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[Protection of employee rights.]

Ordinance amending Section 11.55 of the Administrative Code to require franchise grantees to comply with provisions of federal law that prohibit discrimination against an employee based on an employee's decision to participate in employee organizations for the purpose of representation, and to require grantees to notify contractors and subcontractors that they must comply with these same provisions, and to prohibit discrimination against an employee, contractor or subcontractor for speaking before or filing a complaint with any government agency or court, and to ensure that company policies, handbooks, and directives are not construed to limit such activity by an employee.

Note: Additions are single-underline italics Times New Roman;
deletions are ~~strikethrough italics Times New Roman~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 11.55 to read as follows:

(a) A Grantee or UVPP shall at all times be subject to and shall comply with the provisions of this Chapter, its Franchise, and all other Applicable Law.

(b) A Grantee or UVPP shall comply with 29 USC Section 151 et seq. which prohibits discrimination based on an employee's decision to form, join and/or participate in the activities of employee organizations of the employee's own choosing for the purpose of representation. A Grantee shall notify all contractors and subcontractors performing any work, labor or services on Grantee's behalf in the City and County of San Francisco that they must comply

1 with this section. Nothing in this section shall be interpreted or applied so as to create any
2 duty or power in conflict with any federal or state law.

3 (c) A Grantee may not discriminate or take any adverse action against any of its
4 employees or the employees of any of its contractors or subcontractors performing work,
5 labor or services on Grantee's behalf in the City and County of San Francisco in retaliation for
6 speaking before or filing a complaint with any government agency or court of law in the City
7 and County of San Francisco regarding the employee's good faith belief that the Grantee or
8 its contractor or subcontractor has violated federal, state or local law, or this franchise, or in
9 informing, testifying or participating in any government agency or court sponsored proceeding
10 in the City and County of San Francisco. Accordingly any internal policies, employee
11 handbooks, directives, or codes of conduct shall not be construed to limit employees from
12 informing, testifying before or participating in any government agency or court sponsored
13 proceeding in the City and County of San Francisco regarding the employee's good faith
14 belief that the Grantee or its contractor or subcontractor has violated federal, state or local
15 law, or this franchise . Nothing in this section shall be interpreted or applied so as to create
16 any duty or power in conflict with any federal or state law.


17 (d) If any part or provision of this section, or the application of this section, to any
18 person or circumstance, is held invalid, the remainder of this section, including the application
19 of such part or provisions to other persons or circumstances, shall not be affected by such a
20 holding and shall continue in full force and effect. To this end, the provisions of this section
21 are severable.

22
23
24 APPROVED AS TO FORM:
25

SUPERVISOR MIRKARIMI
BOARD OF SUPERVISORS

DENNIS J. HERRERA, City Attorney

By:



ATTORNEY'S NAME
Deputy City Attorney

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Ordinance

File Number: 051651

Date Passed:

Ordinance amending Section 11.55 of the Administrative Code to require franchise grantees to comply with provisions of federal law that prohibit discrimination against an employee based on an employee's decision to participate in employee organizations for the purpose of representation, and to require grantees to notify contractors and subcontractors that they must comply with these same provisions, and to prohibit discrimination against an employee, contractor or subcontractor for speaking before or filing a complaint with any government agency or court, and to ensure that company policies, handbooks, and directives are not construed to limit such activity by an employee.

March 28, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Alioto-Pier, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick,
Mirkarimi, Peskin, Sandoval

Excused: 1 - Ammiano

April 4, 2006 Board of Supervisors — FINALLY PASSED

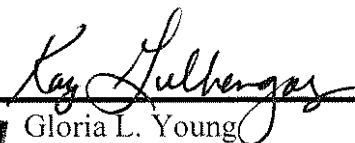
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051651

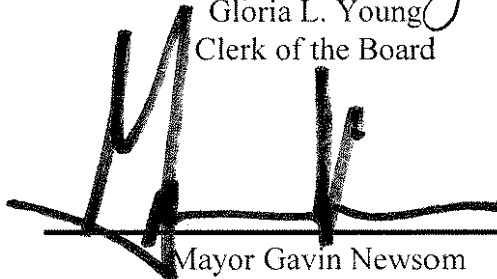
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on April 4, 2006 by the Board of Supervisors of the City and County of San Francisco.

4.6.06

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom