



# FAMILY FRIENDLY WORKPLACE ORDINANCE (FFWO)

## Employer Compliance Requirements

*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

Any employer who regularly employs 20 or more employees, worldwide.

- Count all employees, regardless of whether they are seasonal, commissioned, permanent, temporary, full-time, or part-time.



## Covered Employees

An 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:

- A 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.
- Employees may use the sample *Flexible or Predictable Work Arrangement Request Form* available on the OLSE's FFWO webpage



# Employer Response Requirements

After receiving a request, the employer is required to:

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

The employer may grant or deny the request.





## Verification

An employer can chose to require that an employee provide verification of his/her caregiving responsibilities.

- Requests for verification should be reasonable and not deter employees from making a request for a flexible or predictable work arrangement.
- The employer should be careful not to violate applicable privacy laws.



## Employer Response Requirements (Continued)

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

- Employer must confirm the arrangement in writing
- The employer or the 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.

A request for a reconsideration must be made within 30 days of a denial. If the employee makes a request for reconsideration, the employer must meet with the employee again, and issue a final decision.



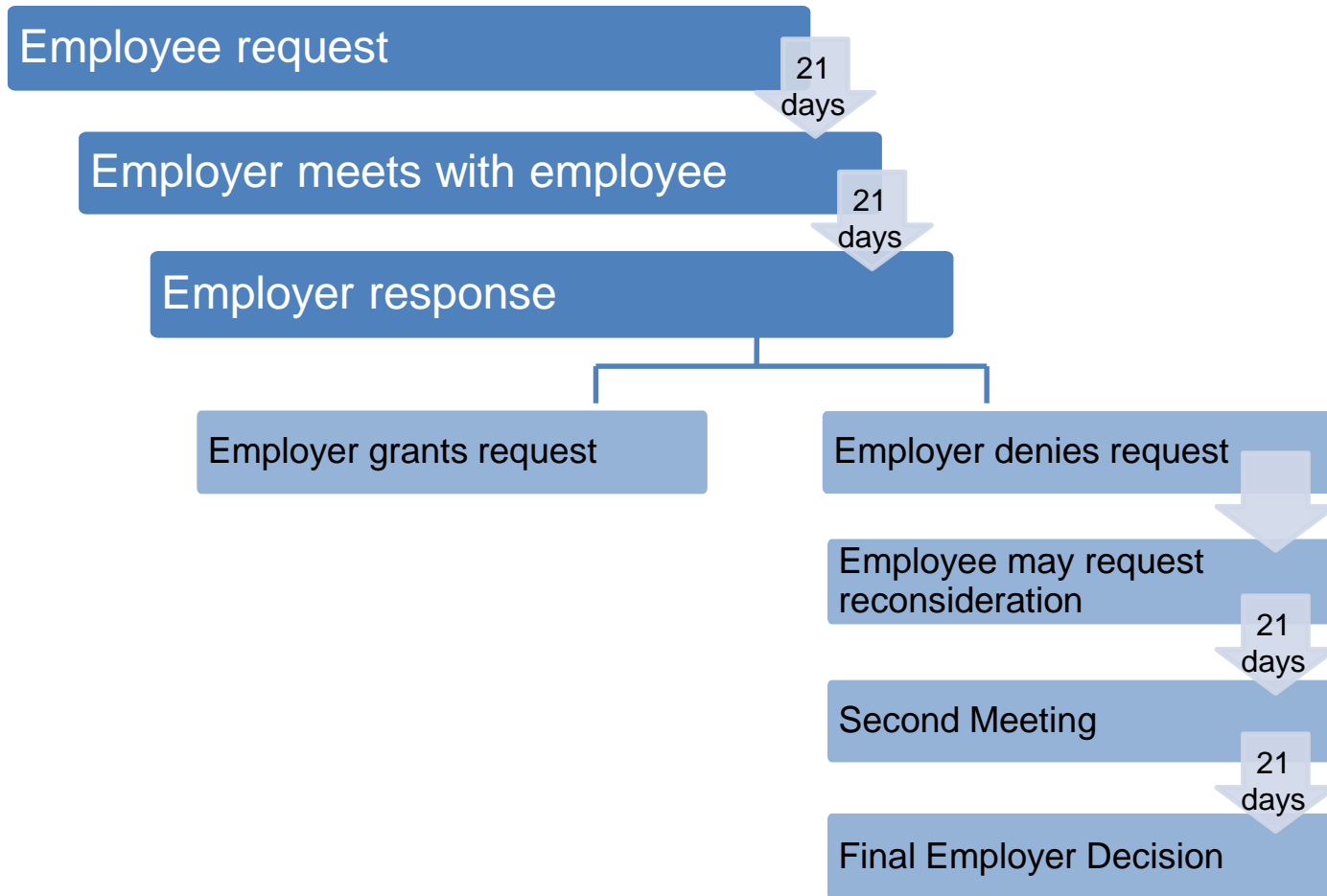
## Reasons for Denial

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





## Frequency of requests

An employee can request a flexible or predictable work arrangement twice in a 12-month period.

- If the employee experiences a major life event, he/she can make an additional request in that 12-month period.
- If an employer revokes a flexible or predictable work arrangement, the employee may submit an additional request in that 12-month period.



# 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: Penalties

- OLSE will issue warnings and *Notices to Correct* for the first year the FFWO is operative (January 1, 2014 to December 31, 2014).
- Beginning 2015, if OLSE determines that a violation has occurred, it may order any appropriate relief, *including but not limited to*:
  - Penalties of up to \$50 per individual per day, for each day that an individual's rights are violated under the FFWO—to be paid to each individual.
  - Same to compensate the City for enforcement costs.
- All remedies, penalties, and procedures are cumulative.



# Civil Enforcement

The City has the right to bring a civil action in court.



# Appeal Procedure

- An employer may respond to any notice of violation.
- An employer may appeal the OLSE's determination to an independent hearing officer.



## Other Resources

- Online: [www.sfgov.org/olse/ffwo](http://www.sfgov.org/olse/ffwo)
  - Required Notice
  - Full text of the FFWO
  - And more!
- FFWO email: [FFWO@sfgov.org](mailto:FFWO@sfgov.org).
- FFWO help line: (415) 554-6424

