



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
Human Resources



Date: April 21, 2016
Board Meeting Date: May 10, 2016
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Donna Vaillancourt, Director of Human Resources
Scott Johnson, Deputy Director of Human Resources

Subject: Introduction of an Ordinance revising Chapter 2.84 of the San Mateo County Ordinance Code

RECOMMENDATION:

Introduction of an ordinance amending Chapter 2.84 of the San Mateo County Ordinance Code regarding equal benefits and non-discrimination contract procedure requirements for vendors, and waive the reading of the ordinance in its entirety.

BACKGROUND:

Chapter 2.84 of the County's Ordinance Code, which addresses the provision of benefits by vendors who enter into service agreements with the County, was adopted in 2006. The ordinance generally requires vendors that enter into service agreements with the County to provide the same benefits to the vendor's employees who have registered domestic partners as are provided to its employees with married spouses, regardless of the gender of the employee's domestic partner or spouse.

In a separate but related area, on February 13, 2001, this Board approved Resolution No. 64225, which requires the inclusion of non-discrimination enforcement language in all service agreements between the County and independent contractors. Prior to this resolution, independent contractors entering into agreements with the County were required to agree not to discriminate in providing services under the agreement. The new requirement added enforcement mechanisms by which the County could opt to cancel an agreement or take other actions if the service provider was found to have violated the non-discrimination language.

DISCUSSION:

Since 2006 the law has rapidly evolved regarding marriage equality in California and the United States, culminating in a United States Supreme Court decision in 2015 that

guarantees same-sex couples the same marriage rights as are enjoyed by opposite-sex couples throughout the United States. Given this change, it would be illegal for an employer to discriminate in the provision of benefits as between an employee with same-sex married spouse and an employee with an opposite-sex married spouse. Moreover, Section 297.5 of the Family Code already prohibits discriminating in California between registered domestic partners and married spouses, rendering the current text of Chapter 2.84 of the Ordinance Code unnecessary.

Additionally, the requirements listed in Resolution No. 64225 need to be updated, and it would be efficient to include the revised requirements into the San Mateo County Ordinance Code.

The adoption of this ordinance revises Chapter 2.84 and adds non-discrimination enforcement language.

County Counsel has reviewed and approved the ordinance as to form.

Approval of this ordinance contributes to the Shared Vision 2025 outcome of a Collaborative Community by ensuring independent contractors comply with the law and provide equal opportunity to their own employees.

FISCAL IMPACT:

No net county cost.