



2009 NOTICE

Health Care Security Ordinance (HCSO)

The Health Care Security Ordinance is a San Francisco law that (1) creates an Employer Spending Requirement enforced by the Office of Labor Standards Enforcement and (2) requires the Department of Public Health to create the City Option (often referred to as *Healthy San Francisco*). The Employer Spending Requirement requires Covered Employers to spend a minimum amount of money (set by law) on Health Care Expenditures for their Covered Employees.

Covered Employers: An employer is covered by the HCSO if it

- is a for-profit business employing 20 or more persons, or a nonprofit business employing 50 or more persons, per week during a quarter, and
- engages in business within the City and is required to obtain a valid San Francisco business registration certificate pursuant to Article 12 of the Business and Tax Regulations Code.

An employer need not be physically located within the geographic boundaries of the City and County of San Francisco to be a Covered Employer. In addition, for the purposes of determining employer size, all persons performing work for compensation during a given week must be counted, regardless of whether the persons work in San Francisco.

Covered Employees: With some exceptions, an employee is covered by the HCSO if s/he works for a Covered Employer and:

- is entitled to be paid a minimum wage;
- has been employed by his or her employer for at least 90 calendar days; and
- performs at least 8 hours of work per week within the geographic boundaries of San Francisco. (Note the change from 10 hours per week in 2008.)

To learn more about Exemptions and Waivers, review Regulation 3.2(A).

Health Care Expenditures (HCE): An HCE is any amount paid by a covered employer for the purpose of providing health care services or reimbursing the cost of such services for its covered employees. Examples include, but are not limited to: (a) payments to a third party to provide health care coverage or services; (b) payments to the City for the City Option (which includes Healthy San Francisco and/or the Medical Reimbursement Accounts); (c) payments from self-insured/self-funded plans; and (d) direct reimbursement or payment for health care services. Expenditures must be made each quarter, no later than 30 days after the end of the quarter. *(continued on next page)*

Applicable Expenditure Rate: An employer employing 100 or more employees per week is required to make an HCE of \$1.85 per hour for each hour paid to each of its covered employees during that quarter. For employers with 20-99 employees, the rate is \$1.23 per hour. (These rates are adjusted annually.)

Calculation of HCE: Required HCEs are calculated by multiplying the total number of “hours paid” to each covered employee by the applicable expenditure rate. “Hours paid” include both work hours (for which a person is paid wages or entitled to be paid wages for work performed within the City) and any paid time off including vacation and sick leave. Subject to the limited exceptions outlined in Frequently Asked Questions numbers 39-40, calculations must be made for each Covered Employee.

Additional Employer Responsibilities:

- Covered Employers must file an Annual Reporting Form (ARF), which provides data on HCEs made in the previous year.

2008 REPORTING is MANDATORY!

If you are a Covered Employer, you must complete the Annual Reporting Form and return it by April 30, 2009.

The 2008 ARF is available from our website as a “fillable PDF” and will also be mailed to employers in March 2009. **If you download and return the ARF available from our website, do not to complete the ARF mailed to you.** To avoid penalties and other corrective action, return the ARF by April 30, 2009

- Notice to Employee: An employer who chooses to make payment to the City for the City Option must provide its covered employees with the Notice to Employee/ Employee City Option Deposit Confirmation, which may be downloaded from the website below.
- Recordkeeping: Employers shall maintain complete and accurate records of HCE calculations, hours paid to employees, and HCEs made. Employers shall allow the Office of Labor Standards Enforcement reasonable access to such records.
- Employee Voluntary Waiver Form: A Covered Employer that seeks to claim an exemption for an employee who qualifies for the exemption must maintain in its records a completed Voluntary Waiver Form signed by that employee.

All of the documents referenced in this Notice and the full text of the Ordinance are available at www.sfgov.org/olse/hcso.

This notice is intended to provide general information and does not establish policy or offer legal advice regarding the Health Care Security Ordinance, Chapter 14 of the San Francisco Administrative Code. If you have any questions about your obligations under the ordinance, please visit www.sfgov.org/olse/hcso, call (415) 554-7892, or email HCSO@sfgov.org.