



City and County of San Francisco Office of Labor Standards Enforcement

Welcome!
City-Wide & Contracting Labor Laws Webinar
for
Non-Profit Grantees



Office of Labor Standards Enforcement

A wide-angle photograph of the Golden Gate Bridge in San Francisco, with the city skyline and the bay visible in the background under a clear blue sky.

City and County of San Francisco Office of Labor Standards Enforcement

Welcome!

Patrick Mulligan, Director



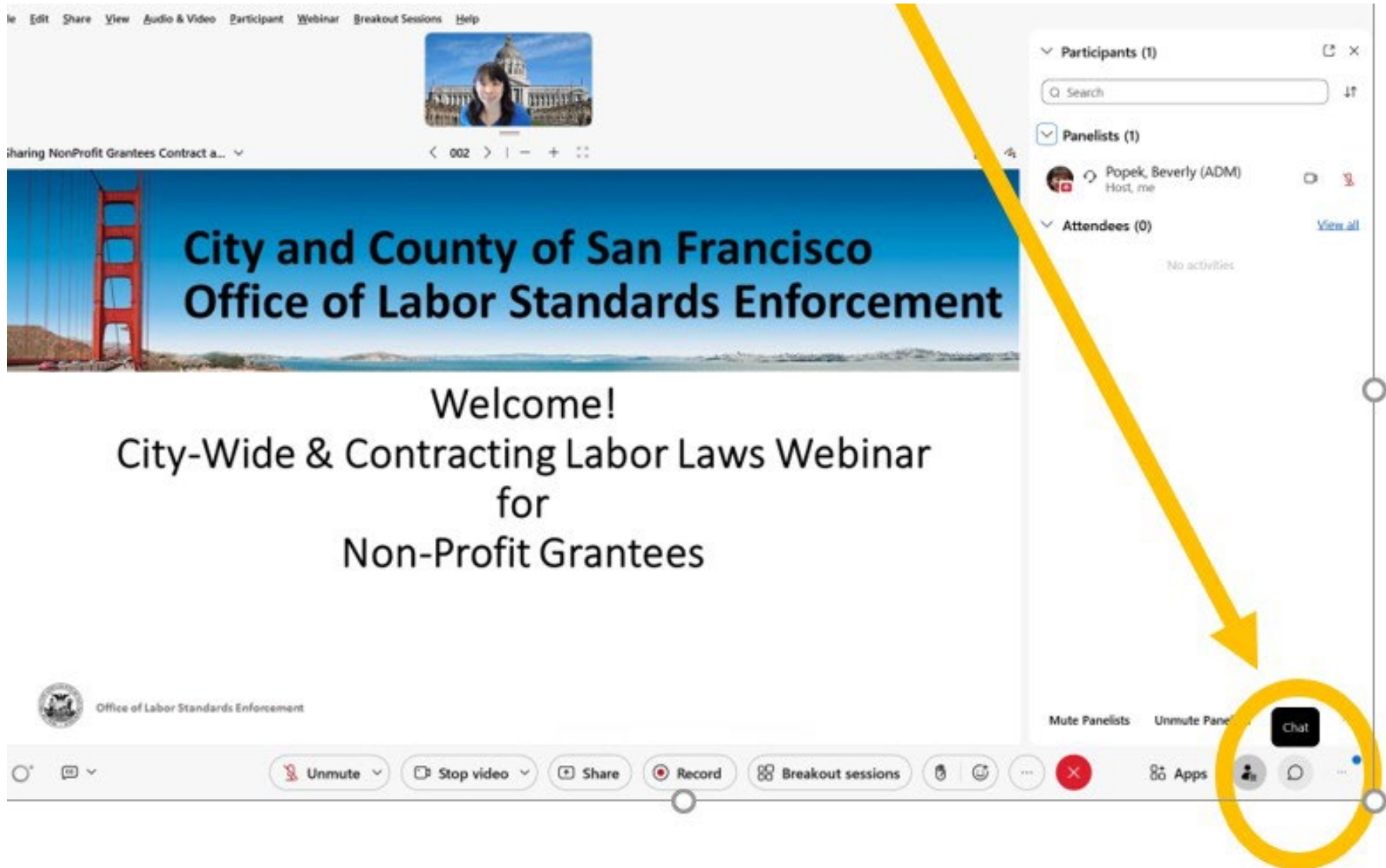
Office of Labor Standards Enforcement

Session 1

- **Introduction to City-Wide & Contracting Labor Laws**
- **Consideration of Salary History**
- **Lactation in the Workplace**



Chat Box



The screenshot shows a Zoom webinar interface. At the top, there is a navigation bar with links: [le](#), [Edit](#), [Share](#), [View](#), [Audio & Video](#), [Participant](#), [Webinar](#), [Breakout Sessions](#), and [Help](#). Below this is a small video thumbnail of a woman in front of a building. The main banner features the Golden Gate Bridge and the text: **City and County of San Francisco Office of Labor Standards Enforcement**. Below the banner, the text reads: **Welcome!**
City-Wide & Contracting Labor Laws Webinar
for
Non-Profit Grantees. At the bottom left, there is a logo for the Office of Labor Standards Enforcement. The bottom toolbar contains icons for [Unmute](#), [Stop video](#), [Share](#), [Record](#), [Breakout sessions](#), and a red [X](#) icon. On the right side, there is a sidebar with sections: **Participants (1)** (with a search bar), **Panelists (1)** (listing Popek, Beverly (ADM) as Host, me), and **Attendees (0)** (with a [View all](#) link). A yellow arrow points from the top right towards the **Chat** icon in the bottom right corner, which is circled in yellow. The chat icon is a speech bubble with a person icon inside.

Materials & Recording

The slide deck and a recording of this webinar will be posted at our website:

<https://sf.gov/departments/office-labor-standards-enforcement>



Questions and Answers – Q&A Box

- Staff will provide answers to your questions via the Q&A box during the presentation(s).
- If the question is not answered during the webinar in the Answer Box or Live Session, we will email the answer to the email address you used for registration to this webinar.

Some questions may require more information and you may be asked to contact us.



Session 1

- **Introduction to City-Wide & Contracting Labor Laws**
- **Consideration of Salary History**
- **Lactation in the Workplace**

Host & Presenter

Beverly Popek

Q&A

Jade San Diego

Chat Box

Joyce Sorro

A wide-angle photograph of the Golden Gate Bridge in San Francisco, with the city skyline and the bay visible in the background under a clear blue sky.

City and County of San Francisco Office of Labor Standards Enforcement

Introduction to City-Wide & Contracting Labor Laws

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Today's webinar is tailored for Non-Profit Grantees.



Location of My Company's Headquarters

Does it matter where my company is headquartered?

No. It does not matter where your company is headquartered for determining if the labor laws/requirements are applicable to you.



What's Your Employee Count?

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

Employee count includes everyone working for the employer, anywhere in the world (global count) regardless of whether they are located in San Francisco or outside of the city.



Labor Laws

City-Wide



Contract

(Grant, lease, contract for services)



Determine Which Laws Are Relevant To The Size Of Your Company

- Once you know your Employee Count, you can make a list of the labor laws relevant to you.



Non-Profit Contractor Labor Laws

All Employers

Consideration of
Salary History*

Employers w/ 5+

Minimum
Compensation**

Fair Chance*

Work Specific

Prevailing Wage
LEC 102

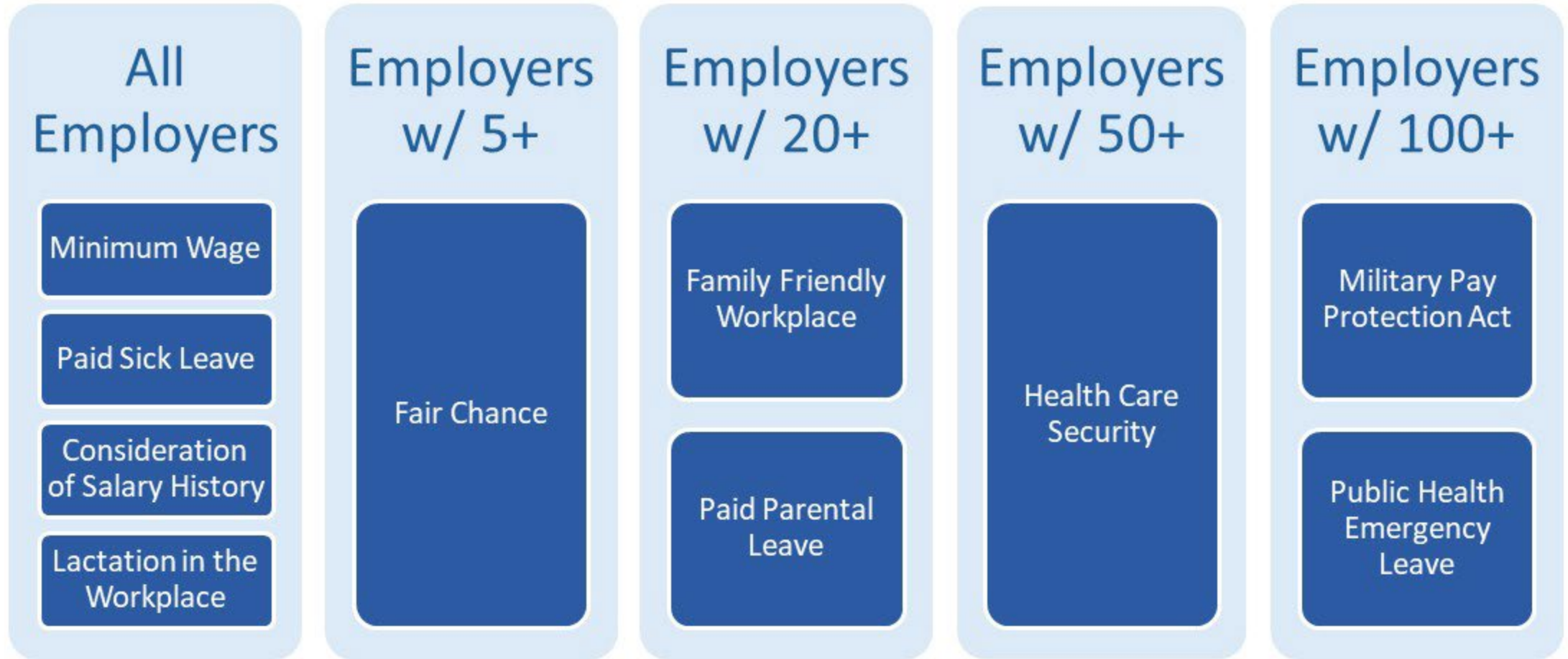
Prevailing Wage
LEC 101-109

*Also required for all companies operating in CCSF

** Trumps City Wide Laws



Non-Profit City-Wide Labor Laws



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 City-Wide

City-Wide

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

The Two (2) Big Categories for Contract Labor Laws

Prevailing Wage

- LEC 102
- LEC 101-109

Minimum Compensation Ordinance (MCO)



Not sure where to start? Check Prevailing Wage First!

Go to OLSE website and see if the type of work you will be performing falls under:

1. Prevailing Wage – 102 (Construction)
2. Prevailing Wage – 101-109 (Non Construction)

If yes...

- Comply with Prevailing Wage for employees performing that/those type(s) of work.
- Who are the Covered Employees? Figure out and make a list.



Work is NOT under Prevailing Wage

If work does not fall under prevailing wage, then the work falls under Minimum Compensation Ordinance (MCO).

Next Steps:

- Determine if you are a Covered Employer.
- If yes, determine who are your Covered employees.
 - Who are the Covered Employees? Figure out and make a list.



Examples of Work and Contract Labor Laws

- Construction work (i.e. carpentry, masonry) = Prevailing Wage (LEC 102)
- Janitorial services or Security Guards – Prevailing Wage (LEC 101-109)
- Administrators, office staff, counselors, consultants, outreach workers, case managers, performers, architects, engineers, project managers, nurses = MCO



Tips and Best Practices

1. Based on your contract, you will be able to figure out the contract labor laws that are relevant to you.
 - Remember that your Scope of Work in your contract will help you understand which positions are covered under the Contract Labor Laws.
2. Do you or will you operate in the City and County of San Francisco? If so, get information on City-Wide Labor Laws.



3. Get information on each law to determine:

- a) Are you a Covered Employer?
- b) Do you have Covered Employees?
- c) What are the requirements and options for compliance?

4. Resources available to you:

- a) Video On Demand (VOD) Library.
- b) OLSE Website (www.sfgov.org/olse).
- c) Contact OLSE - Goto each law's webpage to get contact for that unit.



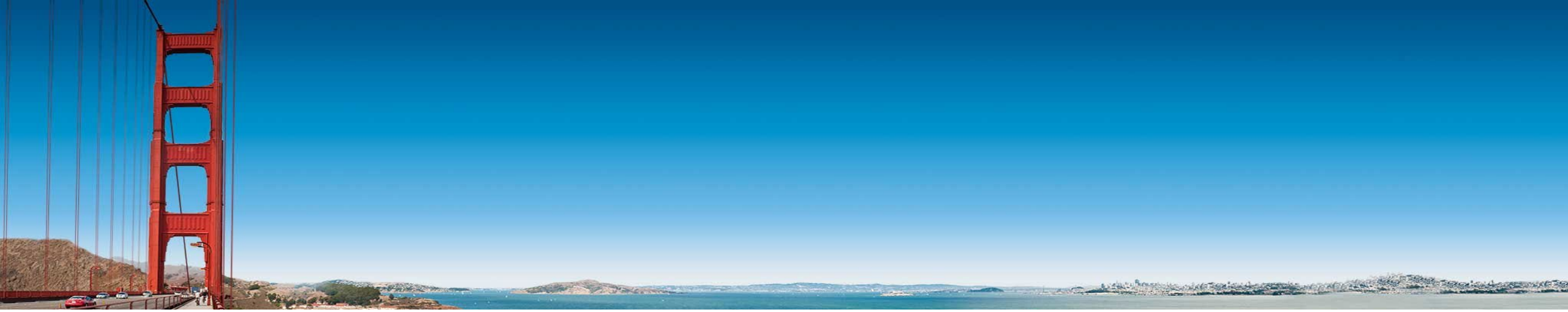
Contact Us

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

Website: www.sfgov.org/olse



Office of Labor Standards Enforcement



Consideration of Salary History Ordinance

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Contract & City-Wide Labor Law

- This is a requirement per your grant.

AND

- This is also a City-Wide Labor Law.
 - Your employees are performing work with the geographic boundaries of San Francisco.



Covered Employers and 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) and the San Francisco International Airport are not considered San Francisco.



Key Provisions

[1 of 2]



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

Don't ask 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 history is publicly available.



Key Provisions

[2 of 2]



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





- 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 Consideration of Salary History Ordinance.



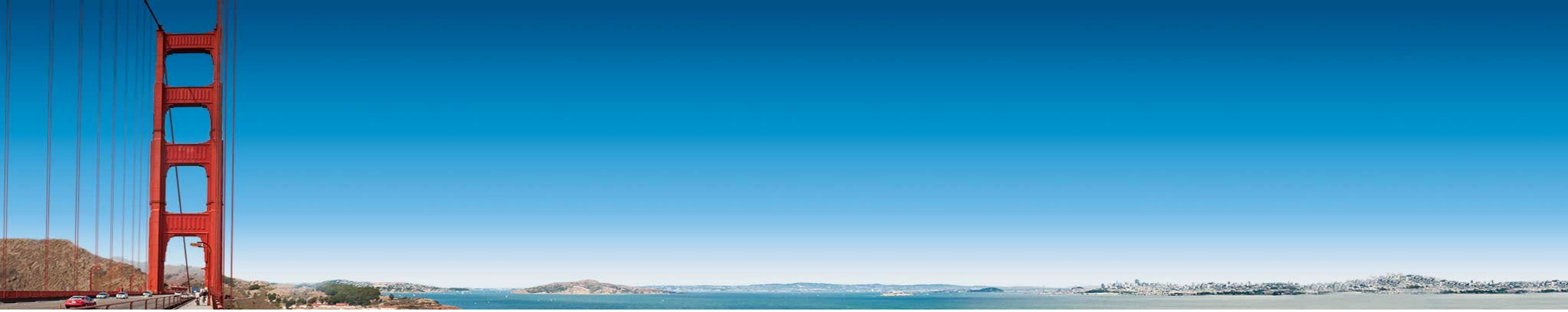
OLSE – Consideration of Salary History

Website: <https://sf.gov/information/salary-history-ordinance>

Phone: (415) 554-6469

Email: salaryhistory@sfgov.org





Lactation Accommodation in the Workplace

Beverly Popek
Supervising Compliance Officer



Office of Labor Standards Enforcement

Covered Employers and Employees

Covered Employers

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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 1/2

- Employers must provide a location for lactation, 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 2/2

- 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”

It 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 1/2

- 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 2/2

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 an undue hardship could, in some circumstances, include:

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



Best Practices (1/2)

- 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 (2/2)

- 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.



OLSE – Lactation in the Workplace

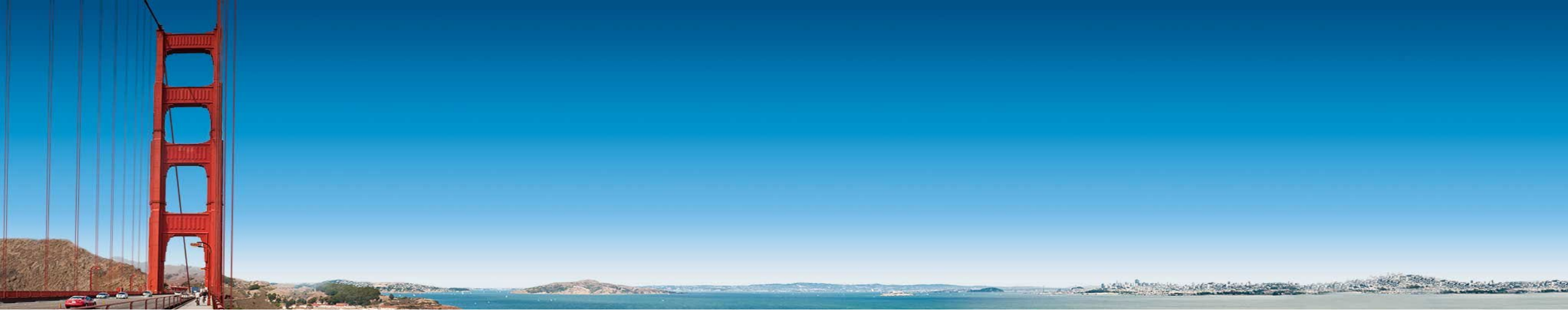
<https://sf.gov/information/lactation-workplace-ordinance>

- Legislative Text
- Frequently Asked Questions
- Sample Employer Policy & Request Form

(415) 554-6406

lactation@sfgov.org





Question and Answer Session

Send us your questions in the Q&A Box

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