



# Labor Laws for City Suppliers Symposium

February 12, 2026



Office of Labor Standards Enforcement

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic orange-red towers and suspension cables are visible against a clear blue sky. In the background, the city of San Francisco is nestled on a hillside, with the bay and distant hills visible under a bright, sunny sky.

# **City and County of San Francisco Office of Labor Standards Enforcement**

**Welcome!**

**Patrick Mulligan, Director**



**Office of Labor Standards Enforcement**



Welcome!

Beverly Popek  
Supervising Compliance Officer



Office of Labor Standards Enforcement

# Housekeeping

- Emergency Exits
- Restrooms



# Today's Event

- Program Schedule
- The slide deck will be posted at our website
- Resource Table
- Questions Cards & Pens
- OLSE Staff





# **Citywide and Contract Labor Laws for For-Profits & Non-Profits**

Beverly Popek  
Supervising Compliance Officer



Office of Labor Standards Enforcement

# **This presentation provides an overview of labor laws (contract & citywide) for the City and County of San Francisco.**



# Labor Laws for CCSF



**Contract**



**Citywide**



# Contract Labor Law Background Info

- Why do I need to comply with these contract labor laws?
- CCSF has standard contract templates with the required “contract” labor laws.
- You are required to comply with the Contract Labor Requirements for the employees who perform work on the contract in the USA.



# Does it matter where my company is headquartered?

No. It does not matter where your company is headquartered.



# Covered Employer

Are you a Covered Employer?



# What's your Employee Count?

To determine which laws you must comply with, you must know your **employee count**.

*Employee count includes all persons working for the employer, regardless of whether they are located in San Francisco or outside of the city.*



# Covered Employees

If you are a Covered Employer, do you have any Covered Employees?



# Contract Labor Laws For-Profit



Work Specific

Prevailing  
Wage  
Construction  
&  
Miscellaneous

Employers with  
5+

Minimum  
Compensation  
Ordinance\*\*

Employers with  
20+

Health Care  
Accountability  
Ordinance\*\*

\*\* Trumps City-Wide Laws (i.e. MWO, HCSO)

# Citywide Labor Laws For-Profit (1 of 2)



## All Employers

Minimum Wage\* Ordinance

Paid Sick Leave\* Ordinance

Lactation in the Workplace

Parity in Pay Ordinance

## Employers with 5+

Fair Chance Ordinance

\*You will not have to comply with the asterisked ordinances if you are complying with the MCO or PW.

# Citywide Labor Laws For-Profit (2 of 2)



## Employers with 20+

Health Care Security  
Ordinance

Paid Parental Leave

Family Friendly Workplace  
Ordinance

## Employers with 100+

Military Leave Pay  
Protection Act



# Contract Labor Laws Non-Profit



Employers with  
5+

Minimum  
Compensation  
Ordinance

Employers with  
50+

Health Care  
Accountability  
Ordinance

Work Specific

Prevailing  
Wage  
Construction  
&  
Miscellaneous



# Citywide Labor Laws Non-Profit (1 of 2)



## All Employers

Minimum Wage Ordinance

Paid Sick Leave Ordinance

Lactation in the Workplace

Parity in Pay Ordinance

## Employers with 5+

Fair Chance Ordinance

# Citywide Labor Laws

## Non-Profit (2 of 2)



Employers with  
20+

Paid Parental  
Leave

Family Friendly  
Workplace  
Ordinance

Employers with  
50+

Health Care  
Security  
Ordinance

Employers with  
100+

Military Leave  
Pay Protections  
Act

# Which laws do I comply with?

## Contract and City-Wide Labor Laws



### Contract

- **Do the Contract Law(s) apply to you?**
  - **Yes** – Then Contract Law(s)\*
  - **No** – Then, if operating in CCSF, follow Citywide

\*If operating in San Francisco, additional City-wide laws may still apply.

### Citywide

- The Contract Law(s) don't apply to you AND you operate in CCSF



# Contact Us

Office of Labor Standard Enforcement  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 430  
San Francisco, CA 94102

Website: [sf.gov/olse](https://sf.gov/olse)



Office of Labor Standards Enforcement



# Prevailing Wage Requirements

Ying Wu  
Compliance Officer



Office of Labor Standards Enforcement

**Labor Employment Code  
(LEC) Article 102  
Prevailing Wage Requirements**



# LEC 102 (formerly known as Chapter 21C)

- Establishes 10 prevailing wage crafts for work that is:
  - Not recognized by the California Department of Industrial Relations (DIR)
  - Not public works
  - Non-construction related
- Applies to San Francisco service **contracts, leases, management agreements, and permits.**
- Applies to work performed at any facilities or properties owned or leased by the City.



# 10 Categories of Work Under LEC 102

- Janitorial Services (102.2) **1999**
- Motor Bus Services (102.7) **1999**
- Work at Parking Lots and Garages (102.3) **2002**
- Theatrical Services (102.4) **2004**
- Solid Waste Hauling (102.5) **2006**
- Moving Services (102.6) **2004**
- Trade Show/Special Event Work (102.8) **2014**
- Broadcast Services (102.9) **2016**
- Loading/Unloading (102.10) **2016**
- Security Guard Services (102.11) **2016**



# LEC 102.2 – Janitorial Services (1 of 2)

Date prevailing wage rate was established: **5/4/2001**



- **Covered workers:** Janitors working at any facility owned or leased by the City
- **Working more than 7.5 hours a day will require overtime pay**
- **Exemptions:**
  - Non-Profit Organizations providing work experience for people with disabilities
  - Services performed under jurisdiction of Airport Commission (SFO exempted)



# LEC 102.2 – Janitorial Services (2 of 2)

<https://sf.gov/information/prevaling-wage-non-construction-workers>



- **Current total hourly rate including fringes (for >4,850 hours): **\$36.25 per hour****
- **Health and welfare (for >4,850 hours) is **\$11.13 per hour** when employee works a minimum of 105 hours in previous month, capped at **\$1808.83/month****
- **Pay attention to the footnotes**



## Labor and Employment Code Article 102.2 - Janitorial Services

This chart is submitted to show the prevailing hourly wage and fringe benefits for individuals performing janitorial maintenance and cleaning services.

Effective January 1, 2026 until superseded.

Hours worked for the employer	EMPLOYER PAYMENTS					STRAIGHT-TIME		OVERTIME	
	Basic Hourly Rate	Health and Welfare	Pension	Vacation (Varies)	Hours	Total Hourly Rate	1.5 X	2 X	
0-3900	A,B, C \$ 17.29	D \$ 8.16	\$ 2.48	E \$ 0.67	F 7.5	\$ 28.60	F \$ 37.25	\$ 45.89	
3901-4850	A,B, C \$ 19.42	D \$ 8.16	\$ 2.48	E \$ 0.75	F 7.5	\$ 30.81	F \$ 40.52	\$ 50.23	
Over 4850	A,B, C \$ 21.80	D \$ 11.13	\$ 2.48	E \$ 0.84	F 7.5	\$ 36.25	F \$ 47.15	\$ 58.05	

### Footnotes:

A. There shall be a \$0.50 per hour premium for employees performing utility work. Utility work is defined as carpet and rug cleaning including wet shampooing, dry cleaning, dry foam shampooing, steam shampooing, rider operated power sweeper, rider operated scrubber, floor machines, and power washers.

B. Full-time, fully dedicated restroom attendants will be paid an additional \$0.30 per hour.

C. Holidays. Observed holidays are New Year's Day, Martin Luther King Day, President's Day, Day After Thanksgiving, Memorial Day, Thanksgiving Day, Independence Day, Christmas Day, Labor Day, Employee's Birthday. Employees who have the holiday off shall be paid at straight time for 7.5 hours. Any employee working on a holiday shall be paid the 1.5X overtime rate. Any work performed on a holiday after 7.5 hours shall be paid 2x.

D. Health and Welfare payments are \$8.16/hour, capped at \$1,326.15/month for employees who have worked less than 4850 hours. Health and Welfare payments are \$11.13/hour, capped at \$1,808.83/month for employees over 4850 hours. Employees hired after August 1, 2012 are eligible for health care fringes if they were paid for 105 straight-time hours in the prior month. New employees working at least 105 hours in 2 consecutive months are eligible for contributions in the 3rd month. Note that if Health and Welfare payments are not required, other San Francisco benefit requirements, such as the Health Care Security Ordinance and Minimum Compensation Ordinance may still apply.

E. Vacation payments are not required for employees with less than 1 year of employment. Vacation rates vary based on length of employment.

	1+ Year - 3900 Hours	3901 - 4850 Hours	4850 Hours - 5 Years	5+ Years	12+ Years
Janitorial Services	\$ 0.67	\$ 0.75	\$ 0.84	\$ 1.26	\$ 1.68

F. Overtime. 1.5X Overtime is due after 7.5 hours in a day or 37.5 hours in a workweek, 2X Overtime is due after 12 hours in a day. 2X Overtime is due after 7.5 hours on the 7th day. Overtime Calculation: 1.5X overtime rates = (1.5\*basic hourly rate) + (Health & Welfare + Pension + Vacation).

2X overtime rates = (2\*basic hourly rate) + (Health & Welfare + Pension + Vacation).

Note: Seniority-based benefits are calculated using the date of hire with Employer.

The table is based on analysis of the Collective Bargaining Agreement between the San Francisco Maintenance Contractors Association and Service Employees International Union, Building Service Employees Union, Local 87 in effect for signatories from August 1, 2016 to July 31, 2020.



# LEC 102.11 – Security Guards (1 of 2)

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



- **Covered workers:** Individuals engaged in security guard services under city contract at any facility or on any property owned or leased by the City
- **Amendment to extend current MCO & HCAO contracts will trigger LEC 102.11**
- **No waivers on health and welfare contribution (HCAO waiver provision does not apply to prevailing wage)**
- **HCSO may apply if employer has 20+ employees**



# LEC 102.11 – Security Guards (2 of 2)

<https://sf.gov/information/prevailing-wage-non-construction-workers>



- **Current total hourly rate including fringes for security guard officer with 5 years of experience: \$26.10 per hour**
- **Health and welfare contribution for employee: \$4.08 per hour (Begins at 90 days of service; dependent benefits begin with 3 years.)**
- **Pay attention to the footnotes**



## Labor and Employment Code Article 102.11 - Security Employees

This chart is submitted as the prevailing hourly wage rate and fringe benefits required for Security Guard Services at any facility or any property owned or leased by the City.

Rates effective January 1, 2026 until superseded.

Classification	EMPLOYER PAYMENTS			STRAIGHT-TIME		E OVERTIME HOURLY RATE		
	A,B	Basic Hourly Rate	C Health & Welfare (Varies. Shown with employee only).	D (Varies. Shown at 5 years)	Hours	Total Hourly Rate	1.5 X	2 X
Security Officer		\$ 21.20	\$ 4.08	\$ 0.82	8	\$ 26.10	\$ 36.70	\$ 47.30

### Footnotes

A. No work performed on a named holiday is paid at 8 hours straight time. Work performed on a named holiday is paid at 1.5 times the basic hourly rate. Work performed on a named holiday during a shift in excess of 8 hours will be paid at 2 times the basic hourly rate. The named holidays are New Year's Day, July 4th, Juneteenth, Martin Luther King, Jr. Day, Labor Day, President's Day, Thanksgiving Day, Memorial Day, Christmas Day.

B. Unless an employer provides uniform cleaning services, the employee shall receive \$0.25 per hour uniform maintenance benefit.

C. Single employee contributions begin at 90 days of service; dependent benefits begin with 3 years. Required hourly rates: employee only \$4.08, capped at \$705.68 monthly; employee + 1 = \$7.84 capped at \$1,356.93 monthly; employee + 2 or more = \$11.34, capped at \$1,962.60 monthly. "Dependent" means dependent as defined in the Internal Revenue Code (26 U.S.C. sec. 152). Note that if Health and Welfare payments are not required, other San Francisco benefit requirements, such as the Health Care Security Ordinance and Minimum Compensation Ordinance may still apply.

D. Upon completion of 1 year of continuous service and 1600 hours, vacation is paid at +1, 3, 6, and 15 year rates. Partial rates - defined as 50% of the full rate - are for 6 months or more continuous service and 800 hours in a year.

Vacation Values	> 1 year	3+ Years	6+ Years	15+ Years
Security Officer	\$ 0.41	\$ 0.82	\$ 1.22	\$ 1.63

E. 1.5X Overtime rates = (1.5 x basic hourly rate) + health and welfare + vacation. All work in excess of 8 hours in one day, 40 hours in one week, or on the 6th consecutive day of work week is paid at 1.5X rate. 2X Overtime rates = (2 x basic hourly rate) + health and welfare + vacation. All work performed in excess of 12 hours in one day or on the 7th consecutive day of work week is paid at 2X rate.

Note: Seniority-based benefits are calculated using the date of hire with Employer.

The table is based on the Collective Bargaining Agreement between Universal Protection Services LP, dba Allied Universal Security Services, Securitas Security Services USA, Inc., GardaWorld Security, ProGuard Security, ABC Security Services, Chenega Security California Corp., Prosecur Security, Genesis Security, PalAmerican Security and Services Employees International Union, United Services Workers West from October 1, 2022 through June 30, 2026.



# Exemptions – Security Guards (1 of 2)

- City contracts issued by SF Airport Commission or to be performed at any facility owned, leased, or otherwise under jurisdiction of SF Airport Commission
- City contracts for a cumulative amount of \$10,000 or less per security guard services provider in each fiscal year
- Celebration of a marriage, domestic partnership, or similar civil union



# Exemptions – Security Guards (2 of 2)

- Event less than \$10,000 and free access in a public park or public street, or property under the jurisdiction of Port Commission
- Any permit or agreement to engage in film production
- In a circumstance would be preempted by federal or state law
- A total number of employees providing security guard services for the event that is less than 15 persons



# Best Practice and Common Compliance Issues

- Review all contracts, leases, permits and management agreements for LEC 102 prevailing wage triggers
- Review LEC 102 content on OLSE's website
- Pay attention to the footnotes on wage charts
- Maintain and Furnish Payroll Records and Fringe Contribution records as required
- Contact OLSE if you have any questions regarding Prevailing Wages: [PrevailingWage@sfgov.org](mailto:PrevailingWage@sfgov.org) or 415-554-6573



# Prevailing Wage Question and Answer Session

Question cards are being circulated in the room.

Please complete a card with your question and include your contact information.

If your question is not addressed during today's symposium, staff will follow up with you by email within 48 hours using the contact information provided.





# Minimum Compensation Ordinance (MCO)

Jade San Diego  
Compliance Officer



Office of Labor Standards Enforcement

# MCO



This is a labor law for non-construction workers who work on San Francisco City contracts.

Can be located anywhere in the US.

Examples:

- Clerical/administrative staff at office who support a contract.
- Project and Construction Managers.
- Architects, Engineers, Planners, Designers, other professional services...



# Covered Employer under the MCO

- For-profit and nonprofit – 5+ workers (permanent, temporary, etc.) anywhere in the world.
- Has a contract with the City.
- Includes subcontractors and subtenants.



# Covered Employee under the MCO

- Anyone working for a covered employer on a City contract.
- Worker/Employee is anyone –full-time, part-time, contract, casual, etc.
- Working in the United States.



# Sec. 111.13. Waivers through CBA

All or any portion of the applicable requirements of this Article may be waived in a bona fide collective bargaining agreement, provided that such waiver is explicitly set forth in such agreement in clear and unambiguous terms.



# Youth Exemption (1 of 2)

## Non-profit Organization Exclusions: Rule 4

An employee of a Contractor, that is a Nonprofit Corporation, is not a Covered Employee under the MCO if:

1. An employee is under the age of 19 **and**
2. Is claimed as a dependent for Federal income tax purposes.



# Youth Exemption (2 of 2)

## Exclusion ceases to apply on the date that the Employee turns 19

- It is the Nonprofits responsibility to keep track of this information.
- The employee becomes a Covered Employee under the MCO and is eligible for MCO benefits.



# Compensation = Wages + Time Off



MCO is NOT paying the SF Minimum Wage!

## ***MCO Wage Requirements:***

- For-profit rate Effective 7/1/2025: \$21.54 per hour
- Non-profit rate Effective 1/1/2026: \$23.00 per hour
- Annual increases usually occur every July 1<sup>st</sup>
- Sign up for email updates: <https://www.sf.gov/sign-mcohcao-emails>



# Time Off Requirements (1 of 2)



## Paid Time Off (PTO)

- Accrual rate is 0.04615 hours of paid time off (~12 days for 40 hour a week employees).
- PTO is the property of the worker – Needs to be paid out upon termination.
- No waiting period.
- **PTO violations are the most common violations for the MCO.**



# Time Off Requirements (2 of 2)



## Unpaid Time Off (UTO)

- Accrual rate is 0.03846 (~10 days for full-time 40 hour a week employees).
- Not applicable for temporary or on-call employees.
- For use of unpaid sick time to care for themselves and/or family members.

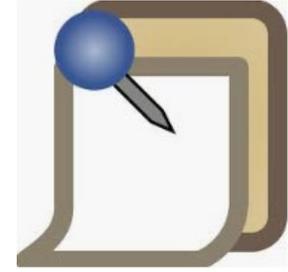


# MCO Forms

1. MCO Notice Poster
2. MCO Know Your Rights Form



# 1. MCO Notice Poster



- Post the MCO Notice in a common place for all employees to be made aware of their rights.
- You may also post the notice on your firm's intranet page or other electronic delivery for employees who may work remotely or other isolated locations where physical postings may not be made available.
- Posters are available in multiple languages on our website.



# 2. MCO Know Your Rights Form



Signature

- Have new hires complete the form during onboarding and all employees who perform work on the San Francisco contract/work on the leased property.
- The forms notify employees of their rights that change annually.
- Must be completed on an annual basis by July 1<sup>st</sup>.
- Keep the completed forms for your records.



# Compliance Reminders



- Annual Requirement – July 1.
- MCO executed forms should be kept for 3 years after the termination of the contract.
- MCO Webinars, Rules and Regulations, FAQs, etc.
- All posters, forms, more information on our websites.
- OLSE Website: [www.sf.gov/olse](http://www.sf.gov/olse)
- Sign up for email updates: <https://www.sf.gov/sign-mcohcao-emails>



# Contact OLSE

Office of Labor Standard Enforcement (OLSE)

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 430

San Francisco, CA 94102

Phone: (415) 554-7903

Fax: (415) 554-6291

Email: [mco@sfgov.org](mailto:mco@sfgov.org)

Website: [www.sf.gov/olse](http://www.sf.gov/olse)





# San Francisco Minimum Wage Ordinance (MWO)

Aileen Huang  
Compliance Officer



Office of Labor Standards Enforcement

# Covered Employers

Employers with employees performing work in the City of San Francisco.

According to Section 18 of the California Labor Code, Employer can be:

- Any individual, association, organization, partnership, business trust, LLC, or corporation,
- including: anyone who directly or indirectly employs or controls the wages, hours, or conditions of any person



# Covered Employees in the MWO

## People who:

Work at least 2 hours per week in San Francisco, regardless of

- whether full-time or part-time,
- whether San Francisco residents or non-residents,
- whether documented or undocumented



# Exceptions: Employees excluded from the MWO

## Employees who:

- Are independent contractors
- Are family members (parents, spouses, or children) of the employer
- Are covered by the Union Contract with waiver



# San Francisco Minimum Wage Ordinance



The image shows an official notice for the City & County of San Francisco Minimum Wage Ordinance. At the top left is the seal of the City and County of San Francisco. To its right, the text reads "City & County of San Francisco Minimum Wage Ordinance". Below this, a small line of text says "Post where employees can read easily. Failure to post this notice may result in penalties." The main body of the notice is divided into two sections. The left section features the amount "\$19.18" in large red font, followed by "per hour" and its translations in Spanish ("por hora") and Chinese ("每小時", "bawat oras"). The right section features the date "July 1, 2025" in large black font, with the text "Rate Effective - La tasa entrará en vigor el - 生效日期 - Simula sa" above it. At the bottom left of the notice, it says "OFFICIAL NOTICE".

- The current minimum wage is **\$19.18** per hour
- On July 1 of every year, the minimum wage is adjusted based on the annual calculation of the Consumer Price Index.



# Other Requirements for Employers

- **Posting:** Post the minimum wage notice in a conspicuous place at any workplace or job site where any Employee works.
- **Payroll Records:** Employers shall retain payroll records pertaining to Employees for a period of four years.
- **OLSE Access:** The OLSE Director or their designee shall have access, without prior notice.



# Retaliation Prohibited

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It is unlawful for an Employer to retaliate against Employees who assert their right to receive the San Francisco Minimum Wage.

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If an Employee is subjected to retaliation, a claim can be filed with the City's Office of Labor Standards Enforcement or file a lawsuit in court against the Employer.



# Resources

Website: [www.sfgov.org/olse/mwo](http://www.sfgov.org/olse/mwo)

MWO Hotline: (415) 554-6292

Email: [mwo@sfgov.org](mailto:mwo@sfgov.org)





# San Francisco Paid Sick Leave Ordinance (PSLO)

Aileen Huang  
Compliance Officer



Office of Labor Standards Enforcement

# Covered Employers

As a General rule, PSLO applies to all employers with employees performing work in the City of San Francisco.



# Covered Employees

All Employees who are employed within the geographic boundaries of the City by an Employer, including—

- full-time, part-time, temporary employees
- youth



# Employees Not Covered

- Employees working at the Presidio and Fort Mason
- SFO Employees are not covered by the PSLO
- Employees who are part of a union contract —but only if there is a waiver in the contract



# Use of Paid Sick Leave

- For illness, injury, medical care, treatment, or diagnosis.
- To provide care for a family member, spouse, domestic partner, or designated person.



# Bereavement Leave & Paid Sick Leave

Employers may choose whether to allow employees to use paid sick leave for bereavement leave.



# PSLO in a nutshell (1 of 2)

**Accrue 1 hour of PSL for every 30 hours worked**

**ONE HOUR EARNED**  
for every  
**30 WORKED**



# PSLO in a nutshell (2 of 2)

- Accrue PSL starting on day 1
- Use PSL hours after 90 days
- Accrued sick leave carries over from year to year



# Sick Hours Accrual Caps

- 40 hours for small business (Employers with <10 Employees)
- 72 hours for all other Employers



# About Paid Time Off (“PTO”)

- Available for sick leave purposes
- Meet the PSLO accrual requirements
- Allow carryover from year to year



# Sick Leave Pay under PSLO

- Paid sick leave must be paid at the employee's regular hourly rate
- Must be paid no later than the next regular payday after the leave is taken



# Employers' Responsibilities (1 of 2)

- **Posting:** Post the notice in a conspicuous place at any workplace or job site where any Employee works.
- **Notification:** Employers must list an Employee's PSL balance on the Employee's pay stub



# Employers' Responsibilities (2 of 2)

Records: Employers must retain records documenting hours worked by Employees and paid sick leave taken by Employees

Allow OLSE access to the record when needed without advance notice.



# Requesting/Using Paid Sick Leave

- Doctor's note is not required for the use of PSL for 3 or fewer consecutive days
- Employers may require reasonable notification of absence when PSL is used or is planned to be used.



# Separation from employment

- Employers are not required to pay out accrued, unused paid sick days at the end of employment
- Payout is required if PSL is included in the PTO Policy.
- Employees re-hired within one year – their previously accrued and unused paid sick leave shall be reinstated



# Last reminder: No Retaliation!

- **Retaliation is prohibited**

Employers may not retaliate against employees for asserting their PSL rights, which is the same as we discussed with the MWO.



# PSLO Resources

Website: [www.sfgov.org/olse/pslo](http://www.sfgov.org/olse/pslo)

## PSLO Contact:

Hotline: (415) 554-6271

Email: [psl@sfgov.org](mailto:psl@sfgov.org)



# Wages and Time Off Question and Answer Session

Question cards are being circulated in the room.

Please complete a card with your question and include your contact information.

If your question is not addressed during today's symposium, staff will follow up with you by email within 48 hours using the contact information provided.



# Wages and Time Off Panel Discussion

Moderator:

Hallie Albert, Deputy Director

Panelist:

Beverly Popek, Supervising Compliance Officer (MCO)

Josh Pastreich, Supervising Compliance Officer (MWO & PSLO)





# Parity In Pay Ordinance

Jade San Diego  
Compliance Officer



Office of Labor Standards Enforcement

# Parity in Pay Legislative History



The Ordinance will help ensure that an individual's prior earnings, which may reflect widespread, longstanding, gender-based wage disparities in the labor market, do not continue to weigh down a woman's salary throughout her career.



# Covered Employers and Employees

## Covered Employers

All employers required to be registered to do business in San Francisco\* are covered.

## Covered Employees/Positions

All employees/positions working within the geographic boundaries of San Francisco\*, including part-time employees, are covered.

\*Federal Enclaves (i.e. The Presidio or Fort Mason) are not covered.



# Key Provisions (1 of 2)



1. Employers may not ask applicants about their current or past salary.

Don't ask for this information on the application, text, email, interview, etc.

2. Employers may not disclose a current or former employee's salary history without that employee's written authorization unless the salary information is publicly available.



# Key Provisions (2 of 2)



3. An applicant may choose to share salary/pay information voluntarily and without prompting. If the applicant does so, the employer may consider that information in determining the salary to offer that applicant.



# Parity In Pay Best Practices



- Ensure that all steps of the hiring process does not inquire about salary history such as the job application.
- Inform everyone involved in the hiring process about the requirements under the Parity in Pay Ordinance.



# Parity In Pay Ordinance Resources

Website: [www.sfgov.org/olse](http://www.sfgov.org/olse)

Phone: (415) 554-6469

Email: [ParityPay@sfgov.org](mailto:ParityPay@sfgov.org)





# Lactation Accommodation in the Workplace

Jade San Diego  
Compliance Officer



Office of Labor Standards Enforcement

# Covered Employers & Employees

## Covered Employers

All employers – except for government entities – that have employees working in San Francisco\* are covered.

## Covered Employees

All employees working within the geographic boundaries of San Francisco\*, including part-time employees, are covered.

\*Federal Enclaves (i.e. The Presidio or Fort Mason) are not covered.



# Legislative History

- The purpose of the ordinance “is to provide a supportive work environment to enable employees who are nursing mothers to breastfeed or express breast milk during work hours”.
- Complements State and Federal law.
  - Amended the San Francisco Police and San Francisco Building Codes.



# Employer Requirements – Lactation Breaks

Employers must provide a reasonable amount of break time for employees to express breast milk.

- Break time shall, if possible, run concurrently with any break time already provided to the employee.
- Break time that does not run concurrently with the rest time authorized under State law may be unpaid.



# Employer Requirements – Lactation Location (1 of 2)

Other than a bathroom, in close proximity to the employee's work area that:

- Is shielded from view and free from intrusion
- Is safe and clean
- Contains a surface
- Contains a place to sit
- Has access to electricity
- Is not a bathroom



# Employer Requirements – Lactation Location (2 of 2)

- Employers in multi-tenant buildings may use a shared location if they cannot satisfy the location requirements on their own.
- Employers must provide, in close proximity to the employee's work area, access to a refrigerator and a sink with running water.



# Definition of “Close Proximity”

Depends on the specifics of the situation, but it must be close enough that its location does not deter a reasonable employee from using it.



# Employer Requirements – Lactation Accommodation Policy

1. Identify the process by which an employee may submit a request.
2. Employer must respond within 5 business days.
3. Must engage in an interactive process with employee to determine the appropriate:
  - a) lactation break period(s)
  - b) location



# Denying the Request

If you deny the request, you must provide the employee a written response that identifies the basis upon which you have denied the request.



# Exemptions (1 of 2)

- An employer may establish an exemption from a requirement in the Ordinance to provide lactation breaks and/or a lactation space.
- Such exemptions may not be available under state law.
- **Employer must still comply with all other requirements of the Ordinance, as well as all state and federal legal requirements.**



# Exemptions (2 of 2)

## Undue hardship exemption under the Ordinance

Significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of the employer's business.

Examples of possible undue hardship may include:

- building a room
- undertake a construction project
- remove seating from a restaurant
- remove retail floor space

# Best Practices (1 of 2)

- Learn about lactation.
- Watch the On-Demand Lactation In the Workplace Video.
- Use sample policies to make your own.
- Read the Rules and Regulations on our website.
- Read the FAQ our website.



# Best Practices (2 of 2)

- Distribute policy at the time of hire and/or issue a memo with a copy of the policy to current employees.
- Make sure the policy is in your handbook.
- Retain records.
- Contact OLSE if you have any questions.



# Lactation in the Workplace Resources

Website: [www.sf.gov/olse-lwo](http://www.sf.gov/olse-lwo)

Phone: (415) 554-6406

Email: [lactation@sfgov.org](mailto:lactation@sfgov.org)





# Fair Chance Ordinance (FCO)

Jade San Diego  
Compliance Officer



Office of Labor Standards Enforcement

# Who is Covered?



## Employers Citywide

- 5+ employees worldwide & any employees (or planned positions) in SF.
- Any position where the employee works/will work at least 8 hours/week in SF.



# What is the FCO?

## The FCO is a process law.

- Step by step process that employers are required to follow regarding applicants or employees with arrest and conviction records, or related information.



### OFFICIAL NOTICE

Under the San Francisco Fair Chance Ordinance, employers must follow ~~strict rules regarding~~ criminal records. Employers with 5 or more employees worldwide that are located or doing business in the City <sup>Who is Covered?</sup>

- Employers MAY NOT ask about arrests or convictions on a job application.
- Employers MAY NOT conduct a background check or ask about criminal records until AFTER making a conditional offer of employment.
- Employers may only consider convictions that are directly related to the job, and may never consider 7 types of arrests or convictions, including convictions that are more than 7 years old (see [www.sf.gov/olse-fco](http://www.sf.gov/olse-fco)).
- Before an employer rejects an applicant based on a background check, the employer must: notify the applicant and provide a copy of the background check; give the applicant 7 days to respond; reconsider based on evidence the applicant provides.

For more information, contact:

San Francisco Office of Labor Standards Enforcement (OLSE)  
☎ (415) 554-5192 ✉ [fco@sfgov.org](mailto:fco@sfgov.org) 🌐 [www.sf.gov/olse-fco](http://www.sf.gov/olse-fco)



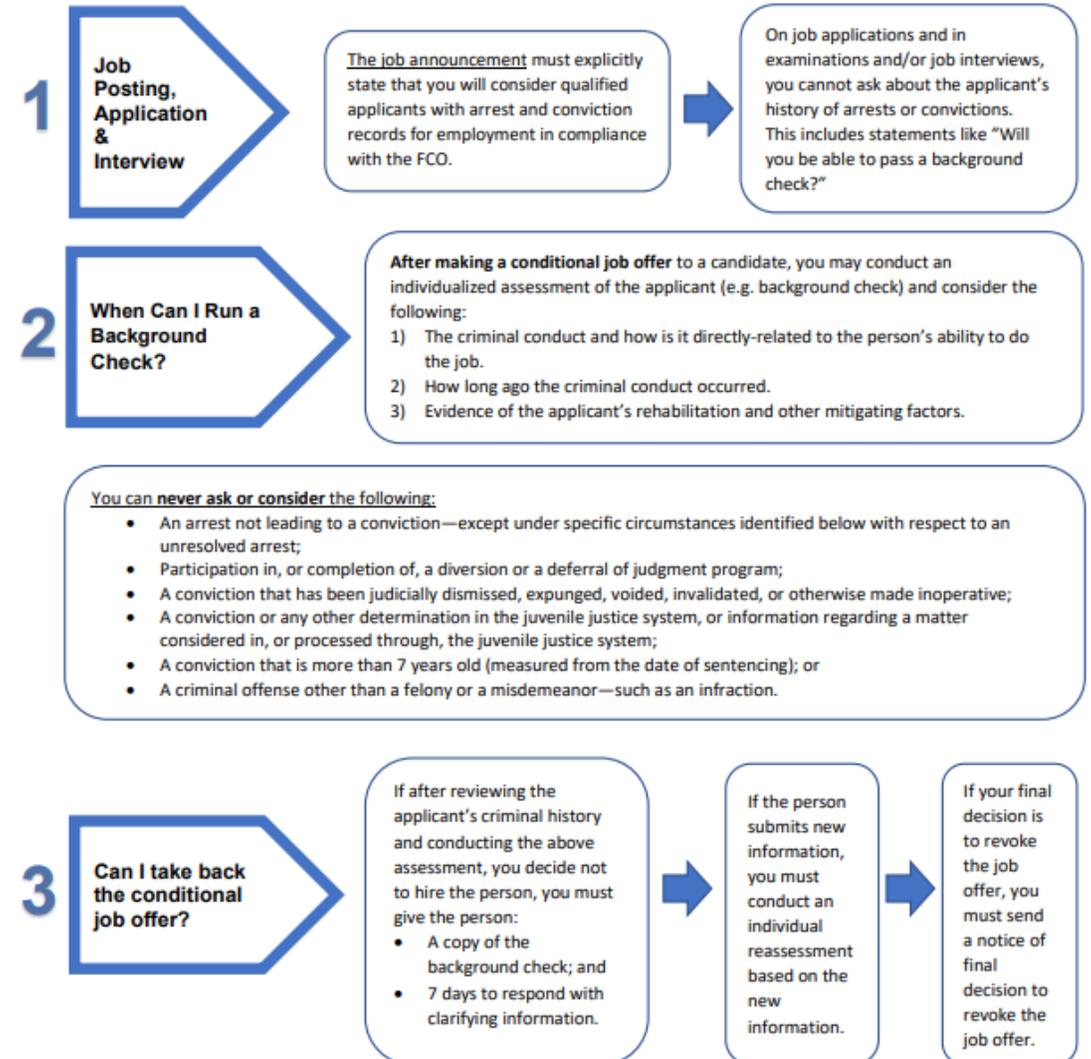
Office of Labor Standards Enforcement

## HOW TO COMPLY WITH THE FAIR CHANCE ORDINANCE

### Is the position covered by the San Francisco Fair Chance Ordinance (FCO)?

- Do you have 5 or more employees globally and are located or doing business in San Francisco?
- Do you have a new or promotional position where the employee will work 8 or more hours per week in San Francisco?

If you checked both options, the position is covered and you must follow the steps listed below:



# FCO Requirements

- Requires a compliant hiring process.
- Use our FCO Employer Tool Kit.
- Watch our FCO Employer Tool Kit Videos:

[https://www.youtube.com/playlist?list=PLFJs8bFVpkCdOQ2glqPtvh\\_W74fWYXCii](https://www.youtube.com/playlist?list=PLFJs8bFVpkCdOQ2glqPtvh_W74fWYXCii)





# Compliant Hiring Process

Jade San Diego  
Compliance Officer



Office of Labor Standards Enforcement

# 1. Job Announcements

- Announcements **cannot** say that someone with arrests or convictions will not be considered, or that a background check must be “passed.”
- Announcements **must** include an affirmative statement of compliance with the FCO:

***“Pursuant to the San Francisco Fair Chance Ordinance, we will consider for employment qualified applicants with arrest and conviction records.”***



# 2. Job Applications/Interview

- 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 conditional offer of employment.



# 3. Making a Conditional Job Offer

- The employer has the choice to conduct a background check or not.
- After a conditional of employment has been made, employer may conduct background check.
- OLSE does NOT require you to conduct a background report.
- The employer can make the decision to hire the applicant.



# 4. Background Report

**Seven 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).
7. Any decriminalized offense (such as some cannabis convictions).



# Exceptions to Prohibited Information

**Employers can consider convictions and arrests prior to 7-year look back period 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.



# State and Federal Preemptions

- Federal or State laws that require background checks for certain jobs preempt the FCO.
  - Example: financial services/insurance employees.



# 5. Individualized Assessment

- If you plan to revoke the job offer, you must conduct an individualized assessment considering:
  - The criminal conduct and how it is directly-related to the person's ability to do the job.
  - How long ago the criminal conduct occurred.
  - Evidence of the applicant's rehabilitation or other mitigating factors.
- Provide the preliminary decision to revoke the job offer.
- No automatic rejections.



# 6. Rescinding the Job Offer

- Provide the applicant a copy of the background report and a copy of the individualized assessment.
- Offer applicant **7 days** to provide clarification of errors in the background, mitigating circumstances, and evidence of rehabilitation.
  - Did the applicant perform the same job elsewhere?
  - Does the applicant have reference letters?
  - Did the applicant complete a rehabilitation program?



# 7. Individualized RE-assessment

- With the background report and new information from the applicant conduct an individualized RE-assessment and make your determination.
- If you decide to not hire the applicant, provide the decision in writing, a copy of the Re-assessment, and FCO poster as the applicant has the right to file a claim with OLSE.



# Fair Chance Ordinance Best Practices

Go to the [www.sf.gov/olse-fco](http://www.sf.gov/olse-fco) and review:

- Review the frequently asked questions and the ordinance.
- View the recorded webinar.
- Employer tool kit/flowchart

The FCO is a process law.

Gain an understanding of the necessary steps to comply with the FCO.



# Contact OLSE - FCO

FCO Website: [www.sf.gov/olse-fco](http://www.sf.gov/olse-fco)

Phone: (415) 554-5192

Email: [fco@sfgov.org](mailto:fco@sfgov.org)



# Parity in Pay, Lactation, & Fair Chance Ordinance Question and Answer Session

Question cards are being circulated in the room.

Please complete a card with your question and include your contact information.

If your question is not addressed during today's symposium, staff will follow up with you by email within 48 hours using the contact information provided.





# **Lunch Break**

## **(11:45AM to 12:30PM)**

**More information can be found at our resource table.  
Staff are also available for questions.**



**Office of Labor Standards Enforcement**



# **Health Care Accountability Ordinance (HCAO)**

Beverly Popek  
Supervising Compliance Officer



Office of Labor Standards Enforcement

# Health Care Accountability Ordinance

- **Contract Requirement**
- Applies to contracts for services and leases
- Grants to non-profit organizations are **exempt** from HCAO but company may need to comply with Health Care Security Ordinance (HCSO - CCSF City Wide Labor Law)



# Covered Employer under the HCAO

- For-profit with 20 or more employees (anywhere), or nonprofit with more than 50
- with a City contract
- or a lease for City property
- includes subcontractors/subtenants



# Covered Employee under the HCAO

- Anyone working for a covered employer
- on a City contract/leased property
- at least 20 hours a week
- working anywhere in the United States



# HCAO Requirements – Option 1 of 3

Employer must choose one of the three following options:

*Option 1.* Offer a **compliant health plan** at no charge to the employee:

- No later than the first of the month after 30 days of employment
- A compliant health plan:
  - Must meet **ALL of the HCAO Minimum Standards** for health plan. See HCAO Minimum Standards Document on HCAO webpage
- Must be offered on an annual basis



# HCAO Requirements – Option 1 of 3 (continued)

After offering the compliant health, collect from employee:

**Yes** – Enrollment Form

OR

**No** – HCAO Voluntary Waiver Form



Employers may offer other health plans, but must obtain a waiver form if the employee chooses to enroll in the other plan.



# HCAO Minimum Standards Questions? Health Plan Reviews?

**Max Gara, MPH | Health Program Planner**

Office of Policy and Planning

San Francisco Department of Public Health

[maxwell.gara@sfdph.org](mailto:maxwell.gara@sfdph.org)

(415) 554-2621



Office of Labor Standards Enforcement

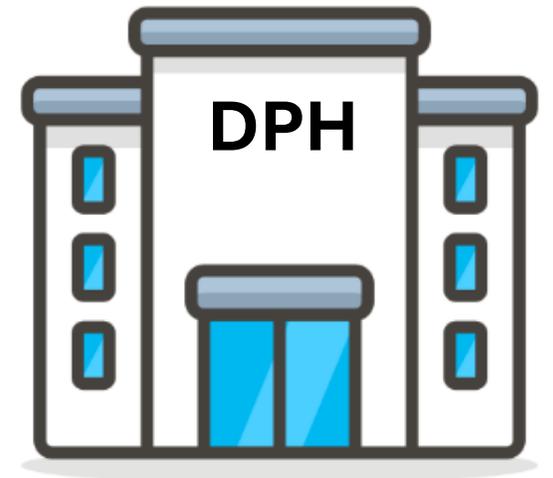
# HCAO Requirements – Option 2 of 3

*Option 2.* Pay monthly HCAO fee amount per employee per hour to the Department of Public Health (DPH)

- Rate adjusted every July 1
- Fee is for the Department of Public Health (DPH)
- The fee is **not a benefit or money for worker (this is NOT Healthy San Francisco)**
- Payment form on HCAO webpage

*This option is only for employees performing work in:*

- City and County of San Francisco
- San Francisco International Airport
- San Bruno Jail



# HCAO Requirements – Option 3 of 3

*Option 3.* Pay HCAO fee amount to covered employee.

- This is only for employees who work on a contract **outside of the City and County of San Francisco**
- This is **NOT** an option for work performed:
  - in the City and County of San Francisco
  - San Francisco International Airport
  - San Bruno Jail
- Pay employee per hour worked on monthly basis – contact our office for options.



# What if my worker is not an HCAO covered employee/worker?

If your employee/worker does not work 20 hours or more a week AND performs work in the City and County of San Francisco, then you may need to comply with the Health Care Security Ordinance (HCSO).

## Health Care Security Ordinance (HCSO)

<https://sfgov.org/olse/health-care-security-ordinance-hcso>

[hcso@sfgov.org](mailto:hcso@sfgov.org)

(415) 554-7892



# HCAO Contact Information

Office of Labor Standard Enforcement

## **MCO HCAO Hotline**

San Francisco City Hall

1 Dr. Carlton B. Goodlett Place, Room 430

San Francisco, CA 94102

Phone: (415) 554-7903

Email: [hcao@sfgov.org](mailto:hcao@sfgov.org)

Website: [www.sf.gov/olse-hcao](http://www.sf.gov/olse-hcao)





# Health Care Security Ordinance

Gabrielle Moses  
Compliance Officer



Office of Labor Standards Enforcement

# Overview

- The HCSO has been around since 2008; it is a **spending requirement**. It requires employers to spend a certain amount of money on employee health care.
- There are different ways to comply with the HCSO.
- Although it's also about health care, it is different from the HCAO.



# HCAO vs HCSO

## HCAO

- Only applies to City Contractors or Lessees;
- Only applies to employees working at least 20 hours per week on the contract or City property;
- Requires a minimum standard insurance plan (or in-lieu fee).

## HCSO

- Applies to all employers in S.F. if they have 20+ workers (for-profit) or 50+ workers (nonprofit) and some employees who perform work for a city contract;
- Applies to employees working at least 8 hours per week in SF;
- Requires a minimum spend, which can be satisfied in different ways.



# HCAO & HCSO

Note: an employer can be covered by both laws, but an individual employee can only be covered by one of the laws!



# Who is a Covered Employer?

Minimum size threshold based on the total number of persons performing work in ALL locations throughout the world, not only San Francisco

- **For-profit employers with 20+ workers worldwide per quarter**
- **Nonprofit Employers with 50+ workers worldwide per quarter**



# Defining a Covered Employee

- Employed for at least 90 calendar days with the company or organization; and
- Works at least 8 hours per week **in San Francisco** in a quarter (104 hours/quarter)

→ This means that **nearly all** of a company's San Francisco employees are covered by the HCSO. The few categories of workers who are exempt are addressed later in the presentation.

*The employee's place of residence does not matter; what matters is where the work is performed.*



# Employer Obligation #1: Satisfying Employer Spending Requirement

- Expenditures must be made *quarterly*.
- Expenditure rate is based on the employer's *global* workforce size, not just those in San Francisco.

Employer size	2026 Rate
100+ workers worldwide	\$4.11/per hour
20-99 workers worldwide (or nonprofits with 50 – 99 workers)	\$2.74/per hour

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



# Calculating the Employer Spending Requirement

- Multiply the expenditure rate by the employee's payable hours to get the correct spending amount.
- Payable hours: hours worked in SF or hours for which the employee is *entitled to be paid* (sick time, vacation, overtime). Capped at 172 hours per month.



# Forecasting the Employer Spending Requirement

Employer size	2026 rates
Large (100+ workers worldwide)	\$4.11/per hour x max 172 hours = \$706.92/monthly or \$2,120.76 per quarter
Medium (20-99 workers or nonprofits with 50-99 workers)	\$2.74/per hour x max 172 hours = \$471.28/monthly or \$1,413.84 per quarter



# Examples of HCSO Health Care Expenditures

- 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 (managed by SF Dept of Public Health, not OLSE. For more information see [www.sfcityoption.org](http://www.sfcityoption.org))



# Additional Examples of HCSO Health Care Expenditures

- Contribute to a Health Savings Account, Medical Savings Account, or other irrevocable reimbursement account.
- Combination of these options.



# Spending Requirement Deadlines

Deadlines:

- Expenditures must be made within 30 days of the end of the quarter. Exception for self-funded health plans, which are calculated annually.
- **Quarterly Deadlines:**
  - Quarter 1: Apr. 30
  - Quarter 2: July 30
  - Quarter 3: Oct. 30
  - Quarter 4: Jan. 30



# Employer Obligation #2: Mandatory Poster



## City & County of San Francisco Health Care Security Ordinance

Covered Employers Must Post Where Employees Can Read Easily

### OFFICIAL NOTICE 2026

You may be entitled to employer health care spending

Most workers in San Francisco are entitled to employer health care spending, if you:

- Work at least **8 hours** per week in San Francisco
- Have been employed by your employer for about 3 months (**90 days**)
- Work for a business that has **20 or more workers** worldwide or a non-profit with **50 or more workers** worldwide

2026 Required Health Care Spending Rates	
Employer size	Required rate
20-99 workers worldwide (or nonprofits with 50-99 workers)	<b>\$2.74 / hour</b>
100 or more workers worldwide	<b>\$4.11 / hour</b>

Your employer may choose how they spend the money. For example, your employer may pay for health, dental, or vision insurance, make payments to the SF City Option program, etc.

The City may investigate possible violations of the law, and can order employers who violate the law to pay penalties and make payments to workers. Employers may not punish employees who file a complaint or who cooperate with an investigation.

If you have any questions, please contact your employer or the San Francisco Office of Labor Standards Enforcement at (415) 554-7892 or HCSO@sfgov.org. You can also visit the OLSE website at [www.sf.gov/olse-hcso](http://www.sf.gov/olse-hcso)

### AVISO OFICIAL 2026 - Ordenanza de Seguridad del Cuidado de la Salud (HCSO)

Es posible que tenga derecho a los gastos de atención médica del empleador

La mayoría de los trabajadores en San Francisco tienen derecho a los gastos de atención médica del empleador, si usted:

- Trabaja por lo menos **8 horas** a la semana en San Francisco
- Ha estado trabajando por su empleador durante aproximadamente unos 3 meses (**90 días**)
- Trabaja para una empresa que tiene **20 o más trabajadores** en todo el mundo o una organización sin fines de lucro con **50 o más trabajadores** en todo el mundo

Tasas de gasto en atención médica requerida 2026	
Tamaño de la empresa	Tasa obligatoria
20-99 trabajadores en todo el mundo (o entidades sin fines de lucro con 50-99 trabajadores)	<b>\$2.74 / hora</b>
100 o más trabajadores en todo el mundo	<b>\$4.11 / hora</b>

Su empleador puede elegir cómo gastar el dinero. Por ejemplo, su empleador puede pagar un seguro médico, dental o de visión, hacer pagos al programa SF City Option, etc.

La Ciudad podría investigar los posibles incumplimientos de la ley, y puede ordenar a los empleadores que violen la ley que paguen multas y realicen pagos a los trabajadores. Los empleadores no deben castigar a los empleados que presenten una queja o que cooperen con una investigación.

Si usted tiene alguna pregunta, comuníquese con su empleador o con la Oficina de Normas Laborales de San Francisco en



# Employer Obligation #3: Maintain Records

Maintain records for four years of:

- Payable hours;
- Health care expenditures made (including insurance enrollment and invoices);
- HCSO waiver forms, if any;



# Additional Record Keeping

- Anything else you'd need to demonstrate compliance (work location, payroll records showing start & end dates, City Option contributions, etc.)



# Employer Obligation #4: Annual Reporting Form

- Available April 1 each year; due April 30<sup>th</sup> each year
- Purpose: to demonstrate total health care spending for SF employees and demonstrate the different compliance options the employer utilized



# Annual Reporting Form Notification

- Notices about the Annual Reporting form are mailed to the physical address listed on the employer's business registration with the City of SF.
- Emailed to all employers on OLSE's email list. Sign up for OLSE's email list [here](#).



# Exemptions to HCSO: Medicare

Very few employees are exempt from these requirements. **The safest approach is to assume they are all covered by HCSO and entitled to health care spending.**

- Exempt: employees eligible for Medicare (program for ages 65+)
  - *Medi-Cal* is a program for low-income, uninsured Californians. Employees enrolled in *Medi-Cal* are **not** exempt. They are still covered by the HCSO and still entitled to health care expenditures.



# Exemptions to HCSO: Tricare

- Exempt: employees eligible for Tricare (an uncommon program for specific veterans).
  - Note: employees who get general VA medical benefits are **not** exempt. They are still covered by the HCSO and still entitled to health care expenditures.



# Exemptions to HCSO: Nonprofit Trainee

## NONPROFIT TRAINEE EXEMPTION

- Exempt: temporary non-profit employees in *very specific* training programs
  - Must be a bona fide training program consistent with Federal law, which enables the trainee to advance into a permanent position
- Temporary employees, interns, student workers, etc., are still covered by the HCSO and still entitled to health care expenditures



# Exemptions to HCSO: Managers & Supervisors

Exempt: managerial & supervisory employees who earn a certain salary.

- Salary amounts change annually; (2026: \$128,861/annually or \$61.95/per hour)
- HCSO has a specific definition for “managerial” and “supervisory” that is different from other laws;
- **Always** contact OLSE for more information. Do **not** assume that all highly paid employees are exempt. Do **not** assume that any employee with the word “manager” in their title is exempt.



# Exemptions to HCSO: Waiver Form

- Exempt: Employees who sign voluntary waiver forms. Form must be:
  - (1) OLSE's specific waiver form for HCSO (**not** simply a form in which employee declines insurance): found at <https://www.sf.gov/information--health-care-security-ordinance>;



# Exemptions to HCSO: Waiver Form Part 2

(2) Signed voluntarily (free of coercion by employer);

(3) Employee **must** have health care services from **another employer** (spouse/domestic partner's job; parents' job; employee's other job) AND be willing to waive their right to an alternate expenditure.



# Waiver Form: Do's & Don'ts

- Waivers are good for one year only, can be revoked by the employee at any time, and cannot be retroactive.
- Employees who buy their own insurance, or who have Medi-Cal, or are uninsured, may **not** sign a waiver.



# Waiver Form: Exception NOT the Rule

- **Waivers are the exception, not the rule**; most employees do not want to sign them because they are entitled to an expenditure even if they have insurance from elsewhere.
- Remember, the purpose of the HCSO is to ensure that employers *make expenditures*. The purpose of the HCSO is *not* just to get forms signed.



# Common Compliance Issues

- Failing to make any health care expenditures for anyone;
- Disregarding part-time workers who work 8+ hours/week and may not qualify for the employer's health insurance program;
- Surcharge violations (collecting \$ from customers but then not spending it on health care)



# Possible Outcomes

- Employers may face enforcement actions, including but not limited to audits; assessment of restitution, interest, and penalties; administrative hearings and/or court actions.

*HOWEVER...*

- OLSE does not punish employers who contact us to ask questions, or who realize they have a compliance issue and want our help figuring out how to remedy it.
- It is always better for an employer to proactively contact OLSE than to have us take enforcement action.





**Thank you!**

Phone: (415) 554-7892

Email: [hcsosf@sfgov.org](mailto:hcsosf@sfgov.org)

Website: [www.sf.gov/olse-hcso](http://www.sf.gov/olse-hcso)



Office of Labor Standards Enforcement

# Health Requirements Question and Answer Session

Question cards are being circulated in the room.

Please complete a card with your question and include your contact information.

If your question is not addressed during today's symposium, staff will follow up with you by email within 48 hours using the contact information provided.



# Health Requirements Panel Discussion

Moderator:

Hallie Albert, Deputy Director

Panelist:

Beverly Popek, Supervising Compliance Officer (HCAO)

Maura Prendiville, Supervising Compliance Officer (HCSO)





# **Afternoon Break**

## **2:00PM to 2:15PM**

**More information can be found at our resource table.  
Staff are also available for questions.**



**Office of Labor Standards Enforcement**



# **Family Friendly Workplace Ordinance (FFWO)**

Beverly Popek  
Supervising Compliance Officer



Office of Labor Standards Enforcement

# Today's Presentation

- Employee Rights
- Covered Employer
- FFWO Requirements
  - Notice and Poster
  - FFWO Process
- Best Practices
- Resources



# Employee Rights

The FFWO gives Covered Employees the right to a flexible or predictable working arrangement to assist with caregiving responsibilities for:

1. A child(ren) for whom the Employee has assumed parental responsibility.
2. A person(s) with a serious health condition in a family relationship with the caregiver.
3. A person who is age 65 or older and in a family relationship with the caregiver.



# Family Relationship Defined

- “Family Relationship” means a relationship in which a Caregiver is related by blood, legal custody, marriage, or domestic partnerships (as defined in San Francisco Administrative Code Chapter 62 or California Family Code Section 297, as either may be amended from time to time), to another person as a spouse, domestic partner, child parent, sibling, grandchild, or grandparent.



# Covered Employer under the FFWO



20 OR MORE  
EMPLOYEES  
WORLDWIDE



A BUSINESS LOCATION\*  
WITHIN THE  
GEOGRAPHIC  
BOUNDARIES OF THE  
CITY AND COUNTY OF  
SAN FRANCISCO

\*A business location is any physical space  
used for the business to run its operations.



Office of Labor Standards Enforcement

# FFWO Covered Employee

1. Works at least 8 hours per week;
2. In the geographic boundaries of San Francisco (extending to telework if Employee is assigned to the San Francisco business location);
3. Has been employed by Covered Employer for 6 months or more.



# What about Employees who telework?

An Employee is covered by the FFWO if they are assigned to a San Francisco business location at the time the request is made, regardless of where they are physically working.

An Employee is NOT covered by the FFWO if they were never assigned to the San Francisco office.



# FFWO – Telework Considerations

When determining where a remote Employee is assigned for purposes of the FFWO, an Employer should consider factors including, but not limited to:

- the location of the Employee’s computer, manager, teammates or co-workers
- personnel file
- where the Employee worked prior to beginning Telework
- Employee’s proximity to the business location

*Rules Implementing FFWO (as amended), Rule 2.3.*



# Employer Requirements Under FFWO: Review Written Request

1. Upon receiving a completed written request, review to determine if you can provide the Employee with the flexible or predictable work arrangement to assist in caring for their children, family members with serious health conditions, or family member 65 or older as requested.



# Employer Requirements Under FFWO: Interactive Process

2. If you do not agree to the request, engage in a good faith interactive process to determine a mutually-agreeable arrangement.



# Employer Requirements Under FFWO: Written Response

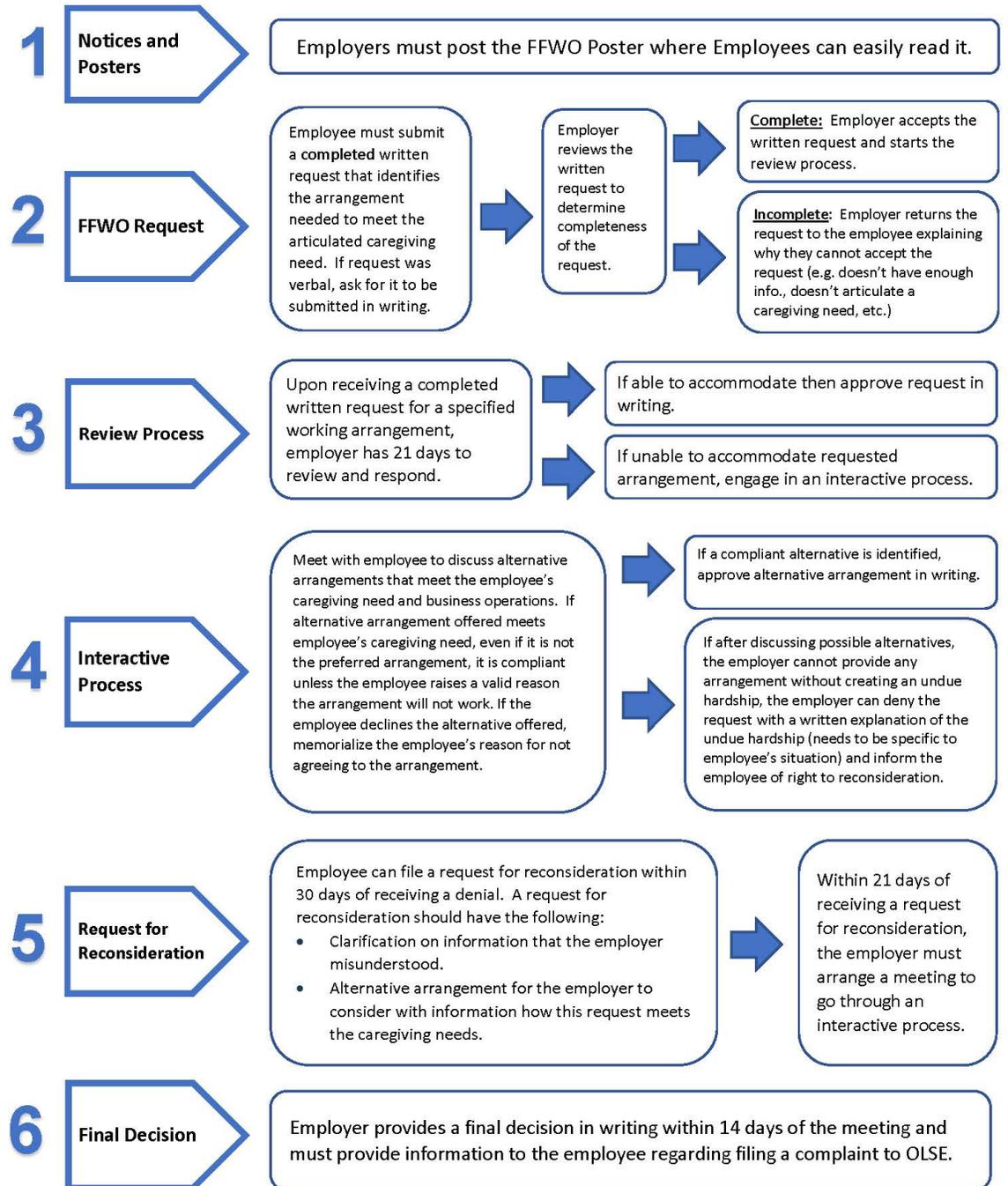
3. If, after considering alternative arrangements, you are still unable to accommodate the arrangement, notify the Employee in writing within 21 days of the request, explaining:

- the undue hardship determination
- the Employee's right to request reconsideration
- right to file a complaint with OLSE.



# FFWO PROCESS CHART

Available at [www.sf.gov/olse-ffwo](http://www.sf.gov/olse-ffwo)



# FFWO Chart No. 1: Posting Requirements

Employers must post the official FFWO Notice/Poster in a conspicuous place at any workplace or jobsite where any employee works.



# Posting Requirements – Language Access

## Language Requirements:

- Notice must be posted in English, Spanish, Chinese and any language spoken by at least 5% of the employees at the workplace.

The OLSE's website has printable versions of the FFWO Notice and Poster in English, Spanish, Chinese, Filipino and Vietnamese. Employers are responsible for translating the notice to any other languages and providing it to their workforce.  
*Rules Implementing FFWO, Rule 11.*



# FFWO Chart No. 1: Notice Requirements

Employers must provide:

- the FFWO request form (or comparable form), within a reasonable time after the employee inquires about an FFWO accommodation.

A sample FFWO form is available on the OLSE website.



# Notice Requirements

Employers must also:

- provide the FFWO form to current and new employees
- add the FFWO policy to the Employee Handbook when the handbook is updated.



# FFWO Chart No. 2 – Written FFWO Request

Request must be:

- in writing.
  - If Employee makes a verbal request, Employer must immediately direct the Employee to submit in writing.
- for caregiving responsibilities as defined under FFWO.



# FFWO Request: Requirements

The FFWO request must:

- explain how the request is related to caregiving.
- be specific as to the proposed start and end dates, modified hours, days, work location, predictable hours, etc.



# FFWO Request: Timing

- Request date should be at least 21 calendar days\* prior to the requested start date for the flexible or predictable working arrangement as Employers have 21 calendar days to issue a determination.

\*If requested start date of the arrangement is less than 21 days from the time of the request, Employer should make best efforts to make a timely decision, but the law affords the Employer 21 days to issue a determination.



# FFWO Chart No. 3: Review Process



Once a completed written request is received, Employer has **21 days to respond to the request.**



Employer has the right to request verification.\*



The 21-day deadline may be extended if there is an agreement with the Employee confirmed in writing.



\*More information discussed on next slide



# Verification

1. Employee's attestation may suffice but Employer can request verification within limits.
2. The Employer **may ask** the Employee to provide confirmation of the obligation (e.g. medical appointment is on Tuesdays at 3pm).
3. The Employer **may not ask** for confirmation about the reason for the appointment or extraneous verification, such as from Employee's family members that they are unavailable to assist, when there is no basis to believe that Employee's attestation is invalid.



# Granting the Request

If the Employer is able to accommodate the request, then approve the agreement in writing to the Employee.

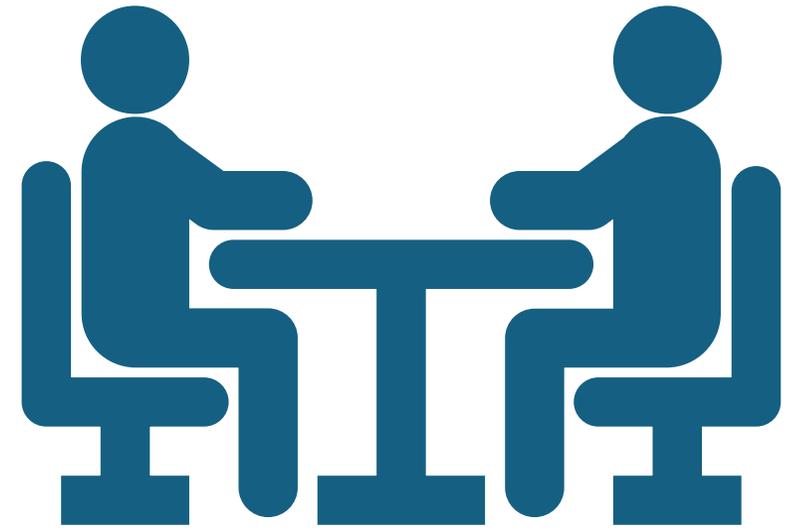
This must be completed within **21 days of receiving the Employee's request.**



# If Employer cannot accommodate the requested arrangement...

## Engage in an interactive process

1. Both Employer and Employee must engage in an interactive process where they meet to discuss alternative arrangements that satisfy the Employee's caregiving need and do not cause undue hardship.
2. The Employer may approve an alternative arrangement that effectively meets the Employee's caregiving responsibilities.



# FFWO Chart No. 4: Interactive Process

Engage in an interactive process with the Employee to attempt in good faith to determine a Flexible or Predictable Working Arrangement that is acceptable to both the Employee and Employer.



# Interactive Process: Essentials

1. Interactive process - timely, good faith discussion, either orally or in writing, between the Employer and Employee.
2. Exchange essential information without delay or obstruction of the process.
3. Employer should analyze the functions and purpose of the Employee's position in relation to the operations of the Employer.



# Interactive Process: Alternative Arrangements

4. The Employer should consider the requested arrangement but may approve an alternative arrangement that is effective in meeting the Employee's caregiving responsibilities if that arrangement causes less impact on the operations of the business.
5. If Employer provides an alternative arrangement that would meet the caregiving needs of the employee and the employee declines, the employer is still compliant.



# If no agreement is met...



If Employer seeks to deny the request, they must prove **undue hardship**, demonstrating the request would cause significant expense or operational difficulty.



An Employer is not required to alter or impede their business operations in a manner that would cause significant expense or operational difficulty.



# Reason for Denial: Undue Hardship



Undue Hardship - causing the Employer significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of the Employer's business.



The denial must be in consideration of the most current arrangement the Employee has requested, whether it be the original request made or the alternative arrangement identified in the interactive process.



# Reason for Denial: Undue Hardship (2 of 3)

If an Employer asserts that it can only comply with some of the requested arrangement (e.g., the Employer can reduce hours but not allow the Employee to begin work earlier in the day) without undue hardship, it should comply with those provisions of the request and demonstrate undue hardship for the part of the request it cannot accommodate.



# Reason for Denial: Undue Hardship (3 of 3)

Each situation is unique and subject to an individualized analysis, and Employers should consider their circumstances in determining whether they can.



# Denying the FFWO Request

An Employer must explain the denial in a written response containing the following:

1. Explanation of the basis for the denial and undue hardship.
2. Notification to the Employee of their rights to:
  - a) Request reconsideration by the Employer under L.E.C. Section 32.6; and
  - b) File a complaint under L.E.C. Section 32.8, including a copy of the notice under L.E.C. Section 32.10.



# FFWO Chart No. 5: Request for Reconsideration

01

Worker has right to request reconsideration within 30 days after the denial.

02

Employer must meet with the Employee within 21 days to discuss and reconsider FFWO request.

03

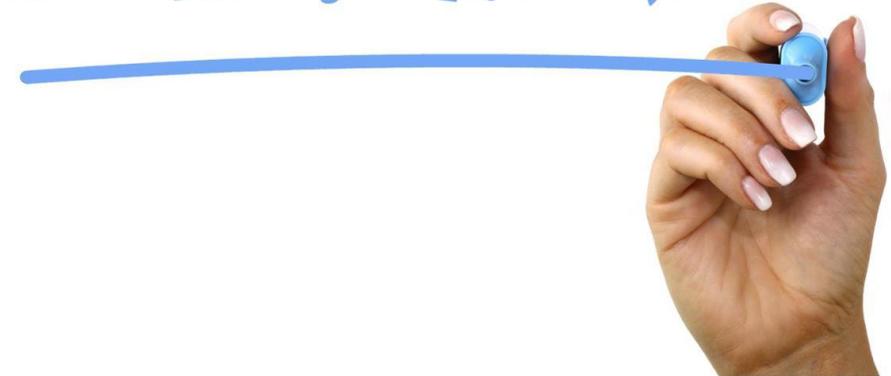
Employer must issue a final decision in writing within 14 days of the meeting.



# FFWO Chart No. 6: Final Denial

Employer provides a final decision in writing within 14 days of the meeting and must provide information to the employee regarding filing a complaint to OLSE.

DENIAL



# Employee May File a Complaint with OLSE

**An Employee can file a complaint if:**

1. They received a response from the Employer.

OR

2. The time frame elapsed without receiving a response from the Employer.



# Best Practices under the FFWO (1 of 2)

Must engage in an interactive process with the Employee to attempt in good faith to determine a Flexible or Predictable Working Arrangement that is acceptable to both the Employee and Employer.

Interactive process - timely, good faith, discussion, either orally or in writing, between the Employer and Employee.

Feel free to meet and discuss the request with Employee but everything should be memorialized in writing.



# Best Practices under the FFWO (2 of 2)

Keep good notes, emails, analysis, calculations, etc.

Must save all documents involved in the FFWO process for at least three (3) years.

Remember that each situation is unique and subject to individualized analysis.



# FFWO Resources on OLSE's Website

Visit: [www.sf.gov/olse](http://www.sf.gov/olse)

- Video On-Demand for FFWO\*
- Poster/Notice
- Sample FFWO Request Form
- FFWO Process Chart
- Rules and Regulations
- Legislative Information

\* This VOD is a different presentation with different examples.





# FFWO Contact Information

Office of Labor Standard Enforcement  
San Francisco City Hall  
1 Dr. Carlton B. Goodlett Place, Room 430  
San Francisco, CA 94102

Phone Number: 415-554-6424

Email: [ffwo@sfgov.org](mailto:ffwo@sfgov.org)

Website: [www.sf.gov/olse-ffwo](http://www.sf.gov/olse-ffwo)



Office of Labor Standards Enforcement



# **Paid Parental Leave Ordinance**

Bernice Casey  
Compliance Officer



**Office of Labor Standards Enforcement**

# Reminder – Airport / Government Employers

- This law does not apply to employees working at **San Francisco International Airport**
- This law does not apply to **any government employer** (City and County of San Francisco, school districts, utility districts, University of California, SFSU, federal government, etc.)



# What is the Paid Parental Leave Ordinance?

- Requires Covered Employers to pay supplemental compensation to Covered Employees who receive California Paid Family Leave for child bonding purposes
- Intended to help Covered Employees take all eight (8) weeks of California Paid Family Leave for child bonding, without worrying about loss of income



# Who are Covered Employers?

- Global count of 20 or more employees
- If the number of employees fluctuates, average employees over the PPLO Lookback Period
- Government entities are NOT covered (CCSF, UCSF, SFUSD, etc.)



# What must a Covered Employer do?

- Post/distribute the PPLO poster
- Provide the PPL form to any employee who states they will become or have become a parent
- Calculate and pay Supplemental Compensation on time and in full
- Keep records of noticing and payment



# Who are Covered Employees?

- Works in geographical boundaries of San Francisco
- Has been employed for 180 days before leave period
- During the PPLO Lookback Period, worked in San Francisco for threshold time, e.g. 8 hr and/or 40%
- Applies for and receives CA Paid Family Leave (PFL) from the Employment Development Department (EDD)



# Leave Laws

The employee does not have to be covered by other state or federal leave laws (CFRA, FMLA) to receive the PPLO benefit



# Key Term: PPLO Lookback Period

- The twelve (12) weekly, six (6) semi-monthly or bi-weekly, or three (3) monthly pay periods before the first day of an employee's leave
- Employers cannot use unpaid or partially paid pay periods
- When in doubt, call OLSE with questions about whether employer and employee are covered by the PPLO



# How is the Lookback Period used?

1. To determine if an employer is covered when the number of employees fluctuate
2. To determine if an employee is covered when work location(s) changes
3. To determine if an employee is covered when hours fluctuate
4. To calculate the average Normal Weekly Wage when wages fluctuate.



# Employer's To-Do List

1. Post the Poster
2. Provide the PPLO form to any employee who indicates that they will be or have become a parent (Other employer obligations under federal & state law)
3. Determine employee eligibility
4. Calculate and pay employee



**Office of Labor Standards Enforcement**



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

### Step 1

#### Give Notice to Employees

Post OLSE's annual notice.

Include information about supplemental pay under the SF Paid Parental Leave Ordinance (SF PPLO) in employee handbook.

### Step 2

#### Give Employee SF Paid Parental Leave Form (SF PPL Form)

The form is available at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).

Give your employee a copy as soon as they ask about parental leave or notify you that they are expecting a newborn, adopted, or foster child. If the company has vacation or PTO policies, review those with the employee now.

### Step 3

#### Determine Employee's Eligibility

The employee is eligible if they: (1) started work for you at least 180 days before the leave; (2) work for at least 8 hours and 40% of their total week hours in San Francisco; (3) have applied for and are eligible for EDD Paid Family Leave.

### Step 4

#### Calculate & Pay Supplemental Compensation

You will need the employee's Normal Weekly Wages and EDD Weekly Benefit amount. This information will be on the completed SF PPL Form and EDD Notice of Computation, which the employee receives from the EDD.

Calculation instructions are 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 [pplo@sfgov.org](mailto:pplo@sfgov.org) or at (415) 554-4190 with any further questions or online at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).

# Employee's To-Do List

1. Apply for California Paid Family Leave, online or in paper form
2. Complete the San Francisco Paid Parental Leave (PPL) form
3. Submit the completed SF PPL form and the Notice of Computation to Employer
4. Maintain records and receipts from EDD



Office of Labor Standards Enforcement



## Step 1

### Apply for EDD Paid Family Leave

Apply for PFL through the Employment Development Department (EDD) online at [www.californiapaidfamilyleave.com](http://www.californiapaidfamilyleave.com) or with a [paper application](#). If you do not have a driver's license or ID, use a paper application.

Check box A22, allowing EDD to disclose your benefit amount to your employer.

## Step 2

### Complete SF Paid Parental leave Form (SF PPL Form)

Your employer should give you the form. You can also find it online at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).

If you have multiple employers, complete a form for each employer.

## Step 3

### Give Employer SF PPL Form and EDD Notice of Computation

The EDD will send you a Notice of Computation that includes your weekly benefit amount. If you were paid State Disability Insurance (SDI) before PFL, use the Notice of Computation the EDD sent you for your SDI claim.

## Step 4

### Notify Employer When You Receive First PFL Payment

Your employer may ask for your Notice of Payment or Electronic Benefit Payment Notification.

Please contact the Office of Labor Standards Enforcement at [pplo@sfgov.org](mailto:pplo@sfgov.org) or at (415) 554-4150 with any further questions or on line at [www.sfgov.org/pplo](http://www.sfgov.org/pplo).

# Paid Family Leave (PFL)

- Employee funded benefit that can be taken consecutively or intermittently
- **Eight weeks** of partial wage replacement to employees caring for a seriously ill family member; OR bonding with a newborn, adopted or foster child
- Benefit, depending on income, is 70 to 90% up to cap
- Both parents can take the same or different time
- Must be taken within one year of birth, adoption or placement

**PFL Questions: Call 855.342.3645**



**Office of Labor Standards Enforcement**

# PFL Updates 2026

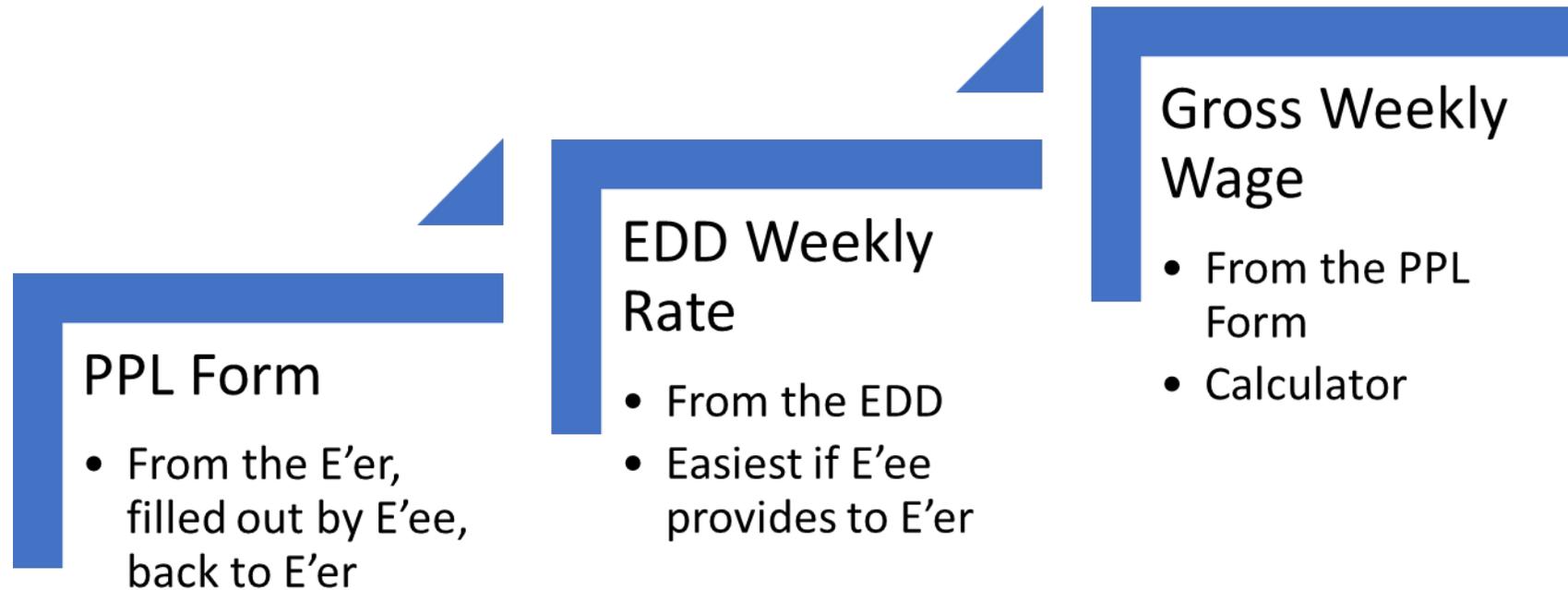


- Percentage increase to 70 – 90% of cap

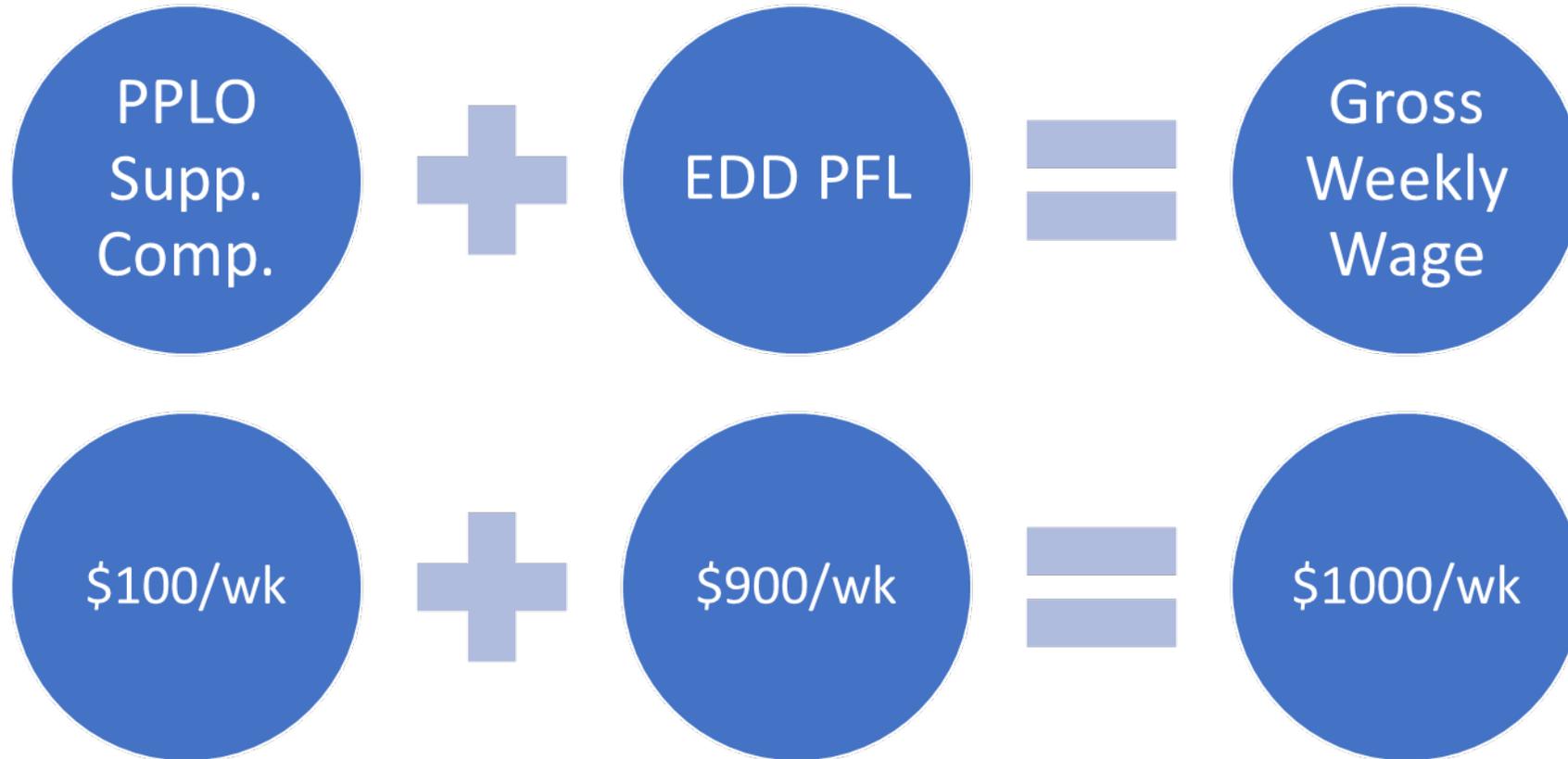
PFL Questions: Call 855.342.3645



# Calculations: What the Employer Needs



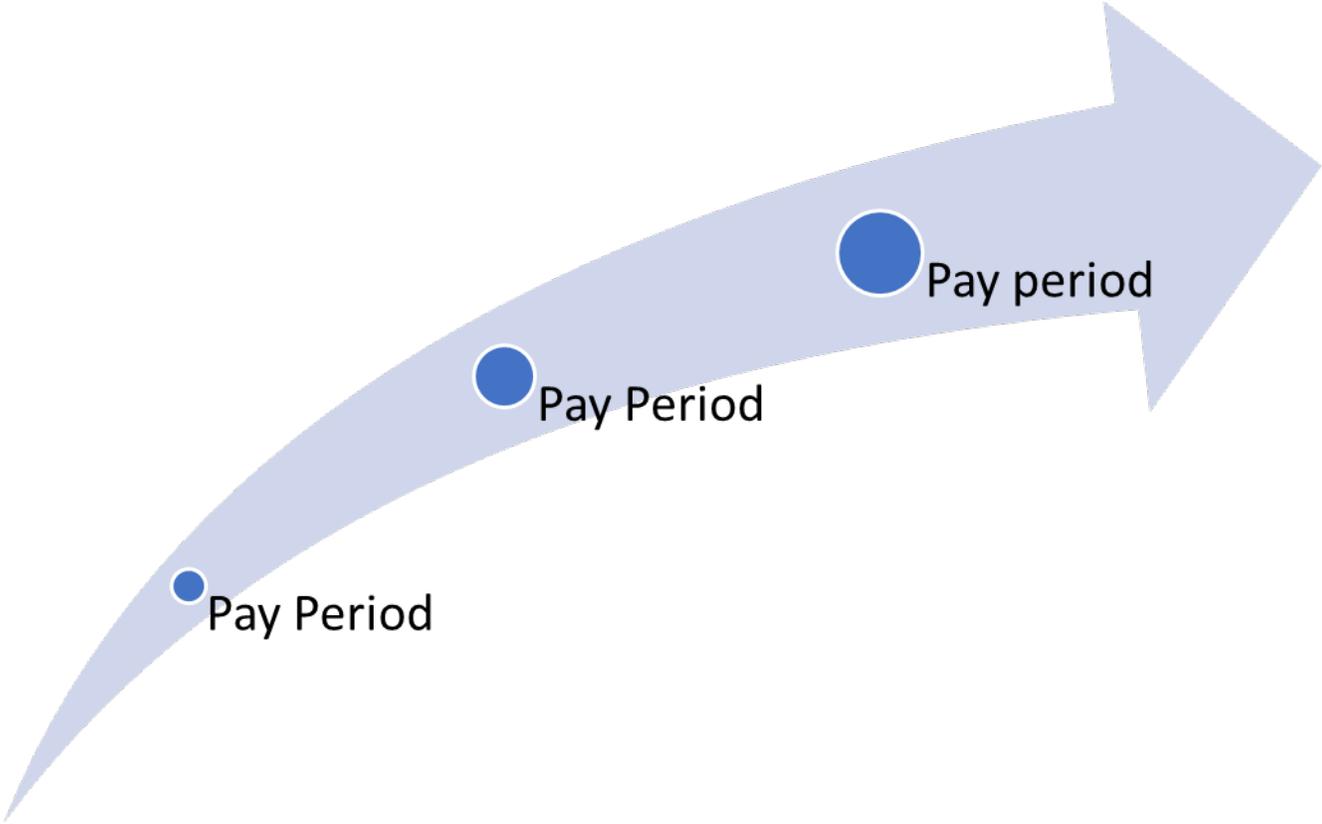
# The Math – Median Wage Earner



# The Math – Maximum Earner



# When To Pay Supplemental Compensation



# Paid Parental Leave Ordinance: Common Compliance Issues

- Notifying employees about their rights: *as soon as you become aware that an employee expects to become a parent via birth, adoption, or fostering*, provide them with the PPLO form and document that you provided the form.
- Common misconceptions:
  - Paid Family Leave and PPLO compensation are only for birth mothers (false)
  - An employee must take their eight weeks all at once (false)
  - If an employee hasn't worked for 180 days, I don't need to notify them of their rights (false, against plain language of law)



# Scenario: Birth / Bonding in Different Years

- Employee took disability for pregnancy and gave birth in 2025.
- Employee now wants to take PFL in 2026.
  
- Is this permitted?
  - Yes, employee can go on PFL within 1 year.
  
- What is the appropriate claim date, cap, etc.?
  - The original claim date will follow the employee.
  - If the employee applied in 2025, the 2025 dates control.
  - The 2025 cap will apply.



# Scenario: Multiple Employers

- Employee A works for Employer X, 16 hours per week in San Francisco, and for Employer Y, 32 hours per week in Oakland.
- Does Employer X have to pay Employee A Supplemental Compensation?
  - Yes – Employee A works regularly in San Francisco for Employer X.
- If yes, what wages should Employer X replace?
  - Only wages paid by Employer X.
  - Employer X isn't responsible for Employer Y's wage replacement.
  - Employee A doesn't work in San Francisco for Employer Y. Those wages will not be replaced under the SF PPLO.



# Paid Parental Leave Ordinance Best Practices

- Update your Employee Handbook/Portal about PPLO
- Train everyone
- Keep records of when, how & in what language PPL forms were provided
- Communicate with the employee throughout the leave period
- Use the Calculation Tools on the OLSE website & pay employee at regularly scheduled pay periods



# Employer Resources on PPLO Website

- Official Poster for Posting
- Webinar slides and audio presentations
- Downloadable Excel Calculators
- Written Calculation Instructions
- FAQs & Rules
- Employee & Employer documents in multiple languages

[www.sf.gov/pplo](http://www.sf.gov/pplo)



# Questions?

415.554.4190

[pplo@sfgov.org](mailto:pplo@sfgov.org)

[www.sf.gov/pplo](http://www.sf.gov/pplo)





# **Military Leave Pay Protection Act**

Maura Prendiville  
Supervising Compliance Officer



**Office of Labor Standards Enforcement**

# What is the Military Leave Pay Protection Act (MLPPA)?

Military reserve and National Guard personnel are often required to take military leave from work in order to attend training, and to assist with emergencies. They have been deployed to respond to the pandemic and natural disasters, to protect state and federal Capitols, and are sent overseas.

Reservists and Guards on military leave often suffer a loss in compensation because their civilian jobs pay more than their military service. The MLPPA was designed to avoid a loss in income for members of the military.

MLPPA became operative on **February 20, 2023**



# Covered Employers

## Who is a Covered Employer?

- Global count of one hundred (100) or more employees;
- Location of employer's headquarters is not relevant;
- Nonprofit vs for-profit is not relevant;
- Government entities are **not** covered employers (State of CA, UCSF, CCSF, school districts).

## What must a Covered Employer do?

- Notify employees of their right to supplemental compensation promptly after being told the employee will require time off work.
- Put MLPPA info in Employee Handbook; OLSE poster regarding MLPPA available on OLSE's [website](#).
- Calculate and pay Supplemental Compensation on time and in full
- Service members already have *job protection* under federal law and state laws.



# Covered Employees

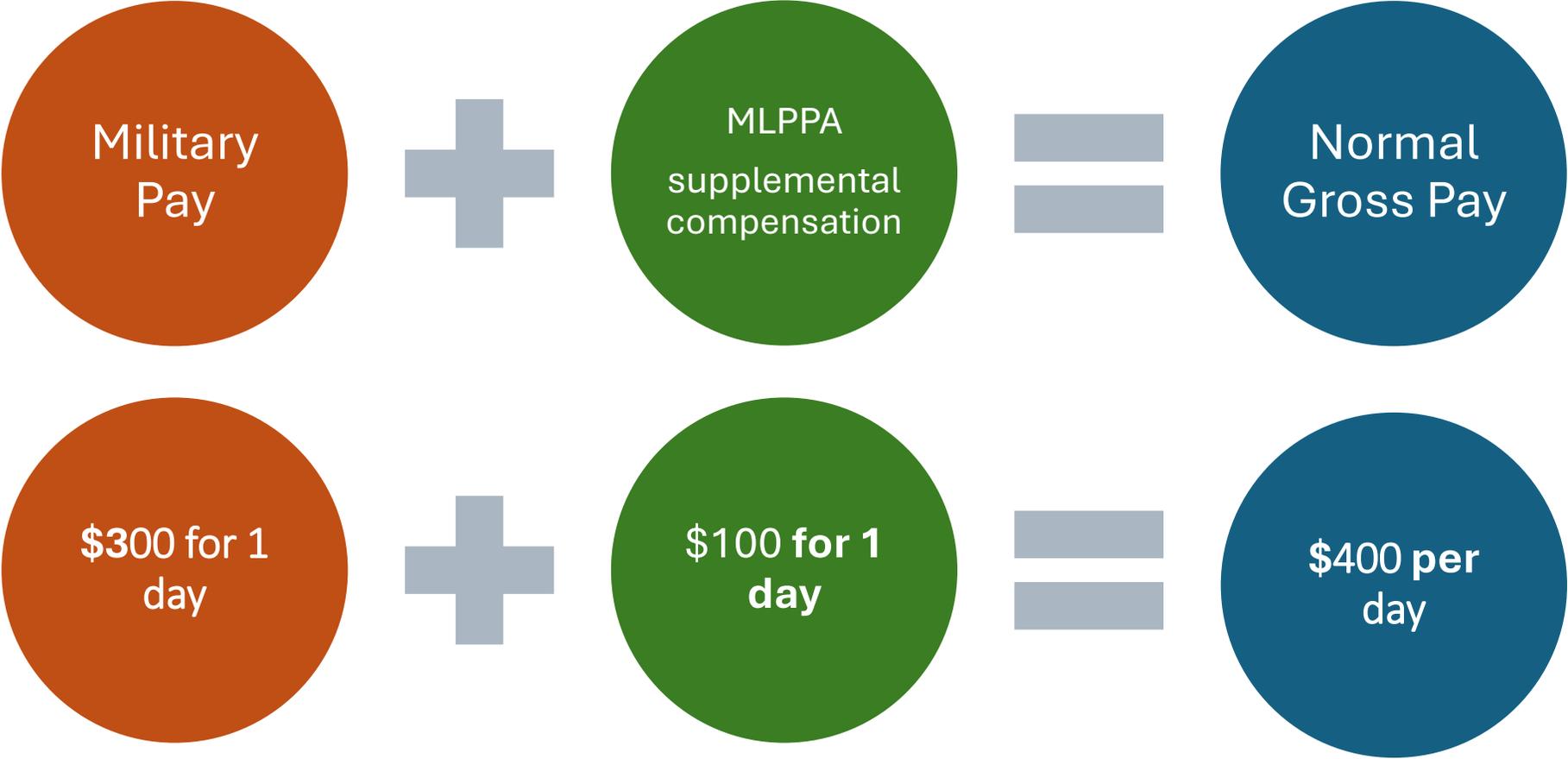
- **Work for a Covered Employer within the geographic boundaries of San Francisco**
  - No length of tenure requirements
  - Includes part-time and temporary employees
  - Note: SFO airport is not within S.F.



- **Are members of the reserve corps of the U.S. Armed Forces, National Guard, or other uniformed service organization of the U.S.**



# Calculating Supplemental Compensation: 1



# Calculating Supplemental Compensation: 2

- Employer must pay the Employee the difference between:
  - the Employee’s gross military pay; and
  - *the amount of gross pay the Employee would have received* from the Employer had the Employee worked his/her regular work schedule.
- If irregular schedule, “regular work schedule” can be determined by looking at the 3 monthly pay periods, 6 bi-weekly/semi-monthly pay periods, or 12 weekly pay periods immediately preceding the relevant period of military leave.
- Employer does *not* need to pay for days that Employee would have been working *outside of San Francisco*, or for days that they would *not have been scheduled to work*.



# Calculating Supplemental Compensation: 3

- How do I know how much pay my employee is getting from the Military?
  - Can vary based on rank
  - Employer may request that the Employee provide his/her written military orders showing pay, or a wage statement verifying the pay.
  - Employer can also use the military's [rate chart](#) to anticipate the military gross pay.
  - If employer cannot confirm pay in advance, it can estimate and make adjustments in the following pay period(s).

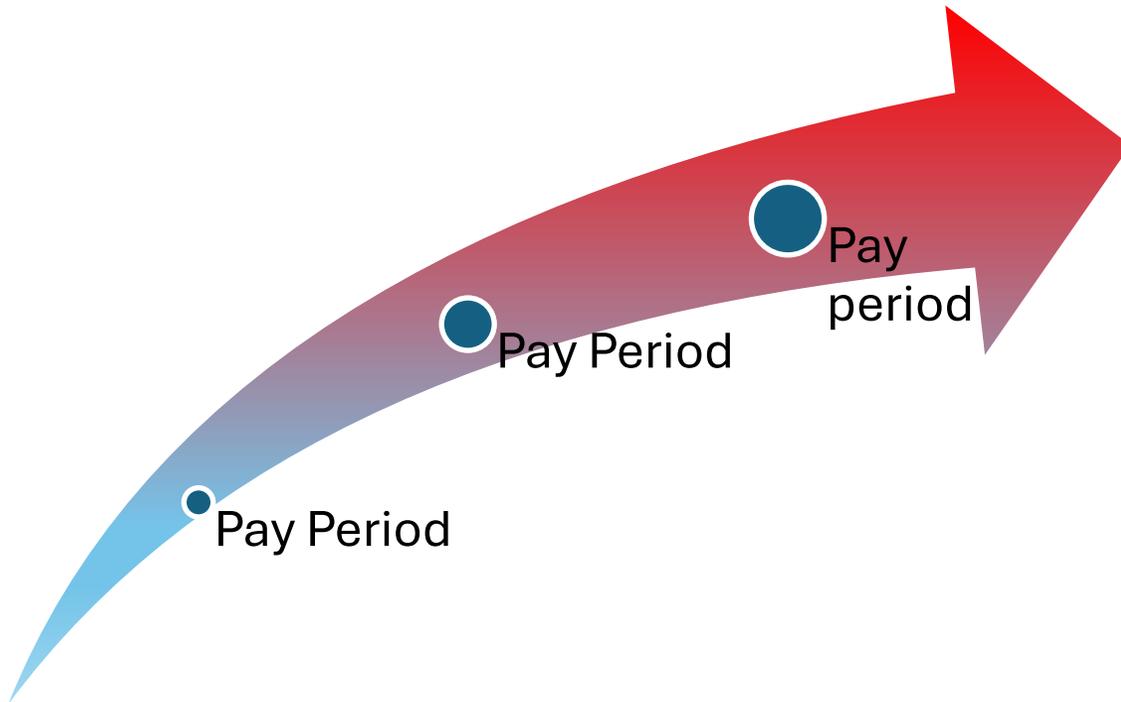


# Calculating Supplemental Compensation: 4

- The Employee should not receive more compensation than they would have if they hadn't gone on military leave.
- Military Leave can be taken in daily increments for one or more days at a time, which means supplemental payment is paid incrementally.
- Employers are responsible for supplementing pay for up to 30 days in a calendar year, even if the employee's military leave is longer than 30 days.



# Timing of Supplemental Compensation



Employers should make a good faith effort to provide the Supplemental Compensation no later than the payday for the payroll period when the Employee's military leave began.



# Things to Note

- It does not matter if the employee is a high wage-earner, or if they are salaried versus hourly—there are no exemptions.
- There is no cap on the dollar amount of supplemental compensation that the employer may need to pay;
- **HOWEVER**, the employer is only required to supplement the employee's pay for a maximum of 30 days per calendar year.



# Other Requirements

- Keep records of:
  - Schedules and hours worked
  - Military leave records
  - Supplemental compensation records
- Maintain records for **four years**.



# Resources

- Website: <https://www.sf.gov/information--military-leave-pay-protection-act>
  - Poster
  - FAQs
  - Statute
- Email hotline: [MLPPA@sfgov.org](mailto:MLPPA@sfgov.org)
- Phone hotline: (415) 554-4048



# FFWO, PPLO, and Military Leave Pay Question and Answer Session

- For questions, please complete the question card and hand it to staff.
- Be sure to complete your contact information on the question card. If your question is not answered today, you will receive an email response within 48 hours.



# FFWO, PPLO, & Military Leave Pay Protection Act Panel Discussion

Moderator:

Hallie Albert, Deputy Director

Panelist:

Beverly Popek, Supervising Compliance Officer (FFWO)

Maura Prendiville, Supervising Compliance Officer (PPLO & MLPPA)





# Thank you.

This slide deck will be available on the OLSE website.



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