[Urging Federal, State, and Local Action to Expand Access to Paid Leave Support During Public Health Emergencies]

Resolution urging additional federally mandated paid leave during public health emergencies; supporting United States House Resolution No. 6201, authored by United States Congresswoman Nita Lowey, the Families First Coronavirus Response Act, if amended to include requirements for large employers; urging further State action to address gaps in Federal support; supporting California State Assembly Bill No. 3123, authored by California Assembly Member Lorena Gonzalez, to protect workers from retaliation when leave is taken during a public health emergency; urging the creation of a multilingual workers rights hotline; and committing to provide additional local support for workers impacted by Order No. C19-07.

WHEREAS, On March 13, 2020, the United States House of Representatives passed the Families First Coronavirus Response Act (H.R. 6201), in response to the growing coronavirus emergency in the United States; and

WHEREAS, This bill would require an additional 14 days of Emergency Paid Leave in response to the coronavirus, but exempts large employers with 500 or more employees from those requirements; and

WHEREAS, This bill would amend the federal Family and Medical Leave Act (FMLA) to address needs related to the coronavirus, but exempts large employers with 500 or more employees from those requirements; and

WHEREAS, On March 16, 2020, the San Francisco Health Officer issued Order No. C19-07, directing all individuals living in the City and County of San Francisco to shelter in place at their pace of residence with limited exceptions; and
WHEREAS, On March 16, 2020, Mayor London N. Breed announced a Workers and Families First Program to provide $10 million in funding towards paid sick leave for private sector workers who have been impacted by the COVID-19 pandemic; and

WHEREAS, This program will be available only if the employee has exhausted their currently available sick leave, has exhausted or is not eligible for federal or state supplemental sick leave, and their employer agrees to extend sick leave beyond current benefits; and

WHEREAS, Current California law does not ensure that a worker who is ordered to stay home during a public health emergency will be paid; and

WHEREAS, Current federal law does not ensure that a worker who is ordered to stay home during a public health emergency will be paid; and

WHEREAS, While certain local benefits are available to employees, such as San Francisco’s Paid Sick Leave Ordinance, not all employees may be aware of their right to such benefits; and

WHEREAS, Nontraditional workers such as domestic workers and day laborers, along with undocumented workers do not have access to safety net programs such as unemployment insurance; and

WHEREAS, Nearly one quarter of United States workers receive no form of paid sick leave, according to Pew Research Center, with the lowest-paid workers being especially vulnerable; and

WHEREAS, California State Assemblywoman Lorena Gonzalez announced new legislation, Assembly Bill 3123 (AB 3123), to protect workers from retaliation when they take leave during public health emergencies, like the ongoing coronavirus; and

WHEREAS, Under the proposed AB 3123, an employee can use their earned sick leave if their place of business is closed by order of a public official due to a public health
emergency, or if the employee is providing care or assistance to their child, whose school or
caregiver is closed by order of a public official due to a public health emergency; and

WHEREAS, Under this proposed bill if an employee is complying with an isolation or
quarantine order issued by a public official due to a public health emergency, AB 3123 states
that an employer may not discharge or in any manner discriminate or retaliate against that
employee; and

WHEREAS, Individual economic health is inextricably linked to public health, as many
San Franciscans must forego work in order to abide by Order No. C19-07; now, therefore, be

RESOLVED, That the San Francisco Board of Supervisors urges the United States
Congress to mandate that all employers provide their employees an additional 14 days of paid
leave during public health emergencies, with public funds provided to make it possible for
small and medium sized businesses to comply; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors supports
H.R.6201 once amended to apply the additional emergency paid leave and FMLA
requirements to private entities that employee 500 or more employees; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors urges further
action by California Governor Gavin Newsom and the California Legislature to address any
gaps in federal financial support and paid leave for workers ordered to stay home; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors supports AB
3123; and, be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the Office
of Economic and Workforce Development and Office of Labor Standards Enforcement to
jointly create a multilingual hotline for San Francisco workers to access information and rapid
enforcement actions to protect their rights and benefits; and, be it
FURTHER RESOLVED, That the San Francisco Board of Supervisors commits to providing support for our local workforce through this crisis where federal and state actions fall short; and, be it

FURTHER RESOLVED, That the Clerk of the Board of Supervisors, no later than 30 days after the passage of this Resolution, shall transmit copies of this Resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to the U.S. Senators for the State of California, to the Governor of California, and to the representatives of San Francisco on the California State Legislature.
Resolution urging additional federally mandated paid leave during public health emergencies; supporting United States House Resolution No. 6201, authored by United States Congresswoman Nita Lowey, the Families First Coronavirus Response Act, if amended to include requirements for large employers; urging further State action to address gaps in Federal support; supporting California State Assembly Bill No. 3123, authored by California Assembly Member Lorena Gonzalez, to protect workers from retaliation when leave is taken during a public health emergency; urging the creation of a multilingual workers rights hotline; and committing to provide additional local support for workers impacted by Order No. C19-07.

March 24, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200304

I hereby certify that the foregoing Resolution was ADOPTED on 3/24/2020 by the Board of Supervisors of the City and County of San Francisco.

_______________________________                        __________________________
Angela Calvillo               Date
Clerk of the Board

04/03/2020

_______________________________                        __________________________
London N. Breed               Date Approved
Mayor

04/03/2020

_______________________________                        __________________________
Angela Calvillo               Date
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.