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San Francisco's Family Friendly Workplace Ordinance

Beginning on July 12, any employer with 20 or more employees who has workers either working in or teleworking out of San Francisco will need to comply with the amended version of the Family Friendly Workplace Ordinance (“FFWO”), which may be found [here](#).

Some of the major changes to the FFWO are listed below:

- 1. Expanded definition of “family relationship.”** Under the new FFWO, protected caregiving is expanded to include care of **any** person age 65 or older who is in a “family relationship” with the employee. “Family relationship” is defined as a relationship in which a caregiver is related by blood, legal custody, marriage, or domestic partnership to another person as a spouse, domestic partner, child, parent, sibling, grandchild, or grandparent.
- 2. Employees teleworking out of SF are now protected.** Employees who “telework,” defined as an employee’s work for the employer from the employee’s residence or other location that is not an office or worksite of the employer if the employer maintains an office or worksite within the city of San Francisco at which the employee may work, are now protected.
- 3. Undue hardship required to deny a request.** This may be the most significant of the changes found in the amendment. While the original FFWO gave employees the right to request flexible or predictable work arrangements to assist with caregiving responsibilities, it did not give employees a right to any specific outcome related to that request. By contrast, the amended FFWO requires employers to provide employees with a flexible or predictable work arrangement for qualifying caregiving responsibilities upon request by the employee **unless doing so would cause the employer undue hardship**, defined as a significant expense or operational difficulty when considered in relation to the size, financial resources, nature, or structure of the employer's business.

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- 4. Good-faith interactive process required.** Under the amended FFWO, an employer must respond to the employee's request for a flexible or predictable working arrangement in writing within 21 days of receiving the original request (unless the parties agree in writing to extend it). Any denial of the request must explain the basis for the denial in writing and notify the employee of their rights to reconsideration and to file a complaint as set forth in detail in the ordinance. Importantly, any employer who does not grant the employee's request for a flexible or predictable working arrangement must then ***engage in a good faith interactive process*** with the employee to determine an alternative flexible or predictable working arrangement that is acceptable to both the employee and the employer.
- 5. Posted notice.** A current version of the official notice to be posted at the workplace may be found [here](#). This notice may be soon be updated by the OLSE to reflect the recent amendments, so you are encouraged to periodically visit the OLSE's website, which may be found [here](#).

If you have any questions as requests for flexible or predictable work arrangements arise, please do not hesitate to contact us.

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