
Legislative Review:	BOS File #211296 – Administrative Code – Amending the Family Friendly Work Ordinance
Name:	Chan
Date Introduced:	12/14/2021
Date Referred:	12/27/2021
Scheduled for BOS Committee:	Youth, Young Adult, and Families Committee

Legislative Overview: This legislation strengthens an employee’s right to a flexible or predictable work schedule to address their caregiving needs. It also enhances enforcement capabilities of the Office of Labor Standards Enforcement (OLSE).

Existing law: Under the current Family Friendly Workplace Ordinance, employees can request flexible/predictable work schedules to accommodate caregiving needs for their children, family members with serious health conditions, or parents age 65 or older. This applies to employers with 20 or more employees and to employees who have been employed for at least six months and work at least 8 hours per week. OLSE can investigate and issue administrative penalties if it finds any program violations, but those penalties cannot be based on the validity of an employer’s bonafide business claim.

Amendments to Current Law - Proposed changes:

This legislation:

- Strengthens the language around employee rights to have flexible/predictable working arrangements:
 - o Currently, “an employee.... may request a flexible or predictable working arrangement to assist with caregiving responsibilities.” This provides a right to a process.
 - o Proposed language would be “an employee... shall be permitted a flexible or predictable working arrangement to assist with caregiving responsibilities.” This provides a right to an outcome.
- Expands the definition of caretaker:
 - o Current language allows for a caretaker of “a parent age 65 or older of the employee.”
 - o Proposed languages allows for a caretaker of “persons age 65 or older in a family relationship with the employee.”
- Provides OLSE with stronger enforcement capacity:
 - o New language permits OLSE to review the employer’s basis for denying a request for flexible or predictable work arrangement.
- States that an employer who denies the flexible/predictable working arrangement must engage in a good faith, interactive effort to find an agreeable arrangement.

- Allows an employee to provide attestation of their caretaking needs, whereas current language allows an employer to request verification of an employee's caretaking needs.
- Strengthens the penalties for employers who do not comply with administrative citations in a timely matter.

Relevant Definitions:

Caregiver – provides primary care to a child (biological, adopted, foster, ward, etc.), a family member (by blood, domestic partnership, etc.) with serious health condition.

Employer – A person or entity who regularly employs 20 or more people.

Flexible Working Arrangement – a change in an Employee's terms and conditions of employment that provides flexibility to assist an Employee with caregiving responsibilities.

“Telework” – an Employee’s work from their residence or other location that is not an office or worksite if the employer maintains an office or worksite within the geographic boundaries of the City.