



**OFFICE OF COUNCIL PRESIDENT TODD GLORIA
CITY OF SAN DIEGO**

M E M O R A N D U M

DATE: July 7, 2014

TO: City Attorney Jan Goldsmith

FROM: Council President Todd Gloria *Todd Gloria*

SUBJECT: Potential November 2014 Ballot Proposal or Council Ordinance Relating to Improving Wages and Working Conditions in San Diego

As requested by the San Diego City Council Committee on Economic Development and Intergovernmental Relations (Committee), I have been working with your office to draft a proposition which may be presented to San Diego voters in November 2014 or adopted as an ordinance related to earned sick leave and minimum wage for employees working in the City of San Diego. This proposal was heard by the City Council on June 16, 2014, and the Council voted to:

1. Modify the proposal to set San Diego's minimum wage at \$11.50 implemented over three years every January 1, increasing to \$9.75 in January 2015, \$10.50 in January 2016 and \$11.50 in January 2017, and indexed to the Consumer Price Index (CPI) starting January 1, 2019; and
2. Approve a Resolution of the Council of the City of San Diego of its intent to place a proposition related to earned sick leave and minimum wage for employees working in San Diego on the November 2014 Ballot, or in the alternative, Council adoption of an ordinance, subject to compliance with all procedural requirements set forth in state law and the San Diego Charter and other local law, and with direction to return to the City Council for final determination.

Per this motion, the proposal will be heard again by the Council upon completion of the meet and confer process, which is now ongoing. In advance of the next open session hearing of the item, I request the following amendments and additions to the proposal be made for purposes of clarifying the implementation and intent:

1. Amend the Definition of Employee in Section 22.4604(a):
 - (a) "In a one or more calendar weeks of the year performs at least two (2) hours of work within the geographic boundaries of the *City* for an *Employer*, and ..."

2. Replace sentence in Section 22.4605(b):

“Employers are also not required to provide more than forty hours of Earned Sick Leave to an Employee in a Benefit Year.”

With:

“Employers may limit an Employee’s ability to use Earned Sick Leave to forty hours in a Benefit Year, but Employers must continue to allow Employees to continue to accrue Earned Sick Leave based on the formula noted at the beginning of this subsection.”

3. Insert language at the end of Section 22.4065(h):

“Nothing in this Division shall be construed as requiring financial or other reimbursement to an Employee from an Employer upon the Employee’s termination, resignation, retirement, or other separation from employment for accrued sick time that has not been used; however nothing in this Division shall be construed as prohibiting an Employer from offering financial or other reimbursement to an Employee for accrued sick time that has not been used.”

Thank you for your attention to this matter.

Attachment:

1. Proposed Earned Sick Leave and Minimum Wage Proposition

cc: Honorable Mayor Kevin Faulconer
Honorable City Councilmembers
Andrea Tevlin, Independent Budget Analyst
Liz Maland, City Clerk

TG:jl