[Urging the Office of Labor Standards Enforcement to Administer the Healthy Airport Ordinance in Accordance with Pending Amendments]

Resolution urging the Office of Labor Standards Enforcement to exercise administrative discretion to administer the Healthy Airport Ordinance in accordance with pending amendments.

WHEREAS, The Healthy Airport Ordinance, Ordinance No. 235-20, operative March 21, 2021, requires certain employers at San Francisco International Airport to offer Covered Employees who are San Francisco Airport Service Employees a platinum-level family health benefit plan at no cost to the employee, or to make contributions for the Covered Employee to an account in the San Francisco City Options program; and

WHEREAS, An employer that complies with the Healthy Airport Ordinance by providing such family health benefits may offer additional gold-level family benefit plans, also at no cost to the Covered Employee; and

WHEREAS, Covered employers and employees have brought to the Board of Supervisor’s’ attention an unintended consequence of the Healthy Airport Ordinance, which is employers dropping additional health benefit plans to offer only one compliant plan, resulting in Covered Employees losing the option to elect to pay a share of an additional, more expensive plan, which they may prefer to the compliant plan; and

WHEREAS, These stakeholders have requested and Supervisors Mandelman and Walton have introduced an amendment to the Healthy Airport Ordinance to eliminate the disincentive for providing more than one health benefit plan and preserve employee choice by allowing employers that offer additional, more expensive plans to require covered employees who elect those plans to pay a share of the premium costs, limited to the difference in premium costs between the compliant plan and the additional, more expensive plan; and
WHEREAS, The Healthy Airport Ordinance is ambiguous regarding who must be covered by family health benefit plans offered under the Ordinance and Supervisors Mandelman and Walton have introduced an amendment to the Healthy Airport Ordinance to clarify who must be covered; and

WHEREAS, The Operative Date of the Healthy Airport Ordinance is March 21, 2021, but health insurance is purchased on a month-to-month basis; now, therefore, be it

RESOLVED, That the Board of Supervisors urges the Office of Labor Standards Enforcement (OLSE) to exercise administrative discretion to administer the Healthy Airport Ordinance in accordance with the pending amendments; and be it

FURTHER RESOLVED, That while the amendments are pending and prior to their effective date, OLSE is urged to not enforce the provision of the Healthy Airport Ordinance requiring additional health benefit plans offered to Covered Employees to be provided at no cost to the employee, so long as the employer offers at least one compliant plan at no cost to Covered Employees and limits Covered Employees’ premium cost share on an additional, more expensive health benefit plan offered to the difference in premium costs between the plans, consistent with the pending amendments; and be it

FURTHER RESOLVED, That while the amendments are pending and prior to their effective date, OLSE is urged to interpret the family health benefit plans to require coverage consistent with the pending amendments; and be it

FURTHER RESOLVED, That while the amendments are pending and prior to their effective date, OLSE is urged to not enforce the health benefit plan requirements from March 21, 2021, the Operative Date of the Healthy Airport Ordinance until April 1, 2021; and be it

FURTHER RESOLVED, That OLSE is urged to issue administrative guidance consistent with this Resolution as soon as practical.
Resolution urging the Office of Labor Standards Enforcement to exercise administrative discretion to administer the Healthy Airport Ordinance in accordance with pending amendments.

March 09, 2021 Board of Supervisors - ADOPTED
Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 3/9/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board