

1 [Transition Period for Implementation of Paid Sick Leave Ordinance.]  
2

3 **Ordinance adding Section 12W.17 to the Administrative Code to establish 120-day**  
4 **Transition Period (from February 5 through June 5, 2007) to implement Paid Sick Leave**  
5 **Ordinance, by providing that (1) an employer may delay payment of required paid sick**  
6 **leave until June 6, 2007, and (2) administrative penalties, compensatory costs to the**  
7 **City, liquidated damages, and attorneys' fees may not be awarded for a failure to pay**  
8 **required sick leave during the Transition Period.**

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

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

14 Section 1. FINDINGS AND PURPOSE.

15 The Paid Sick Leave Ordinance (the "Ordinance"), Chapter 12W of the San Francisco  
16 Administrative Code, adopted by the voters as Proposition F at the November 7, 2006 election, became  
17 operative on February 5, 2007. The Legislative Findings and Purpose in Section 1 of Proposition F  
18 detail the strong public policy justifications for the Ordinance. The Ordinance is the first of its kind in  
19 the United States, and covers a broad range of employers and employment relationships. Given the  
20 short period of time between adoption of the Ordinance and its operative date, application of the  
21 Ordinance in some contexts and with respect to some issues has not been completely clear to employers  
22 who desire in good faith to understand their obligations under the Ordinance and comply with its  
23 requirements.

24 Section 12W.16 of the Ordinance authorizes the Board of Supervisors to amend the ordinance  
25 with respect to matters relating to its implementation and enforcement. Pursuant to its authority under  
Section 12W.16, the Board of Supervisors hereby amends the Ordinance.

Supervisor\* Elsbernd, *Perkin, Jew, Alioto-Pier*  
BOARD OF SUPERVISORS

1 Section 2. The San Francisco Administrative Code is hereby amended by adding  
2 Section 12W.17, to read as follows:

3 **SEC. 12W.17. TRANSITION PERIOD FOR IMPLEMENTATION.**

4 (a) Transition Period. For purposes of this Section, "Transition Period" shall mean the period  
5 from February 5, 2007 through June 5, 2007.

6 (b) Recordkeeping. During the Transition Period, employers shall maintain and retain records  
7 as mandated by Section 12W.6 and in accordance with any guidance as to recordkeeping provided by  
8 the Agency.

9 (c) Obligation to Provide Paid Sick Leave and Timing of Payment. During the Transition  
10 Period, an employer shall retain its obligation to provide paid sick leave as required by this Chapter.  
11 However, at the employer's option, any payment for sick leave required by this Chapter need not  
12 actually be made to the employee until June 6, 2007. Notwithstanding Section 12W.8(d), interest on a  
13 delayed payment for sick leave shall not be paid for any period of delay within the Transition Period.

14 (d) Temporary Suspension of Administrative Penalties, Compensatory Costs to the City,  
15 Liquidated Damage, and Attorneys' Fees for Failure to Provide Paid Sick Leave. No award of  
16 administrative penalties, compensatory costs to the City, liquidated damages, or attorneys' fees, as  
17 provided in Sections 12W.8(b) or 12W.8(c), may be made by the Agency or a court for a failure to  
18 provide paid sick leave during the Transition Period. This subsection shall not affect the power to  
19 award administrative penalties, compensatory costs to the City, liquidated damages, or attorneys' fees  
20 for other conduct occurring during the Transition Period that violates this Chapter, including but not  
21 limited to taking adverse action against an employee for exercising rights protected by this Chapter.

22 (e) Notwithstanding Section 12W.17(c), nothing in this Section relieves an employer of any  
23 obligation under this Chapter.

1                    (f) Retroactive Effect. Notwithstanding the date this Section becomes law, this Section shall  
2 have retroactive effect and apply to the entire transition period.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7        PAUL ZAREFSKY  
8        Deputy City Attorney



# City and County of San Francisco

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

## Tails Ordinance

---

**File Number:** 070120

**Date Passed:**

Ordinance adding Section 12W.17 to the Administrative Code to establish 120-day Transition Period (from February 5 through June 5, 2007) to implement Paid Sick Leave Ordinance, by providing that (1) an employer may delay payment of required paid sick leave until June 6, 2007, and (2) administrative penalties, compensatory costs to the City, liquidated damages, and attorneys' fees may not be awarded for a failure to pay required sick leave during the Transition Period.

---

February 13, 2007 Board of Supervisors — PASSED ON FIRST READING

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

February 27, 2007 Board of Supervisors — FINALLY PASSED

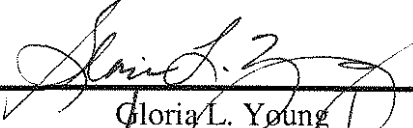
Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 070120

I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on February 27,  
2007 by the Board of Supervisors of the City  
and County of San Francisco.

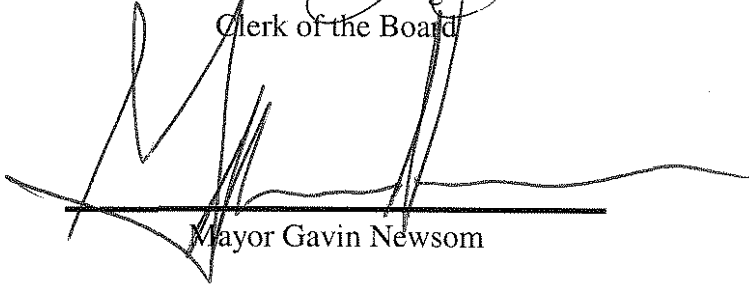
FEB 28 2007

Date Approved



---

Gloria L. Young  
Clerk of the Board



---

Mayor Gavin Newsom