



2017 SAN FRANCISCO WAGE AND BENEFIT LAWS OVERVIEW

WORKSHOP FOR NONPROFITS WITH CITY CONTRACTS



San Francisco Minimum Wage Ordinance

Linshao Chin

Compliance Officer, OLSE

San Francisco Minimum Wage Ordinance

- Adopted by San Francisco voters in November 2003, effective January 1, 2004
- On November 4, 2014, San Francisco voters passed Proposition J, establishing a schedule of increases to the minimum wage
- The minimum wage is currently at \$14.00 per hour; it will increase on July 1, 2018 to \$15.00 per hour
- Beginning July 1, 2019, and each year thereafter, the minimum wage will be indexed to inflation

Current Wage Rates

- Federal Minimum Wage
\$7.25 per hour
- State Minimum Wage
\$10.50 per hour for 25+ employees
\$10.00 per hour for less than 25
- San Francisco Minimum Wage
\$14.00 per hour
- San Francisco Minimum Compensation Ordinance
\$13.64 per hour

Covered Employee

- Works at least 2 hours per week in San Francisco
- Eligible for the State minimum wage
(under section 1197 of the CA Labor Code)

EXCEPTIONS TO COVERED EMPLOYEES

Government Supported Employees

- Covered by a different minimum wage rate. As of July 1, 2017, the rate is \$12.87 per hour.
- Defined as under the age of 18 and are employed as an after-school or summer Employee in a bona fide training or apprenticeship program in a position that is subsidized by the federal, state, or local government; or
- Over the age 55 and are employed by a Non-Profit Corporation that provides social welfare services as a core mission to individuals who are over the age of 55 and is in a position that is subsidized by federal, state, or local government. This category is subject to additional limitations.

EXCEPTIONS TO COVERED EMPLOYEES

Disabled Employees

- The CA Labor Code and the Wage Orders allow the Division of Labor Standards Enforcement (DLSE) to issue “special licenses” to individuals or employers that exempt “an employee who is mentally or physically handicapped” from the state minimum wage
- Apply for the special license (“sheltered workshop” application) with the state DLSE
- License shall be renewed on a yearly basis

OLSE HOTLINE for Minimum Wage Questions

(415) 554-6292

mwo@sfgov.org

www.sfgov.org/olse/mwo



San Francisco Paid Sick Leave Ordinance

Linshao Chin

Compliance Officer, OLSE

San Francisco Paid Sick Leave Ordinance

- Adopted by SF voters in November 2006, effective February 5, 2007
- 1st paid sick leave law in the United States
- Covers part time, temporary, and on-call workers in San Francisco
- Covers care for employee, family, or designated person

State Legislation

- CA passed the Healthy Workplace Healthy Family Act of 2014 (AB 1522)
- SF voters passed Proposition E on the June 7, 2016 ballot, which amended the SF Paid Sick Leave Ordinance to parallel broader state law

Use of Paid Sick Leave

- An employee may use paid sick leave when he or she is ill or injured or for the purpose of the employee's receiving medical care, treatment, or diagnosis
- Sick leave can also be used to aid or care for the following persons – child; parent; legal guardian or ward; sibling; grandparent; grandchild; and spouse, registered domestic partner under any state or local law, or designated person.
- Sick leave can be used by an employee who is a victim of domestic violence, sexual assault or stalking

Accrual and Use of Paid Sick Leave

- Accrue 1 hour of PSL for every 30 hours worked
- Accrue PSL starting on day 1
- Use PSL hours after 90 days
- Caps on accrual:
 - 40 hours for employers with <10 employees
 - 72 hours for all other employers
- Caps are not annual, but “floating”
- Employers must notify employees of PSL accrued each pay period
- Employees can use any PSL accrued



City & County of San Francisco Paid Sick Leave



California Healthy Workplaces/Healthy Families Act & SF Paid Sick Leave Ordinance

Employees in San Francisco are entitled to paid sick leave under both California and local San Francisco law.

How Much Paid Sick Leave Do San Francisco Employees Accrue?

- One hour of paid sick leave for every 30 hours worked
- Employees begin accruing sick leave on the 1st day of employment
- Employers with 10 or more employees must allow employees to accrue at least up to 72 hours.
- Employers with less than 10 employees may provide paid sick leave in different ways:
 - Allow employees to accrue up to at least 48 hours; or
 - Provide an "advance" of 24 hours or 3 days of paid sick leave to comply with the State law "up-front option," and later allow employees to accrue up to 40 hours to comply with SF law.
- Accrued paid sick leave carries over from year to year
- Amount of available paid sick leave must be listed on each paycheck or wage statement

When and How Can Employees Use Paid Sick Leave?

- Can start using paid sick leave on the 90th day of employment
- May use paid sick leave for an existing health condition or preventive care, or for specified purposes for an employee who is a victim of domestic violence, sexual assault, or stalking
- May use paid sick leave for employee's own care or care of a specified family member or designated person

ONE HOUR EARNED
for every
30 WORKED

Retaliation or discrimination against an employee who requests and/or uses paid sick days is prohibited. An employee can file a complaint against an employer who retaliates or discriminates against the employee or who fails to provide required sick leave. For more information, contact:

California Labor Commissioner's San Francisco Office: (415) 703-5300 http://www.dir.ca.gov/dlse/paid_sick_leave.htm

San Francisco Office of Labor Standards Enforcement: (415) 554-6271; psl@sfgov.org

OLSE HOTLINE for Paid Sick Leave Questions

(415) 554-6271

psl@sfgov.org

www.sfgov.org/olse/pslo



Minimum Compensation Ordinance (MCO)

**Beverly Popek
Compliance Officer, OLSE**

Minimum Compensation Ordinance (MCO) – 12P Wages and Paid Time Off (PTO)

Who needs to comply?

A company that has:

- A City Contract with an MCO Requirement/Provision
- 5 employees or greater, anywhere in the world. Includes subcontractors.

Wage Requirement:

Any employee who works at least 4 hours a week on a City contract for services:

- Pay at least the SF Minimum Wage (\$14.00) per hour worked

Minimum Compensation Ordinance (MCO) – 12P Wages and Time Off Requirements

Time Off Requirements

- 0.04615 hours of **Paid Time Off (PTO)** per hour worked
 - PTO can be used as vacation or sick leave.
 - Must be vested and cashed out at termination
 - For example, if someone is working 40 hours a week, that's 12 days of PTO
- 0.0392 hours of **unpaid time off** allowed
 - Allowed for sick leave for the covered employee, covered employee's spouse, domestic partner, child, parent, sibling, grandparent or grandchild.
 - For example, if someone is working 40 hours a week, that's 10 days of unpaid time off.
 - It is possible that your company may already have an unpaid leave policy that is in compliance with the unpaid time off requirements of the MCO.

Minimum Compensation Ordinance (MCO) – 12P and The San Francisco Paid Sick Leave Ordinance

If you are complying with the MCO, you **DO NOT** have to comply with the SF Paid Sick Leave.

Minimum Compensation Ordinance (MCO) – 12P Other Requirements

- Annual Posters
- Annual MCO Know Your Rights Forms
- All posters and forms are on our website: www.sfgov.org/olse/mco



Health Care Accountability Ordinance (HCAO) 12Q

Beverly Popek
Compliance Officer

Health Care Accountability Ordinance (HCAO)

Covered Employer:

A company that has:

- An City Contract with an HCAO Requirement/Provision
- 20 or more employees, anywhere in the world.

Covered Employee:

- Anyone who works at least 20 hours a week or more on a City Contract for services.

Health Care Accountability Ordinance (HCAO)

Covered Employee:

- Anyone who works at least 20 hours a week or more on a City Contract for services.
 - Work hours that fluctuate from week to week are Covered Employees if the average number of hours per week during applicable month is 20 hours or more.
- Does NOT include:
 - Any Employee under 18 who is a student OR hired for a limited time period
 - Workers in training programs IF:
 - Subsidized by federal, state, and/or local funds for training, workforce development, job readiness or similar purposes; AND
 - Limited in duration
 - Temporary Replacement Employees of Nonprofits – employees hires on an hourly or per diem basis to replace a regular Employee during a temporary absence from the workplace.
 - Represented Employees who are covered under a CBA that has an explicit waiver

Health Care Accountability Ordinance (HCAO) Requirements

*Employer must choose **one** of the following options that fit the situation/employee who works on the contract:*

1. Offer each covered employee a compliant health plan at no charge to the employee - no later than the first of the month after 30 days.

OR

2. Pay \$4.95 per employee per hour to SF General Hospital
 - Rate adjusted every July 1
 - Fee goes to SF General Hospital – not a benefit or \$ for worker (this is NOT Healthy San Francisco)

OR

3. Pay an additional \$4.95 per hour directly to employee (only available to employees NOT working in SF and SFO).

Health Care Accountability Ordinance (MCO) – 12Q Other Requirements

- Annual Posters
- Annual HCAO Know Your Rights Forms
- All posters and forms are on our website: www.sfgov.org/olse/hcao

For More Information about MCO & HCAO

MCO: www.sfgov.org/olse/mco

HCAO: www.sfgov.org/olse/hcao

OLSE: www.sfgov.org/olse

Beverly Popek, Compliance Officer

415-554-6238

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HEALTH CARE ACCOUNTABILITY ORDINANCE

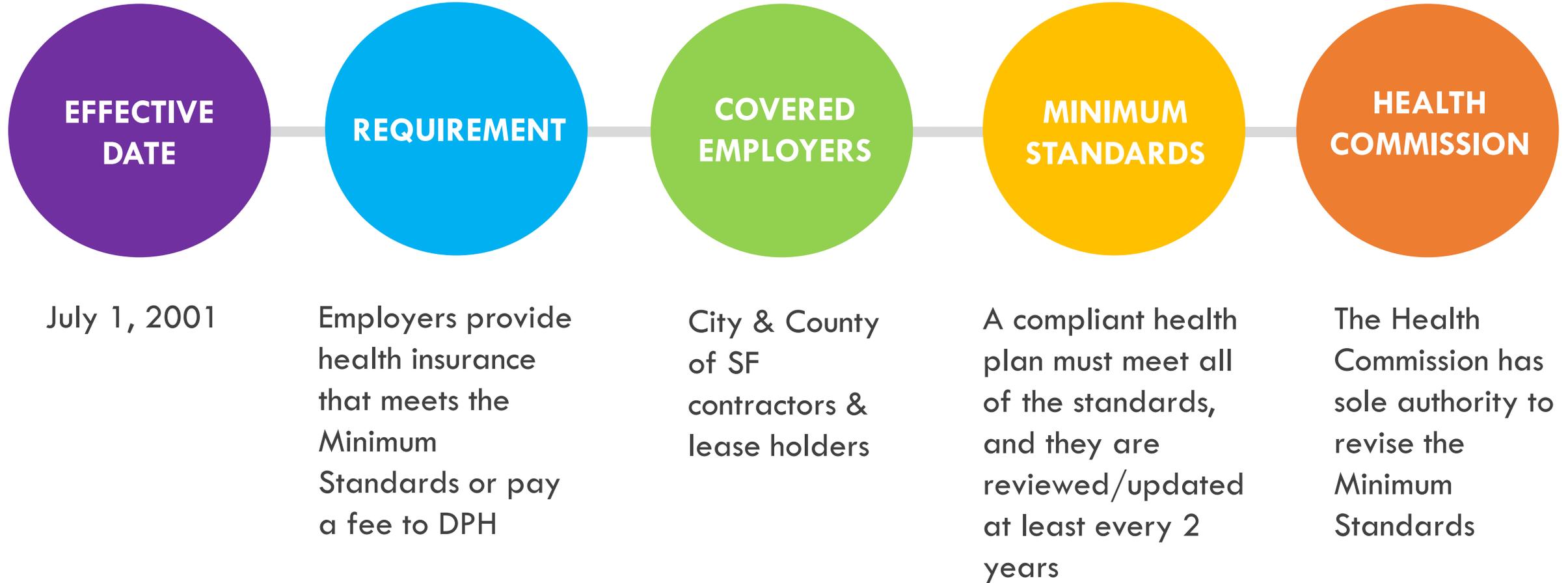
OCTOBER 31ST, 2017



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OVERVIEW

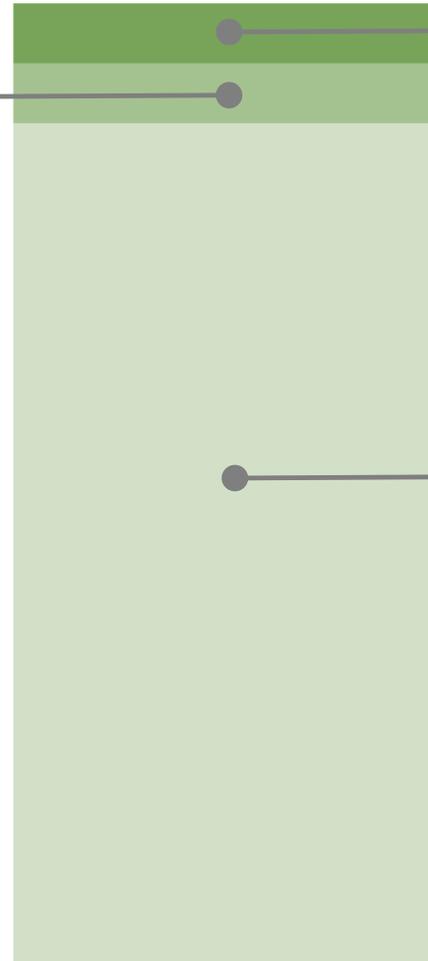




MINIMUM STANDARDS

REQUIRED
SERVICES

1



1

PREMIUMS

14

COST-SHARING

16

MINIMUM STANDARDS
JAN 1, 2017 – DEC 31, 2018



MINIMUM STANDARDS (2017-2018)

#	BENEFIT REQUIREMENT	MINIMUM STANDARD
1	Premium Contribution	Employer pays 100%
2	Annual OOP Maximum	<ul style="list-style-type: none">• In-Network: \$6,850• Out-of-Network: Not specified <p>OOP Maximum must include all types of cost-sharing (deductible, copays, coinsurance, etc.); and employer may offer a plan with a higher OOP maximum only if they combine it with a fully employer-funded HSA or HRA for the amount exceeding \$6,850.</p>
3	Regular (Medical Services) Deductible	<ul style="list-style-type: none">• In-Network: \$2,000• Out-of-Network: Not specified <p>The employer <u>must</u> cover 100% of the medical deductible and may do so with either a fully employer-funded HSA or HRA. The HSA or HRA must provide first dollar coverage.</p>



MINIMUM STANDARDS (2017-2018)

#	BENEFIT REQUIREMENT	MINIMUM STANDARD
4	Prescription Drug Deductible	<ul style="list-style-type: none">• In-Network: \$250• Out-of-Network: Not specified
5	Prescription Drug Coverage	Plan must provide drug coverage, including coverage of brand-name drugs.
6	Coinsurance Percentages	<ul style="list-style-type: none">• In-Network: 70% / 30%• Out-of-Network: 50% / 50%
7	Copayment for Primary Care Provider Visits	<ul style="list-style-type: none">• In-Network: \$45 per visit.• Out-of-Network: Not specified



MINIMUM STANDARDS (2017-2018)

* Coverage of these services are standardized under ACA rules. Cost-sharing for these services are to conform to the requirements above.

#	BENEFIT REQUIREMENT	MINIMUM STANDARD
8	Ambulatory Patient Services (Outpatient Care)*	<ul style="list-style-type: none">• When coinsurance is applied See Benefit Requirement #6• When copayments are applied for these services:<ul style="list-style-type: none">➤ Primary Care Provider: See Benefit Requirement #7➤ Specialty visits: Not specified
9	Preventive & Wellness Services	<ul style="list-style-type: none">• In-Network: Provided at no cost, per ACA rules.• Out-of-Network: Subject to the plan's out-of-network fee requirements. <p>Covered California provides a list of covered preventive services. These services are standardized by federal ACA rules at no charge to the member.</p>
10	Pre/Post-Natal Care	<ul style="list-style-type: none">• In-Network: Scheduled prenatal exams and first postpartum follow-up consult is covered without charge, per ACA rules.• Out-of-Network: Subject to the plan's out-of-network fee requirements. <p>Covered California provides a list of covered pre/post-natal care services. These services are standardized by federal ACA rules at no charge to the member.</p>



MINIMUM STANDARDS (2017-2018)

* Coverage of these services are standardized under ACA rules. Cost-sharing for these services are to conform to the requirements above.

#	BENEFIT REQUIREMENT	MINIMUM STANDARD
11	Hospitalization*	
	Mental Health & Substance Use	
12	Disorder Services, including Behavioral Health*	<ul style="list-style-type: none">• When coinsurance is applied See Benefit Requirement #6• When copayments are applied for these services: Not specified
13	Rehabilitative & Habilitative Services*	
14	Laboratory Services*	



MINIMUM STANDARDS (2017-2018)

* Coverage of these services are standardized under ACA rules. Cost-sharing for these services are to conform to the requirements above.

#	BENEFIT REQUIREMENT	MINIMUM STANDARD
15	Emergency Room Services & Ambulance*	Limited to treatment of medical emergencies. The in-network deductible and coinsurance also apply to emergency services received from an out-of-network provider.
16	Other Services*	The full set of covered benefits is based on the ACA list of Essential Health Benefits in conjunction with the Covered California EHB Benchmark plan .

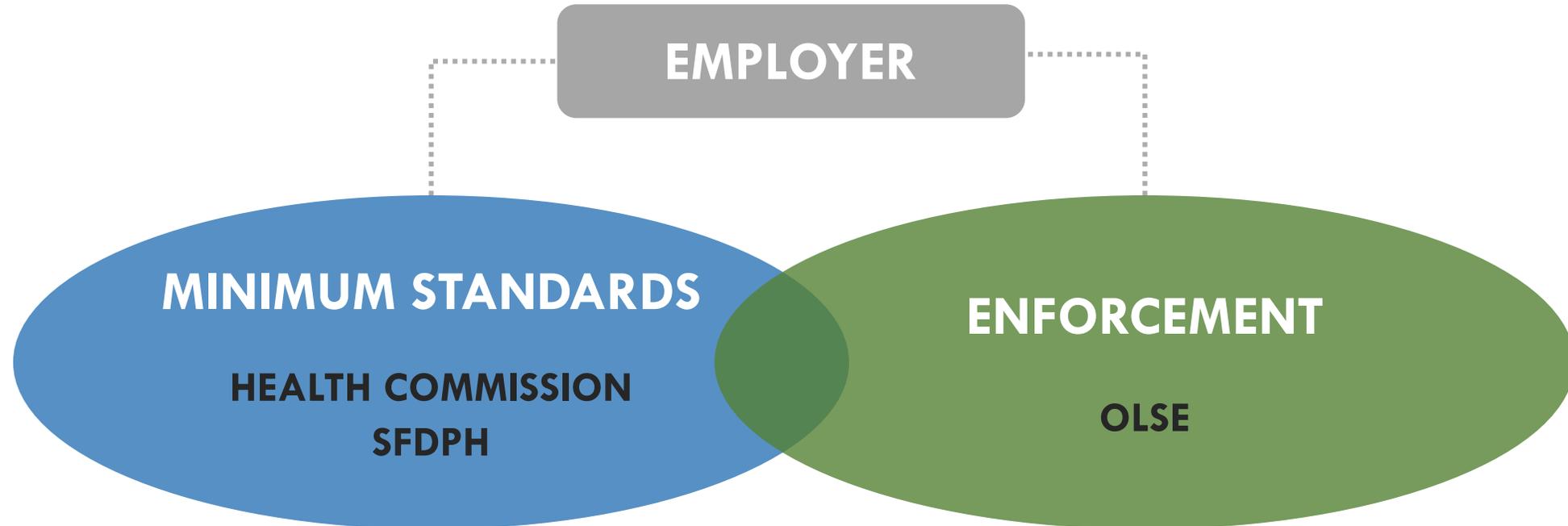


COMPLIANCE = ALL OR NOTHING

A HEALTH PLAN MUST SATISFY
ALL MINIMUM STANDARDS
IN ORDER TO BE COMPLIANT.



DEPARTMENT ROLES



- Updates Minimum Standards
- Reviews health plan compliance

- Audits employers
- Responds to worker complaints
- Negotiates settlements
- Coordinates payment plans



FREQUENTLY ASKED QUESTIONS

Since an employer only has to offer 1 compliant plan, do other additional plans have to follow the same rules?

No, they can be administered as the employer so chooses.



FREQUENTLY ASKED QUESTIONS

Does the HCAO require that coverage be offered for the individual employee AND their dependent(s)?

No, the HCAO only requires that insurance be offered to the individual worker.



FREQUENTLY ASKED QUESTIONS

If our health insurance policy does not end until after the Minimum Standards have been revised and become effective for 2019, will we be considered out of compliance?

No, the subsequent contract will need to comply with the revised standards.

QUESTIONS?

patrick.chang@sfdph.org

(415) 554-2925



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Health Care Security Ordinance (HCSO)

**Rose Auguste
Compliance Officer, OLSE**

HCSO History and Overview

- The HCSO was passed unanimously by the Board of Supervisors in July 2006
- The HCSO was implemented on January 1, 2008
- The HCSO requires covered employers to make health care expenditures (spend money) on behalf of covered employees for health care services

Covered Employers

Nonprofit employers:

50+ persons perform work per week in the quarter

For-profit employers:

20+ persons perform work per week in the quarter

Minimum size threshold is based on total number of employees in ALL locations

Covered Employees

- Employed for at least 90 calendar days for your organization
- Work at least 8 hours per week in San Francisco
- **NOT COVERED:**
 - Managers/Supervisors. Must satisfy (1) job duties test and (2) salary requirement.
 - Medicare OR TRICARE
 - Employees covered by the Health Care Accountability Ordinance (HCAO)
 - Employees who have employer based health coverage *through another employer* and who voluntarily sign an OLSE Employee Waiver Form

Employer Spending Requirement

Employer Size	2017	2018
100+ Employees	\$2.64/hr	\$2.83/hr
20-99 Employees	\$1.76/hr	\$1.89/hr

****Health Care Expenditure Rates Change Annually****

Employer Spending Requirement

- Payable Hours x HCE Rate = Amount To Spend Quarterly
- Payable hours includes hours worked and any hours a person is entitled to be paid wages, like sick leave, vacation, PTO
 - Payable hours cap: 172 hours/month
- HCEs must be made 30 days after the end of the preceding quarter.
 - For Q3 2017, the deadline was Oct. 30, 2017
 - For Q4 2017, the deadline is Jan. 30, 2018
- **Quarterly Deadlines:** Q1: Apr. 30, Q2: July 30, Q3: Oct. 30, Q4: Jan. 30.

How to Satisfy the Employer Spending Requirement?

- Provide health insurance:
 - Payments for insurance premiums, including medical, dental, and/or vision insurance for covered employees and/or their spouses, partners, children, or other dependents
- Contribute to SF City Option
- Contribute to a Health Savings Account, Medical Savings Account, or other irrevocable reimbursement account
- Combination of these options

Employer Obligations Under the HCSO

- 1) Post official OLSE notices in all workplaces
 - Download notice from the OLSE website
- 2) Report health care expenditures to OLSE annually
 - Annual Reporting Form (ARF)
- 3) Maintain employment records
 - Employment Records demonstrating contributions made each quarter
- 4) Satisfy Employer Spending Requirement (ESR)

Common Compliance Issues

- Failing to make any health care expenditures for some or all covered employees
- Not meeting the health care expenditure owed to a Covered Employee (e.g. spending too little for health insurance)
- Not providing part time employees who work 8+ hours/week with a health care expenditure (e.g. part time employee does not qualify for employer's health insurance, no alternative health benefit provided to employee)
- Failing to make health care expenditures for employees with other coverage

Summary: HCAO vs. HCSO

HCAO

- applies to City Contractors or Lessees
- applies to employees working at least 20 hours a week on the contract or City property
- requires a minimum standard insurance plan (or a SF General fee payment)
- Employee has no waiting period for coverage

HCSO

- applies to Covered Employers with employees in San Francisco
- applies to employees working at least 8 hours a week in San Francisco, who are not covered under the HCAO
- has a spending requirement
 - An employer can choose how to spend the money (e.g. Health Insurance, City Option, etc.)
- employee has a 90 day waiting period for coverage

Note: For more information on how the HCAO and HCSO can interact, please contact Beverly Popek at 415-554-6238.

Learn more about the HCSO

- **Sign up for HCSO updates on OLSE website:**

[Email Updates](#)

- [Online Resources](#)

- Administrative Guidance
- OLSE Official Notice
- Annual Reporting Form
- Employee Voluntary Waiver Form

- [Attend a Webinar](#)

- **Email us:** HCSO@sfgov.org

- **Call us:** (415) 554-7892



Chapter 21C

Miscellaneous Prevailing Wage

Requirements

Anna Liu

Compliance Officer, OLSE

San Francisco Administrative Code Chapter 21C

- Establishes 10 prevailing wage classifications.
- May apply to San Francisco service contracts, leases, management agreements, and permits.
- Apply to work performed at any facilities or properties owned or leased by the City.

What is prevailing wage?



10 Categories of Work Under 21C

- Motor Bus Services (21C.1) **1999**
- Janitorial Services (21C.2) **1999**
- Work at Parking Lots and Garages (21C.3) **2003**
- Theatrical Services (21C.4) **2004**
- Solid Waste Hauling (21C.5) **2006**
- Moving Services (21C.6) **2004**
- Trade Show/Special Event Work (21C.8) **2014**
- Broadcast Services (21C.9) **2016**
- Loading/Unloading (21C.10) **2016**
- Security Guard Services (21C.11) **2016**

21C.2 – Janitorial Services

Date prevailing wage rate was established: 1/16/2004



- **Covered workers:** Janitors working at any facility owned or leased by the City
- **Current total hourly rate including fringes (for >4,850 hours):** \$23.16 per hour
- **Monthly payment of \$1,357.85 for health and welfare applies** when employee works a minimum of 90 hours in previous month

21C.2 – Window Cleaners

Date prevailing wage rate was established: 12/13/2007



- **Covered workers:** Professional window cleaners working under a City contract at any facility owned or leased by the City
- **Current total hourly rate including fringes (for Leadman Base) is \$29.44 per hour**
- **Monthly payment of \$1,398.90 for health and welfare applies when employee works a minimum of 75 hours in previous month**

Exemptions – Janitorial Services (including Window Cleaners)

- 1. Non-profit organizations to provide work experience for individuals with disabilities.**
- 2. Services performed under jurisdiction of Airport Commission (SFO exempted).**

21C.11 – Security Guard Services

Date prevailing wage rate was established: 6/2/2017



- **Covered workers:** Security guards working on any property owned or leased by the City
- **Current total hourly rate including fringes (for Security Officer at 90 days):**
\$17.95 per hour

Exemptions – Security Guards

1. City contracts issued by SF Airport Commission or to be performed at any facility owned, leased, or otherwise under jurisdiction of SF Airport Commission.
2. City contracts for a cumulative amount of \$10,000 or less per security guard services provider in each fiscal year.
3. Celebration of a marriage, domestic partnership, or similar civil union.
4. Event less than \$10,000 and free access in a public park or public street, or property under the jurisdiction of Port Commission.
5. Any permit or agreement to engage in film production.
6. In a circumstance would be preempted by federal or state law.
7. A total number of employees providing security guard services for the event is less than 15 persons.

OLSE Prevailing Wage Contact Information

(415) 554-OLSE (6573)

www.sfgov.org/olse/prevailing-wage

ACA, HCSO and City Option – SF Wage and Benefit Laws Workshop

October 31, 2017

Reginauld Jackson, DrPH MPH
Program Officer, Office of Managed Care
San Francisco Health Network
San Francisco Department of Public Health

Applicable Mandates for SF Employers

- 2016 ACA Employer Mandate update
 - **Businesses (regardless of non vs for profit status) with \geq 50FTE subject to Employer Mandate**
- 2017 HCSO Mandate update
 - **Updated expenditure rate starting 1/1/2017 (non-profit/for profit difference)**

Comparison between ACA and HCSO

	ACA	HCSO
Applicable Employer Size	50 FTE	>= 20 for profit >= 50 non profit
Type of Requirement	Provide “affordable” coverage that meets “minimum value” to at least 95% for FTE employee or potentially pay Employer Shared Responsibility Payment to IRS	Make mandated expenditure for covered employees
Reporting Requirement	IRS Reporting Agency 1095-B, 1095-C, W-2	OLSE Reporting Agency

Employers are subjected to both ACA and HCSO in San Francisco.

Required ACA Coverage

- Employers who are determined to be Applicable Large Employers (ALE) must offer coverage to at least 95% full time employee that:
 - **Complies with ACA: covers essential health benefits, etc.**
 - **Meets minimum value: plan's share of the total average cost of services $\geq 60\%$**
 - **Affordable: employee's premium is no more than 9.66% of annual household income**
- Otherwise may need to pay "Shared Responsibility Payment" to the IRS.

Employers can purchase coverage through Covered CA

- Employers with less than 100FTE can purchase coverage for employees through Covered CA SHOP
 - **Employers with <25 FTE may qualify for tax credit**



SF City Option

- Option for SF Employer to comply with HCSO, NOT ACA employer mandate
- SF City Option contains three programs

 **SF MRA** – Medical Reimbursement
YOUR ACCOUNT FOR HEALTH COSTS
Account for employees not eligible for other SF City Option Program

 **Healthy SF** – Health Access for eligible SF residents
OUR HEALTH ACCESS PROGRAM

 **SF Covered MRA** – New program to provide assistance to eligible employees with Covered CA coverage (Launched Nov 2016)
HELP WITH YOUR HEALTH INSURANCE

ACA Related Program Resources:

- San Francisco's City resource: <http://sfmayor.org/get-covered-san-francisco>
- SF City Option website: <http://sfcityoption.org/>
- Healthy SF website: <http://healthysanfrancisco.org/>
- Covered CA website for small businesses: <http://www.coveredca.com/forsmallbusiness/>
- IRS Q&A page for Employer Shared Responsibility under ACA: <https://www.irs.gov/affordable-care-act/employers/questions-and-answers-on-employer-shared-responsibility-provisions-under-the-affordable-care-act>



Questions?



Fair Chance Ordinance

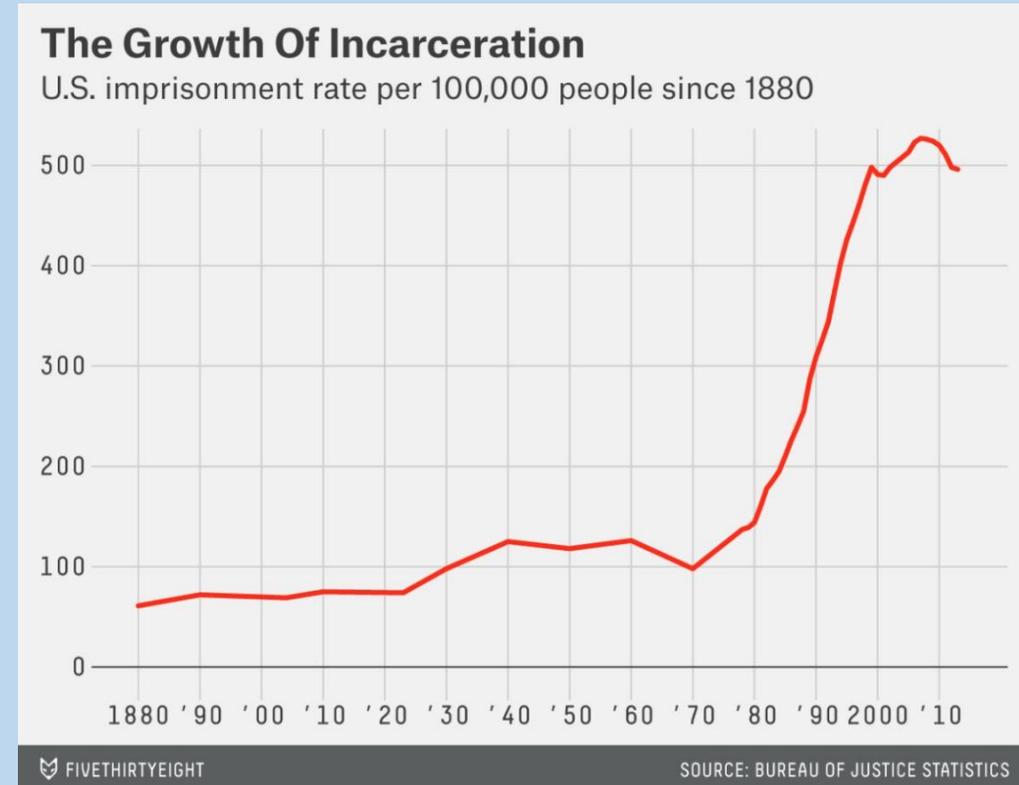
**Ellen Love
Analyst, OLSE**

San Francisco Fair Chance Ordinance

- Passed unanimously by the SF Board of Supervisors
- Operative on **August 13, 2014**
- Regulates use of arrest and conviction records in:
 - **Employment** 
 - Affordable housing

“Ban the Box” Laws

- 70 million (nearly 1 in 3) adults in the U.S. have arrests or convictions on their record
- Employment is the #1 factor affecting recidivism
- 29 states and 150 cities and counties now have Ban the Box laws



Who is Covered?

- **Police Code Article 49: Employers Citywide**
 - 20+ employees worldwide & any employees (or planned positions) in SF
 - Any position where the employee works/will work at least 8 hours/week in SF
- **Admin Code 12T: City Contractors**
 - Any size & any employees (or planned positions) in SF
 - Any position where the employee works/will work at least 8 hours/week in SF

Applications

- Job applications **cannot** ask about the applicant's history of arrests or convictions
- Employers **cannot** ask about, or inquire into, convictions or unresolved arrests until after a live interview or a conditional offer of employment.



Background Check Prohibited Information

Six categories of information may not be considered at any time:

1. an arrest not leading to a conviction (except unresolved arrests)
2. participation in a diversion or deferral of judgment program
3. a conviction that has been dismissed or expunged
4. a conviction in the juvenile justice system
5. **a conviction that is more than 7 years old**
6. an offense other than a felony or misdemeanor (i.e. traffic ticket)

Exceptions to Prohibited Information

Employers can consider all types of convictions and arrests for jobs supervising:

- Minors
- Dependent adults
- Persons 65 years or older

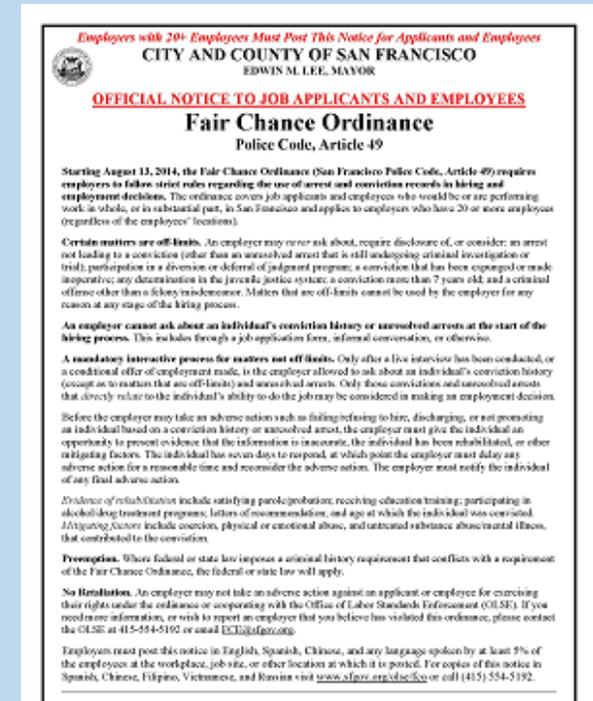
Employers can consider infractions (driving record) where driving is a significant part of the job



Background Check Procedures

When considering an applicant's conviction history, the Employer must:

- provide the applicant with a copy of the **FCO Notice**
- give the applicant **seven days to respond** – correct or provide evidence of rehabilitation or mitigating factors
- consider only **Directly-Related Convictions**



State and Federal Preemptions

- Federal or State laws that require background checks for certain jobs preempt the FCO.
 - Financial services employees – federal regulation
 - Security guards – state regulation





Family Friendly Workplace Ordinance

**Ellen Love
Analyst, OLSE**

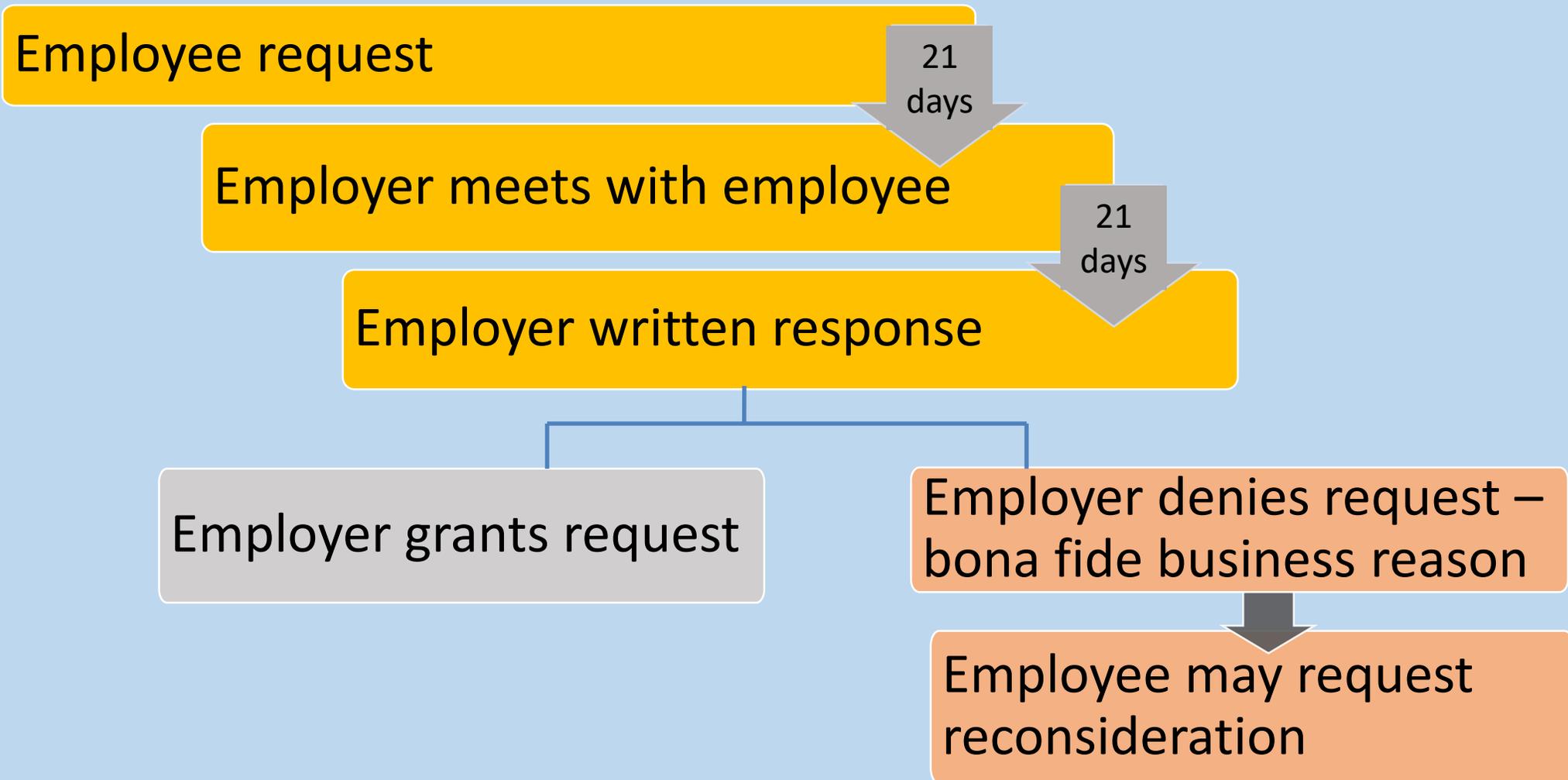
FFWO Overview

- The FFWO grants workers the right to request flexible or predictable work arrangements to help with family caregiving obligations without fear of retaliation.
- Employers can deny requests, but only for bona fide business reasons that they explain in writing.

Caregiving

- Child or children for whom the employee has parental responsibility
- A person with a Serious Health Condition in a Family Relationship with the employee
- The employee's parent, age 65 or older

FFWO: Right to a Process





Paid Parental Leave Ordinance

**Ben Weber
Analyst, OLSE**

What is the Paid Parental Leave Ordinance?

- Passed unanimously by Board of Supervisors on April 21, 2016
- First of its kind in the United States
- Requires employers to supplement an employee's California **Paid Family Leave (PFL)** benefits
- Provides eligible employees **working in San Francisco** with **6 weeks fully paid** leave to bond with a new child (newborn, adoptive, or foster)



Covered Employers

- Applies to employers worldwide that have employee(s) who work(s) in San Francisco
- Employ Threshold Number of Employees:

- • **Currently:** 35+ employees ← (See Rule 2 and definitions)
- **January 1, 2018** 20+ employees

- An Employer with fluctuating workforce – number of employees goes **up and down** over time –should average employees over PPLO Lookback period (12 weeks or 3 months – See Slide 6)
- Covered employers must display poster (available on our website) and explain how to apply for PPLO to any employee who is expecting to become a parent (Rule 4)

Note: Government entities are not covered employers

Covered Employee

1. Works in **San Francisco**
2. Commenced work for a covered employer at least **180 days** before leave period
3. Work at least **8 hours per week in San Francisco** for a covered employer
4. Work in San Francisco at least **40% of weekly hours** for a covered employer
5. Apply for and receive California **Paid Family Leave (PFL)** benefits from the **Employment Development Department (EDD)**

Note: Government employees are not covered.

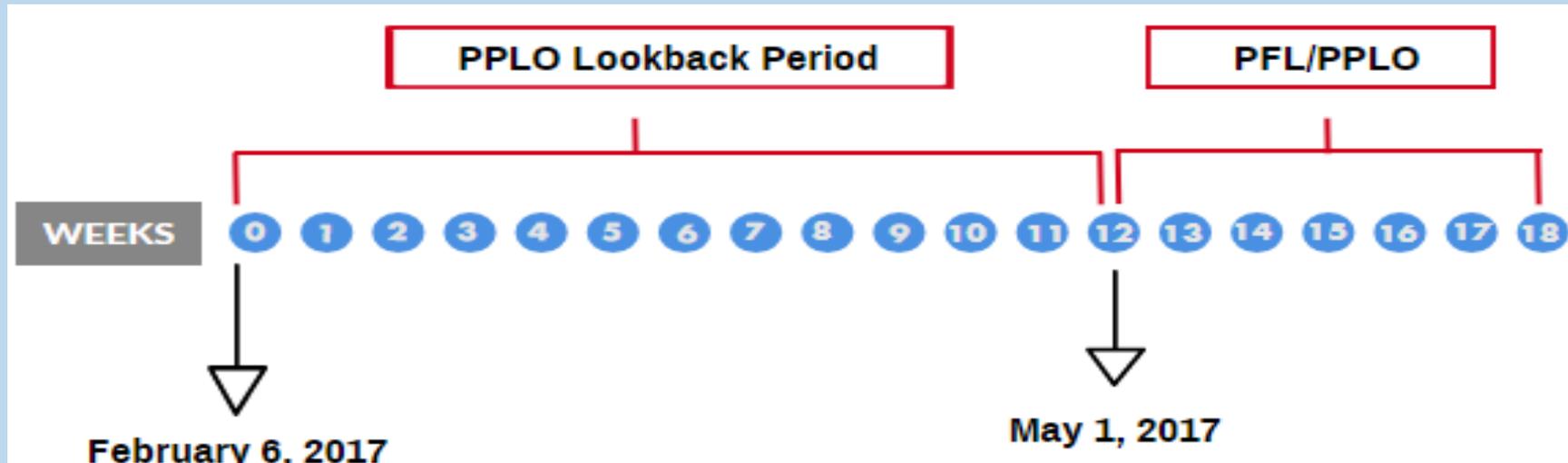


Key Term: PPLO LookBack Period

- The 12 weekly, 6 semi-monthly or bi-weekly, or 3 monthly pay periods before the first day of an employee's leave
- Is used to determine if an **employer** is covered when the number of employees fluctuate
- Is used to determine if an **employee** is covered when hours fluctuate
- Is used to calculate the **average normal weekly wage** when wages fluctuate.

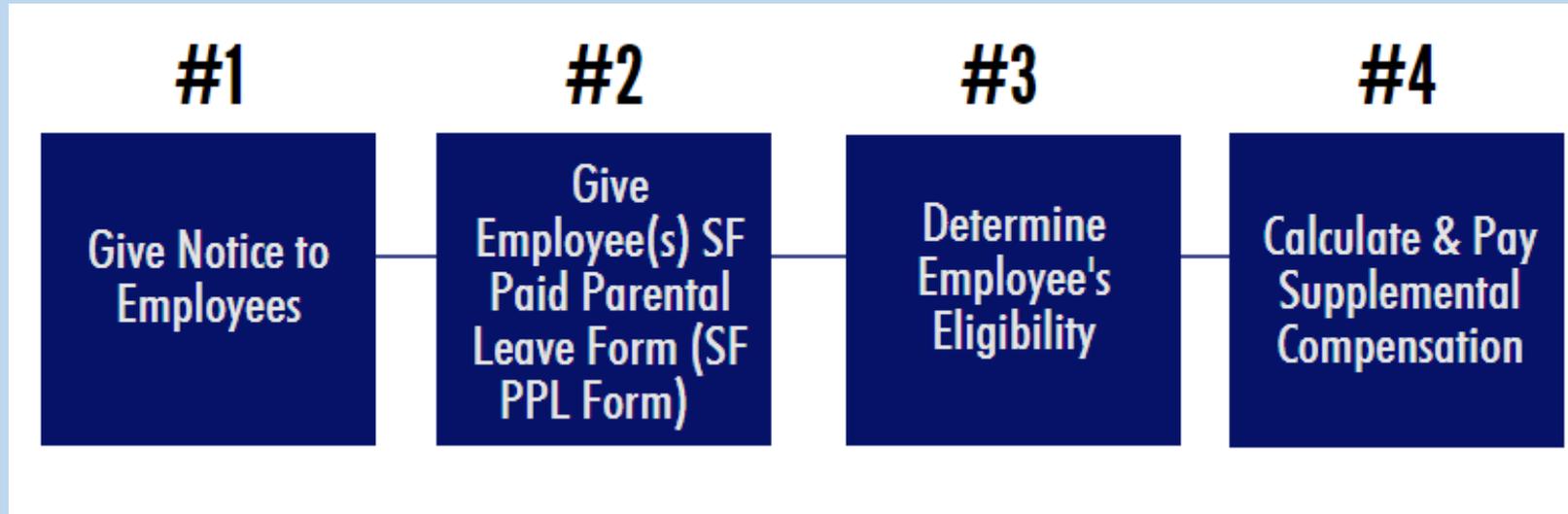
PPLO Lookback Period

FOR NON-BIRTH PARENTS



*PPLO Lookback Period for Employer and Employee Eligibility is **February 6, 2017 – April 30, 2017** (12 weeks prior to May 1, 2017).

4 Steps For Employers



More Detailed Step-by-Step Guide Available on [OLSE Website](#)

EMPLOYER'S
Guide to the San Francisco
Paid Parental Leave Ordinance

Step #1 Give Notice to Employees
Post Notice created by OLSE.
Include a description of the right to Supplemental Compensation under the SF Paid Parental Leave Ordinance (PPLO) in employee handbook.

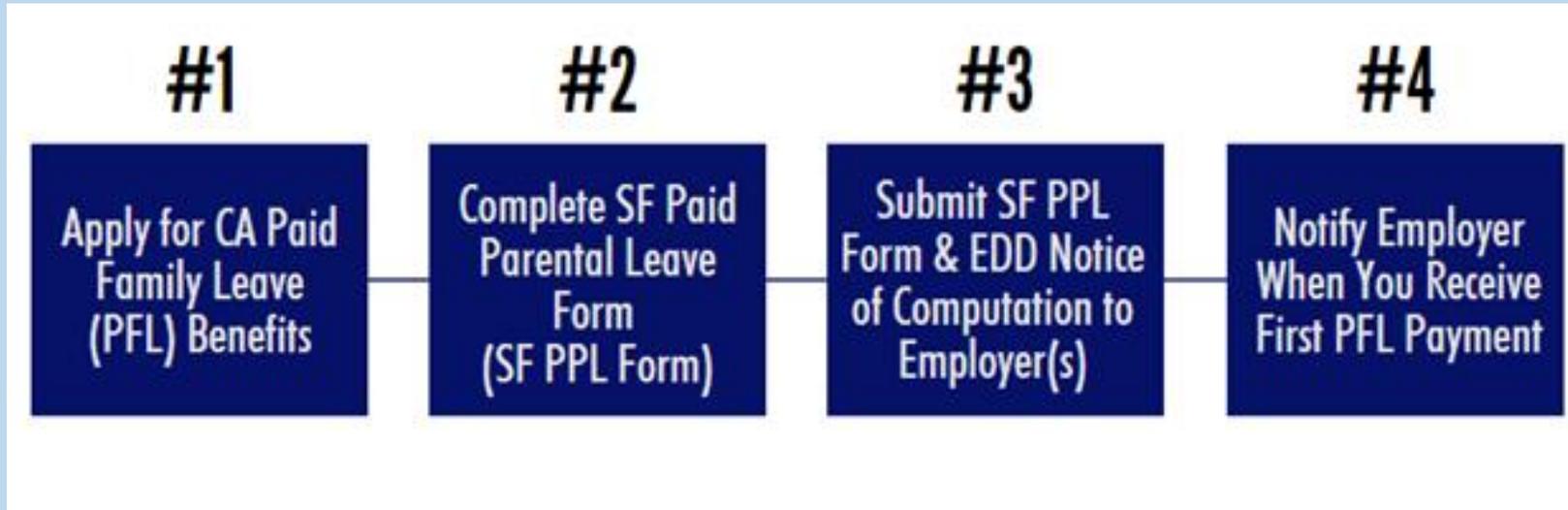
Step #2 Give Employee SF Paid Parental Leave Form (SF PPL Form)
Available at: <http://ldgov.org/ppl>
Provide a copy as soon as employee asks about parental leave or tells you she/he is expecting a newborn, adopted or foster child. It is also recommended to provide it to all new employees.

Step #3 Determine Employee's Eligibility
The employee is eligible if he/she: (1) commenced work for you at least 180 days before leave period; (2) works at least 9 hours per week and 40% of total weekly hours in San Francisco; (3) has applied for and is eligible for CA Paid Family Leave (PFL).

Step #4 Calculate & Pay Supplemental Compensation
You will need the employee's Normal Weekly Wages and EDD Weekly Benefit amount. This information should be on the SF PPL Form and EDD Notice of Computation, which the employee receives from EDD.
Calculation instructions available on the OLSE website.

Remember to Maintain Records and that Retaliation is Prohibited Under the Ordinance.
Please contact the Office of Labor Standards Enforcement at dol.org or at (415)534-4338 with any further questions or visit <http://ldgov.org/ppl>

4 Steps for Employees



More Detailed Step-by-Step Guide Available on [OLSE Website](#)

EMPLOYEE'S
Guide to the San Francisco
Paid Parental Leave Ordinance

Step #1 Apply for CA Paid Family Leave (PFL) Benefits
Online or paper application through Employment Development Department (EDD).
Be sure to check the box allowing EDD to disclose your benefit amount.

Step #2 Complete SF Paid Parental Leave Form (SF PPL Form)
Form is available on the OLSE Website and should be provided by your employer.
If you have multiple employers, complete a form for each employer.

Step #3 Submit SF PPL Form & EDD Notice of Computation to Employer
When you apply for PFL benefits, the EDD will send you a Notice of Computation that includes your weekly benefit amount.

Step #4 Notify Employer When You Receive First PFL Payment
If requested, provide your employer with the EDD Notice of Payment Label known as the Electronic Benefit Payment Notification).

STOP: Your Application is Now Complete!

Please contact the Office of Labor Standards Enforcement at olse@lspg.org or at (415) 554-4320 with any further questions or visit www.dir.ca.gov/olse.htm

SF Paid Parental Leave Form

CITY AND COUNTY OF SAN FRANCISCO EDWIN M. LEE, MAYOR
 DEPARTMENT OF ADMINISTRATIVE SERVICES
 OFFICE OF LABOR STANDARDS ENFORCEMENT PATRICK MULLIGAN, DIRECTOR

SAN FRANCISCO PAID PARENTAL LEAVE FORM

Complete one form for each employer. If you have only one employer, you only need to complete Sections 1, 2, and 3 of this form. If you have more than one employer, fill out Section 4 on page 2.

Section 1. Employment Information

Employee Name/Address: _____
 (Please print) Street City State Zip

Employer: _____
 (Name)

Section 2. Employer Notification. For prompt payment of benefits, select both options. Check all that apply:

Option 1. I am submitting a copy of my EDD Notice of Computation to my employer(s); and/ or

Option 2. I have checked the box on my EDD Claim for Paid Family Leave (DE 2501F) granting permission to disclose my benefit payment to my employer(s).

Section 3. Reimbursement Agreement. In order to receive Supplemental Compensation under the San Francisco Paid Parental Leave Ordinance (PPLO), employees must agree in writing to reimburse their employers if they voluntarily separate from employment within 90 days of the end of their leave period. Failure to sign this agreement renders you ineligible to receive Supplemental Compensation under the PPLO. [See S.F. Police Code Sec. 3300H.4(e).]

I, _____ [full name], hereby agree to reimburse the full amount of Supplemental Compensation received from any Covered Employer(s) under the San Francisco Paid Parental Leave Ordinance if I voluntarily separate from employment within 90 days from the end of my leave period and if my employer requests such reimbursement in writing.

Employee Signature: _____ Date: _____

Employer Signature: _____ Date: _____

If you only have one employer, this form is complete.

Only complete Section 4 if you have more than one employer

Section 4. Multiple Employers. If you have more than one employer, you must complete either Option A or Option B of this section, or your employers will not be required to provide Supplemental Compensation under the PPLO.

Option A: Ask each employer for your normal gross weekly wages and reported tips, if any, and enter the amount in the grid for each employer.

Employer	Normal Gross Weekly Wages	Average Weekly Tips
1		
2		
3		

Option B: For each employer, fill in your pre-tax earnings below. Include information for the 6 bi-weekly, 6 semi-monthly or 12 weekly pay periods that immediately precede your leave period. If you were on unpaid or partially paid leave for any of those pay periods, do not include those pay periods in the grid. Instead, include earlier pay periods during which you were fully paid. Provide 6 total – or 12 total – in the chart for each employer.

Employer 1 _____ Employer 2 _____ Employer 3 _____

Pay Period	Start Date	Wages	Tips	Pay Period	Start Date	Wages	Tips	Pay Period	Start Date	Wages	Tips
1				1				1			
2				2				2			
3				3				3			
4				4				4			
5				5				5			
6				6				6			
7				7				7			
8				8				8			
9				9				9			
10				10				10			
11				11				11			
12				12				12			

I declare under penalty of perjury that the foregoing wage and employer information is true and correct.

Employee Signature: _____ Date: _____

Your employer has the right to request proof of wages from other employers listed above.

SUBMIT A COMPLETED FORM TO EACH OF YOUR EMPLOYERS

[Dec 2016 REV]

*** Give Form to Employer, NOT the OLSE**



Paid Family Leave (PFL)

- Employee Funded State Benefit
- **6 WEEKS** OF PARTIAL WAGE REPLACEMENT WHILE:
 - ✓ Caring for a seriously ill close family member; or
 - ✓ **bonding with a newborn, adopted or foster child**
- 55% of weekly wage, up to \$1,173 per week in 2017
- Benefit increases to **60%** or **70%**, depending on income, in **2018**
- *Both Parents Can Take at the Same (or different) Time*
- Can be taken **Intermittently** or all at once
- *Must be taken within 1 year of birth or placement of child in the home*
- One week waiting period
 - Not for birth mothers transitioning from State Disability Insurance (SDI) to PFL
 - **Eliminated in 2018**

Family Medical Leave Act (FMLA) California Family Rights Act (CFRA)



12 weeks of job-protected leave to:

- **Bond with** a new child (including adoptive and foster children)
- **Care for a family member** with a serious health condition
- For your **own serious health condition**

Eligibility

- **1 year on the job**
- **50+ employees**
- **1,250 hours in the prior year**
- **SB63 begins Jan 1, 2018 and extends CFRA protection to workers at companies with 20 or more employees**

***For birth parents, bonding leave does not start until after they have recovered from pregnancy disability.**

Supplemental Compensation

The Basics

- Sum of **EDD PFL benefit** and **Supplemental Compensation** equals **100% of normal gross weekly wages** (*capped \$2,133 for 2017)
- Employers may require employee to agree to use up to **2 weeks** of accrued, unused **vacation** to cover Supplemental Compensation payments (3300H.4(b)(5))
- If the employee's Normal Weekly wage is \$1000 and EDD replaces \$550 then the employer will owe \$450 per week for up to six weeks. (simplest case)

Paid Parental Leave Ordinance Resources

- The PPLO website www.sfgov.org/pplo has:
 - Webinar slides and audio presentations
 - An excel calculator that you can download
 - Written calculation instructions
 - The required poster available for download'
 - Frequently Asked Questions



Lactation in the Workplace & Salary History

**Ben Weber
Analyst, OLSE**

Lactation in the Workplace

Salary History

Lactation

- Covers all employers in San Francisco beginning January 1, 2018
- Requires a policy, time, and location
- No enforcement penalties in the first year
- Website: <http://sfgov.org/olse/lactation-workplace>

Salary History

- Covers all employers in San Francisco beginning July 1, 2018
- Employers may not ask about Salary History for Job applicants applying to work inside the boundaries of San Francisco
- For more information visit <http://sfgov.org/olse/consideration-salary-history-ordinance>



Contact Information:

- Paid Parental Leave Ordinance: 415-554-4190 and pplo@sfgov.org
- Lactation in the Workplace: 415-554-6406 and lactation@sfgov.org
- Salary History: salaryhistory@sfgov.org

MAKING COMPLIANCE LESS SCARY!

**HUMAN RESOURCES
BEST PRACTICES PANEL**



PANELISTS

- **CAROL KOSSLER, CONARD HOUSE**
- **MICHELLE DIAZ, EPISCOPAL COMMUNITY SERVICES**
- **MICHELLE LOTT, BAKER PLACES**

