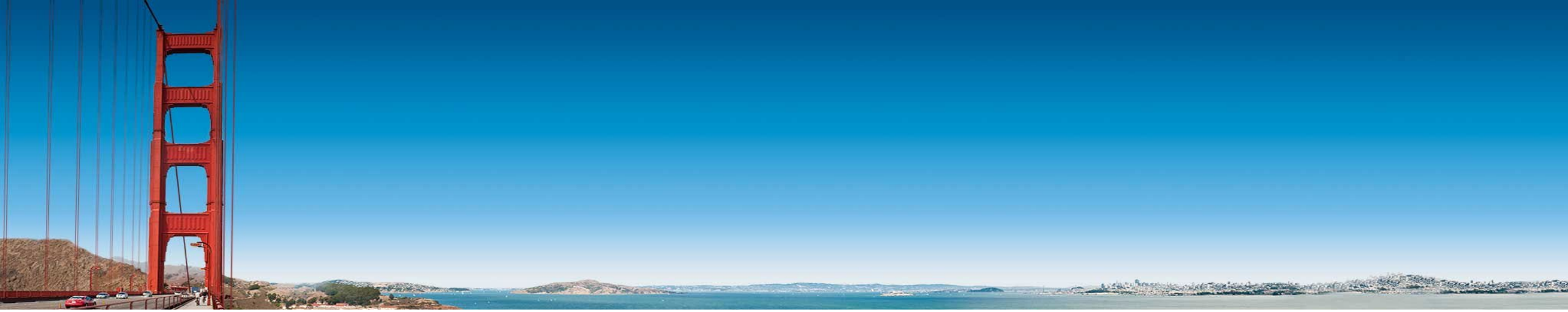
Questions?

415.554.4190

pplo@sfgov.org

www.sf.gov/pplo





Military Leave Pay Protection Act

Maura Prendiville
Supervising Compliance Officer



Office of Labor Standards Enforcement

Covered Employers

Who is a Covered Employer?

- Global count of one hundred (100) or more employees;
- Location of employer's headquarters is not relevant;
- Government entities are **not** covered employers (State of CA, UCSF, CCSF, school districts).
- If employer only has employees at SFO Airport, they are not covered because SFO is outside city limits

What must a Covered Employer do?

- Notify employees of their right to supplemental compensation promptly after being told the employee will require time off work.
- Put MLPPA info in next edition of Employee Handbook; OLSE poster regarding MLPPA available here.
- Calculate and pay Supplemental Compensation on time and in full
- Service members already have job protection under federal law and state laws.



What is the Military Leave Pay Protection Act (MLPPA)?

Military reserve and National Guard personnel are often required to take military leave from work to attend training, and to assist with emergencies. They have been deployed to respond to the pandemic and natural disasters, to protect state and federal Capitols, and are sent overseas.

Reservists and Guards on military leave often suffer a loss in compensation because their civilian jobs pay more than their military service. The MLPPA was designed to avoid a loss in income for members of the military.

MLPPA became operative on **February 19, 2023**



Covered Employees

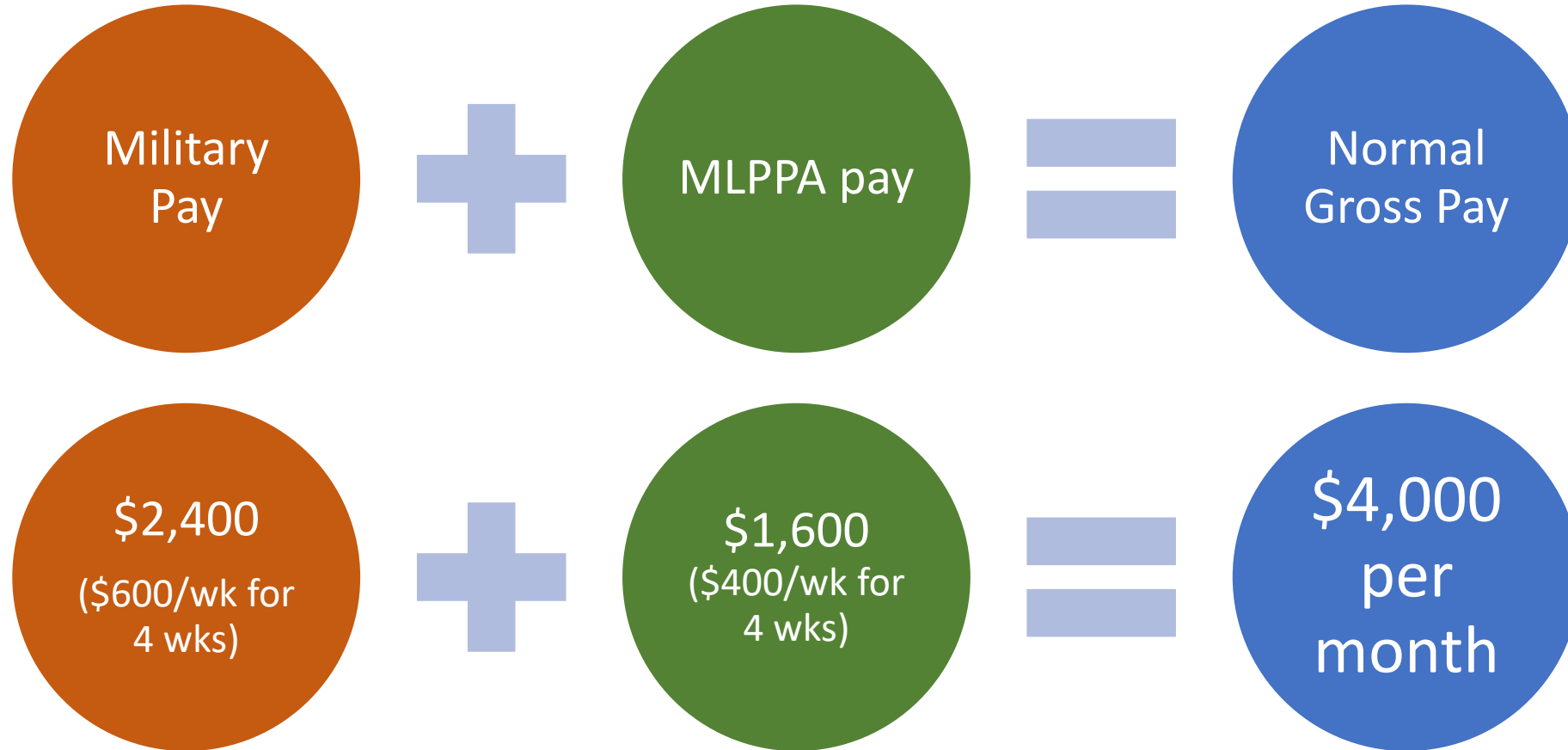
- **Work for a Covered Employer within the geographic boundaries of San Francisco**
 - No length of tenure requirements
 - Includes part-time and temporary employees
 - Note: SFO airport is not within S.F.



- **Are members of the reserve corps of the U.S. Armed Forces, National Guard, or other uniformed service organization of the U.S.**



Calculating Supplemental Compensation: 1



Calculating Supplemental Compensation: 2

- Employer must pay the Employee the difference between:
 - the Employee's gross military pay; and
 - *the amount of gross pay the Employee would have received* from the Employer had the Employee worked his/her regular work schedule.
- If irregular schedule, "regular work schedule" can be determined by looking at the 3 monthly pay periods, 6 bi-weekly/semi-monthly pay periods, or 12 weekly pay periods immediately preceding the relevant period of military leave.
- Employer does *not* need to pay for days that Employee would have been working *outside of San Francisco*, or for days that they would *not have been scheduled to work*.



Calculating Supplemental Compensation: 3

- How do I know how much pay my employee is getting from the Military?
 - Can vary based on rank
 - Employer may request that the Employee provide his/her written military orders showing pay, or a wage statement verifying the pay.
 - Employer can also use the current rate chart (include link) to anticipate the military gross pay.
 - If employer cannot confirm pay in advance, it can estimate and make adjustments in the following pay period(s).

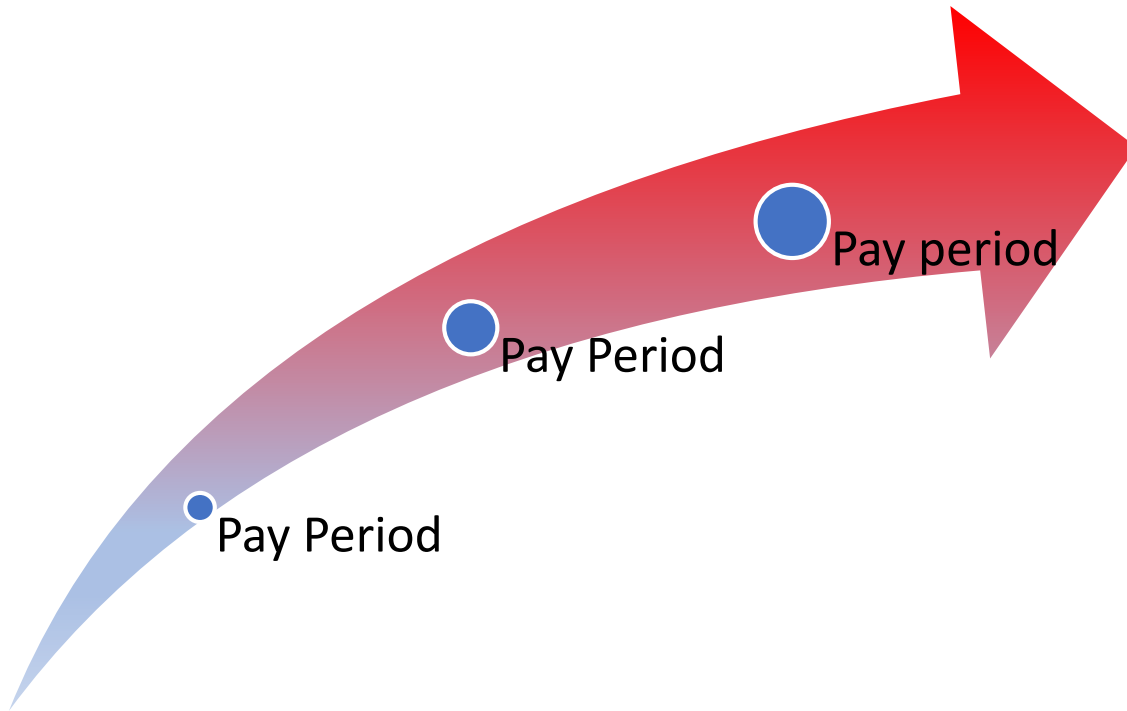


Calculating Supplemental Compensation: 4

- The Employee should not receive more compensation than they would have if they hadn't gone on military leave.
- Military Leave can be taken in daily increments for one or more days at a time, which means supplemental payment is paid incrementally.
- Employers are responsible for supplementing pay for up to 30 days in a calendar year, even if the employee's military leave is longer than 30 days.



Timing of Supplemental Compensation



Employers should make a good faith effort to provide the Supplemental Compensation no later than the payday for the payroll period when the Employee's military leave began.



Other Requirements

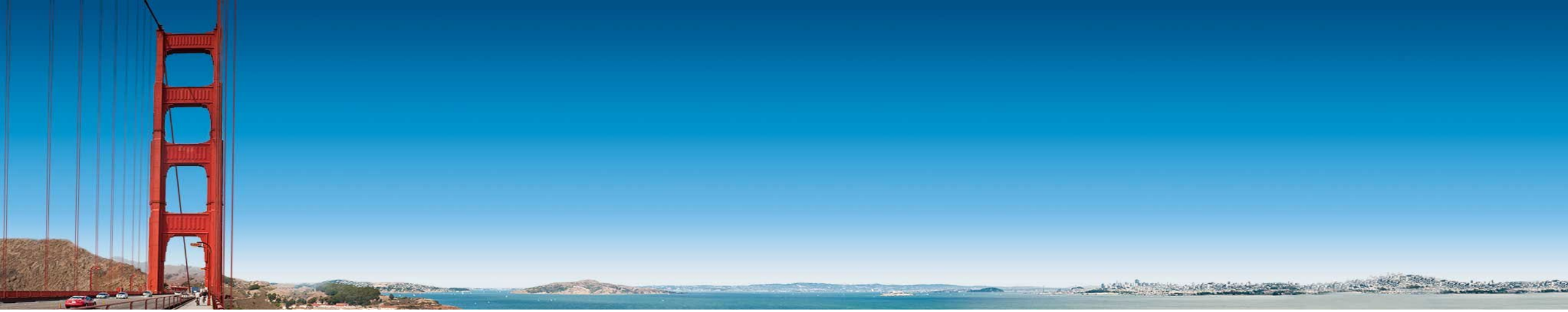
- Keep records of:
 - Schedules and hours worked
 - Military leave records
 - Supplemental compensation records
- Maintain records for **four years**.



Resources

- Website: [Military Leave Pay Protection Act | San Francisco \(sf.gov\)](#)
 - Poster
 - FAQs
 - Statute
- Email hotline: MLPPA@sfgov.org
- Phone hotline: (415) 554-4048



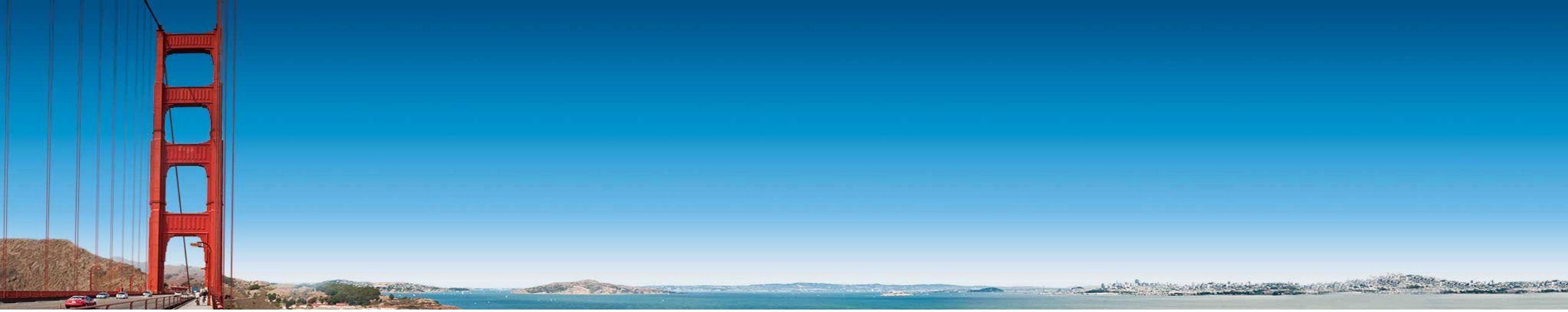


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Thank you for attending!



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