



FAMILY FRIENDLY WORKPLACE ORDINANCE (FFWO)

Employer Compliance Requirements

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City and County of San Francisco
Office of Labor Standards Enforcement (OLSE)

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Family Friendly Workplace Ordinance (FFWO) Overview

- Allows employees to request Flexible or Predictable Working Arrangements
- Prohibits adverse employment actions based on caregiver status.
- Prohibits retaliation and interference with rights
- Requires notice posting
- Requires maintenance of records
- Authorizes OLSE enforcement
- Authorizes collective bargaining waiver



Covered Employers

Employer who regularly employs 20 or more
Employees.



Covered Employees

Employee is covered if that individual:

- Has been employed by the Employer for six months or more; and
- Regularly works at least 8 hours per week in San Francisco.



Employee Rights

Employees covered by the FFWO have the ***right to request*** a “flexible or predictable working arrangement” to assist with caregiving responsibilities for:

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



Employee Rights (Continued)

The employee's request may include, but is not limited to, request for changes in:

- The number of hours worked
- Times worked
- Work location
- Work assignments
- Predictability of work schedule



Employee Rights (Continued)

- Request must be in writing, specify the change requested, the effective date and duration, and explain how it's related to caregiving.
- If the initial request is verbal, the employer shall instruct the employee to prepare a written request.



Employer Response Requirements

After receiving a request, the Employer is required to:

- Meet with employee (within 21 days).
- Consider the request and respond within 21 days of the meeting.

Employer may grant or deny the request.



Employer Response Requirements (Continued)

If the employer ***grants*** the request:

- Employer must confirm the arrangement in writing
- The employer or employee can revoke the arrangement (with 14 days notice)
 - If the employer revokes the agreement, the employee may request a new flexible or predictable work arrangement.



Employer Response Requirements (Continued)

If the employer ***denies*** the request, the employer is required to:

- Explain the denial in writing and provide a bona fide business reason for the denial.
- Notify the employee of the right to request a reconsideration.

If an employee requests a reconsideration, the employer must meet with the employee again, and issue a final decision.



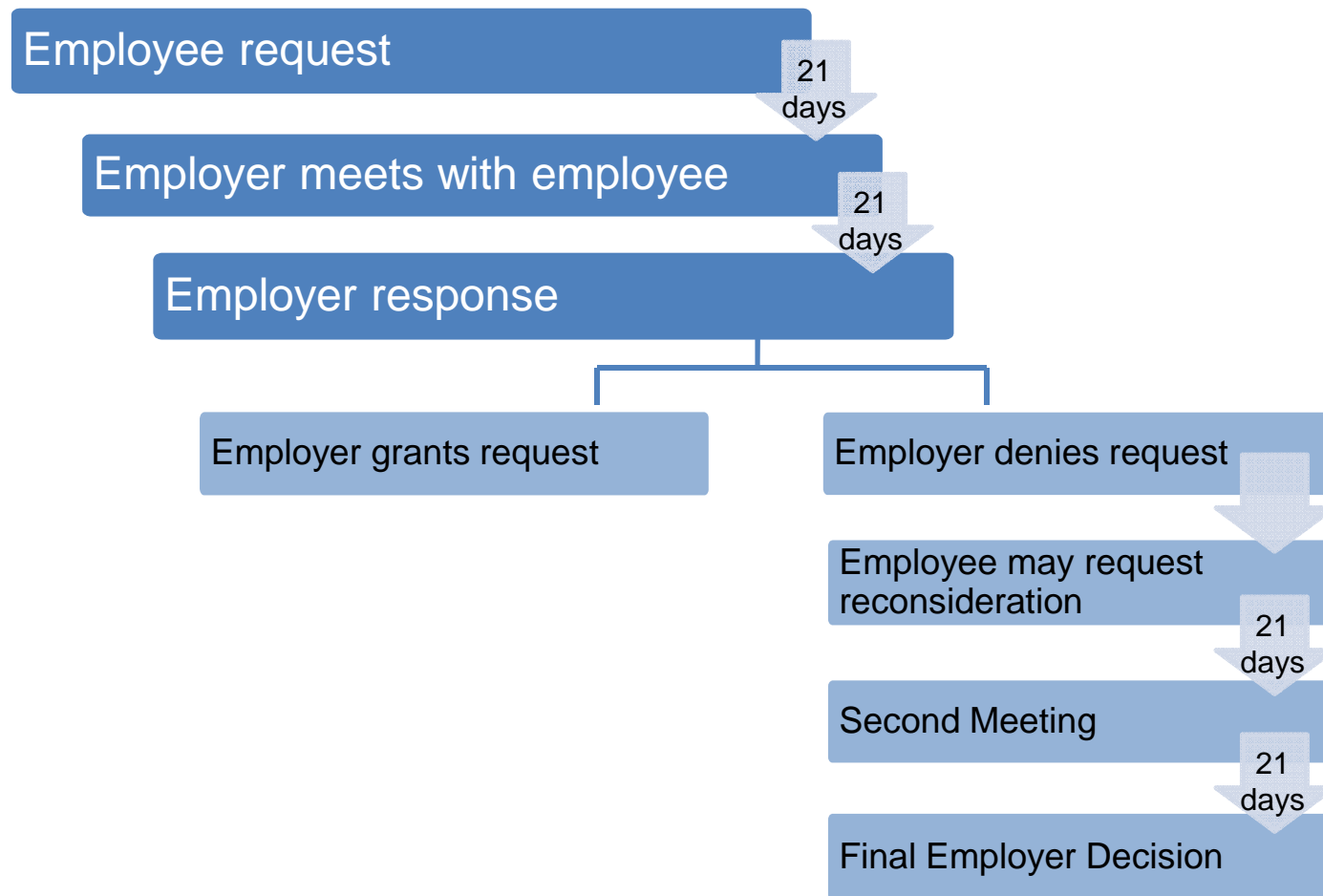
Reasons for Denial

Bona fide business reasons for denying a request for a flexible or predictable working arrangement may include, but are not limited to, the following:

- Identifiable cost, such as:
 - Productivity loss
 - Retraining or rehiring cost
 - Cost of transferring employees
- Detrimental impact on ability to meet customer or client demand
- Inability to organize work among other employees
- Insufficient work during proposed schedule



FFWO Request Process





Employee Protections

FFWO prohibits employers from taking adverse employment action against any person on the basis of:

- Caregiver status
- In retaliation for exercising rights protected under the FFWO



Additional Employer Responsibilities

Employers are required to:

- **Post the FFWO Notice** in a conspicuous place at all workplaces and jobsites in English, Spanish, Chinese, and any language spoken by at least 5% of employees;
- **Maintain records** about requests for flexible or predictable work arrangements for 3 years from the date of an employee's request. Allow OLSE access to records to monitor compliance.



Waivers and Exemptions

- A collective bargaining agreement can waive any or all of the provisions of the FFWO.
- OLSE may exempt certain employees working in public safety or public health functions, if an employer requests an exemption.



Enforcement

The Office of Labor Standards Enforcement (OLSE) enforces the FFWO. OLSE review is limited to:

- Employer's adherence to procedural, posting, and record-keeping requirements
- Validity of any claims of adverse employment action based on exercising rights or on caregiver status



Enforcement

- OLSE will issue warnings and “notices to correct” for the first year the FFWO is operative.
- Beginning in 2015, if OLSE determines that a violation has occurred, it may order any appropriate relief including:
 - Penalties of up to \$50 per worker per day to the employee.
 - Up to \$50 per worker per day to compensate the City for enforcement costs.
- The City has the right to bring civil action in court.



Appeal Procedure

- An Employer may respond to any notice of violation and file an appeal to an independent hearing officer.



Other Resources

- Online: www.sfgov.org/olse/ffwo
 - Overview
 - Full text of the FFWO
 - More coming soon!
- FFWO email: FFWO@sfgov.org.
- FFWO help line: (415) 554-6424

