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.

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

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

Section 1. This ordinance would authorize members of the Board of Supervisors and other City boards and commissions to meet by teleconferencing under certain circumstances and to the extent permitted by State law. 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.

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

SEC. 2.3. PARENTAL LEAVE POLICY; TELECONFERENCING.

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

Although Charter Section 2.105 provides that “[t]he Board of Supervisors shall meet and
transact its business according to rules which it shall adopt,” and the Board generally adopts its rules
of order by motion, Charter Section 2.104 specifies that the Board shall act in this instance by
ordinance. By adopting this Administrative Code Section 2.3 and implementing its provisions, the
Board of Supervisors intends to accept and exercise the authority given to it by the voters in Charter
Section 2.104 to permit members of the Board of Supervisors to participate in meetings by
teleconferencing pursuant to the terms of a parental leave policy as outlined in this ordinance.
(b) In keeping with Charter Section 2.104, the Board of Supervisors may adopt a parental leave policy by motion to accommodate its members where:

(1) A member is 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

(2) 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 or the member’s immediate family for adoption or foster care.

(c) The parental leave policy may include the following provisions:

(1) Members shall be allowed to take parental leave for 16 weeks or until the member no longer meets the eligibility requirements of subsection (b), above, whichever comes first. Members meeting the eligibility requirements of subsection (b)(1), above, shall be allowed to take parental leave for 32 weeks, or until the member no longer meets the eligibility requirements. Members meeting the eligibility requirements of subsection (b)(2), above, shall be allowed to take parental leave for 16 weeks, or until the member no longer meets the eligibility requirements.

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

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

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

(d) The Board of Supervisors’ parental leave policy may authorize a member to attend and participate by teleconferencing while that member is on parental leave pursuant to the Board’s parental leave policy. “Teleconference” shall mean a meeting of the Board or its committees, the
members of which are in different locations, connected by electronic means, through either audio or
video, or both.

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

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

(e) The Board of Supervisors may include its parental leave policy in the Board’s Rules of
Order, and may provide a copy to all Board staff and newly-elected or newly-appointed Board
members.

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

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

CHAPTER 67B: PARENTAL LEAVE AND TELECONFERENCING

FOR CITY BOARDS AND COMMISSIONS

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

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

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

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

Members meeting the eligibility requirements of subsection (c)(1), below, shall be allowed to
take parental leave for 32 weeks, or until the member no longer meets the eligibility requirements. Members meeting the eligibility requirements of subsection (c)(2), below, shall be allowed to take parental leave for 16 weeks, or until the member no longer meets the eligibility requirements.

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

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

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

(1) The member is 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

(2) 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 or the member’s immediate family for adoption or foster care.

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

(e) A member may attend and participate in meetings of the Commission or its committees by teleconferencing while that member is on parental leave granted pursuant to this Section 67B.1. “Teleconference” shall mean a meeting of the Commission or its committees, the members of which are in different locations, connected by electronic means, through either audio or video, or both.

(1) Participation by teleconferencing pursuant to such policy shall satisfy all otherwise applicable requirements of City law regarding quorum numbers and the number of votes required to take particular actions.
(2) Members participating by teleconferencing pursuant to such policy shall comply with all otherwise applicable State and City laws regarding public meetings and public records.

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

(g) It shall be City policy that a member shall not be removed from a Commission for having sought or taken parental leave, and seeking or taking parental leave shall not be considered good cause for removing a member. Absences occurring while a member is on parental leave shall 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.

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

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

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

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

July 09, 2021 Youth, Young Adult, and Families Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 09, 2021 Youth, Young Adult, and Families Committee - CONTINUED AS AMENDED

September 10, 2021 Youth, Young Adult, and Families Committee - DUPLICATED

September 10, 2021 Youth, Young Adult, and Families Committee - RECOMMENDED

September 21, 2021 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

September 28, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/28/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

10/8/21
Date Approved