



Family Friendly Workplace Ordinance (FFWO) – Frequently Asked Questions

Revised: February 27, 2024

Background

The [Family Friendly Workplace Ordinance \(FFWO\)](#) is a local City and County of San Francisco (City) ordinance that allows employees to request flexible or predictable working arrangements to assist with caregiving responsibilities for:

- A child or children under age 18, for whom the employee has assumed parental responsibility,
- A person or persons with a [serious health condition](#) in a [family relationship](#) with the employee, or
- A parent aged 65 or older.

1. Who is eligible for FFWO?

Employees who have been employed by the City for six months or more and who regularly work at least eight hours per week are eligible under the FFWO.

2. Are employees entitled to flexible or predictable working arrangements under the FFWO in order to deal with their own serious health conditions?

No. The FFWO allows employees to request flexible or predictable working arrangements to provide care for family members. Employees who want to request flexible or predictable work arrangements due to their own health conditions may request reasonable accommodations under the federal [Americans with Disabilities Act](#) (ADA) and the state [Fair Employment and Housing Act](#) (FEHA). The ADA/FEHA require employers to provide reasonable accommodations for employees with qualifying disabilities, which may include some serious health conditions. To request a flexible or predictable work arrangement due to a disability, complete the “[Employee Reasonable Accommodation Request Form](#)” and return it to the department’s designated personnel official or a supervisor. Medical verification of a qualifying disability and need for accommodation may be required.

Employees who wish to request time off due to their own serious health conditions should request leave under the [Family and Medical Leave Act](#) (FMLA) and the [California Family Rights Act](#) (CFRA). These laws entitle eligible employees to time off work for their own serious health conditions and to care for a family member with a serious health condition. To request leave under the FMLA/CFRA, print and complete the “[Request for Leave and Leave Protections](#)” form and have a healthcare provider complete the “[FML2 Certification of Healthcare Provider - Employee](#)” form.

3. Do all employees granted a flexible or predictable working arrangement under the FFWO also qualify for FMLA?

No. While some employees granted a flexible or predictable working arrangement under the FFWO might also be eligible for protection under the FMLA/CFRA, not all employees will be eligible for both.

4. What type of flexible or predictable working arrangements are employees entitled to under the FFWO?

Employees can request changes in the terms and conditions of their employment that provide flexibility or scheduling predictability to assist with caregiving responsibilities. Requests may include, but are not limited to, changes in:

- The number of hours the employee is required to work
- The times the employee is required to work
- Where the employee is required to work
- Work assignments or other factors
- Predictability of the work schedule

5. How do employees make requests under the FFWO?

Requests for flexible or predictable work arrangements must be in writing. City employees can use the [“Request for Flexible or Predictable Working Arrangement”](#) form and specify the arrangement requested, the proposed start date for the arrangement, the desired duration of the arrangement, and an explanation of how the request is related to caregiving.

When requesting a flexible or predictable working arrangement to provide care for a family member with a serious health condition, employees may be required to submit a completed [“Verification of Caregiving Responsibilities”](#) form with their [“Request for Flexible or Predictable Working Arrangement”](#) form.

6. Can a department require verification of caregiving responsibilities under the FFWO?

Yes. A department may require an employee to attest to or verify the employee’s caregiving responsibilities prior to agreeing to a FFWO work arrangement.

7. How often can an employee make a request under the FFWO?

There is no limit to the number of FFWO requests an employee can make. However, employees resubmitting the same request after reconsideration and receipt of a final decision may be directed to the administrative complaint process.

8. Can an approved flexible or predictable working arrangement be revoked?

Yes. If the department decides that an approved flexible or predictable working arrangement causes an undue hardship, then the interactive process will start again. If no alternative working arrangement is agreed on, then the department must give the employee a 14-day notice that their current flexible or predictable working arrangement will end.

9. For what reason(s) can a department deny an employee’s request under the FFWO?

A department could deny a request under the FFWO for reasons including, but not limited to:

- The employee hasn't been working for the City for at least six months
- The employee doesn't regularly work at least eight hours per week
- The employee works in a job classification that has been exempted from the FFWO
- The arrangement would cause undue hardship by causing significant expense or operational difficulties to the department. The identifiable costs directly caused by the agreement could include, but are not limited to, the following:
 - o The cost of productivity loss, retraining and hiring employees, or transferring employees from one worksite to another;
 - o Detrimental effect on ability to meet customer or client demands;
 - o Inability to organize work among other employees; and
 - o Insufficiency of work to be performed during the time or at the location the employee proposes to work.

10. Is there a reconsideration process if an employee's request for a flexible or predictable working arrangement is denied?

Yes. An employee whose request for a flexible or predictable working arrangement has been denied may submit a written request for reconsideration within 30 calendar days of the denial.

11. What happens if an employee refuses an offered flexible or predictable working arrangement that is different from the employee's request, but that meets the employee's need for assistance with caregiving responsibilities?

The department should document the flexible or predictable work arrangement offered and briefly explain how it meets the employee's need for assistance with their identified caregiving responsibilities. The written offer could meet the department's obligation to provide a flexible or predictable working arrangement under the FFWO, even if the employee refuses the offer. The FFWO provides a right to a flexible or predictable working arrangement that assist with caregiving responsibilities, and not a right to the employee's preferred working arrangement.

12. What is a "family relationship," as described in the FFWO?

Under the FFWO a "family relationship" means a relationship in which a caregiver is related by blood, legal custody, marriage or domestic partnerships, as defined in [San Francisco Administrative Code Chapter 62](#) or [California Family Code Section 297](#), to another person as a spouse, domestic partner, child, parent, sibling, grandchild or grandparent.

13. What is a "serious health condition," as described in the FFWO?

Under the FFWO a "serious health condition" means an illness, injury, impairment or physical or mental condition that involves either of the following:

- a) Inpatient care in a hospital, hospice or residential healthcare facility

b) Continuing treatment or continuing supervision by a healthcare provider.

When requesting a flexible or predictable working arrangement to provide care for a family member with a serious health condition, employees may be required to submit a completed "[Verification of Caregiving Responsibilities](#)" form with their "[Request for Flexible or Predictable Working Arrangement](#)" form.