

GENERAL SERVICES AGENCY

OFFICE OF LABOR STANDARDS ENFORCEMENT

DONNA LEVITT, MANAGER



February 16, 2015

Oregon Senate Committee on Workforce
900 Court Street NE
Salem, Oregon 97301

Re: San Francisco's Paid Sick Leave Ordinance

Dear Chair Dembrow and Members of the Senate Workforce Committee:

This letter is written in response to inquiries I have received related to enforcement of San Francisco's Paid Sick Leave Ordinance.

For purposes of comparison, there were approximately 612,000 individuals employed in San Francisco and 54,000 employer establishments in 2013 according to the Bureau of Labor Statistics Quarterly Census of Employment and Wages. All employers with any employees who perform work in San Francisco are covered by the ordinance.

The Paid Sick Leave Ordinance was passed by the voters in November 2006 and is enforced by the City's Office of Labor Standards Enforcement (OLSE). The OLSE also enforces San Francisco's Minimum Wage Ordinance, another law of general application that also covers all employees who perform work within the geographical boundaries of the City & County of San Francisco. The OLSE integrated enforcement of the Paid Sick Leave Ordinance into our ongoing work enforcing the Minimum Wage Ordinance, and hired no additional staff to enforce the Paid Sick Leave Ordinance. The minimum wage/paid sick leave enforcement team currently includes 5.5 FTE, and OLSE allocates approximately one FTE to enforce the Paid Sick Leave Ordinance.

Employees accrue one hour of paid sick leave for every 30 hours worked. Accrued leave may be used for the employee's own care or care of a family member (including child, parent, legal guardian or ward, sibling, grandparent, grandchild, and spouse or registered domestic partner). If an employee has no spouse or registered domestic partner, the employee may designate one person for whom s/he may use paid sick leave to provide aid or care. If an employer has a paid time off policy that makes available to employees an amount of paid leave that may be used for the same purposes and in at least the same amounts as required by the ordinance, an employer is not required to provide additional paid sick leave.

Enforcement action is taken in response to complaints. From January 2007 through February 6, 2015, OLSE received 402 complaints (an average of 4.2 complaints a month). When the OLSE receives a complaint, the agency conducts a company-wide investigation to recover any back wages owed to all employees who were denied their right to paid sick leave. Most cases resolve quite easily as they involve a relatively small amount of back wages in dispute. Employers paid a median of \$701 in back wages and penalties when OLSE found violations and collected restitution. To date, none of the 402 complaints have gone to an administrative hearing. One hundred forty-nine (149) of the complaints resulted in back wages recovered for paid sick leave that had been withheld. In one hundred twelve (112) cases, the claimant opted to have OLSE send a letter to the business reminding them of their obligations under the law, rather

than to pursue a claim for back wages. Twenty-six (26) cases are pending and the remainder were administratively closed, in some cases after OLSE worked with the employer to revise company sick leave policies to come into compliance with the law or the complaint was found to lack merit.

Total Complaints – 2007 to February 9, 2015	402
Violation found, employer paid back wages / penalty	149
Case closed without payment	109
Referred to other agency	6
Currently pending investigation	26
Total PSLO Cases (excluding advisory letters)	290

Complaints for which claimant asked OLSE to send advisory “watch” letter to employer	112
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Please don't hesitate contact me should you have any questions regarding implementation or administration of our ordinance. I can be reached at (415) 554-6239.

Sincerely,



Donna Levitt
Manger