

Airlines, Are You Offering Commuter Benefits to Your SFO Employees?

November 2011

Airline tenants at the San Francisco International Airport (SFO) must comply with a little-known amendment to the Rules and Regulations called the Commuter Benefits Program or face fines of up to \$400 per day.

Effective January 18, 2010, employees working at SFO became entitled to commuter benefits of at least one of the following: (1) use of pre-tax dollars for public transit and vanpool expenses up to \$230 per month; (2) an employer-paid benefit allowance for commuting expenses such as bus or rail passes up to \$55; and (3) employer-provided transportation.

This program applies to SFO tenants and contractors with 20 or more employees (including full-time, part-time and temporary employees as well as staffing agency workers) at SFO or elsewhere. Employees must have worked at least 10 hours per week at SFO within the prior calendar month to be eligible to obtain the commuter benefits.

Over the last year, the city of San Francisco has increased its enforcement efforts regarding the various ordinances and rules applicable to city and SFO employers. As a result, all employers can expect more frequent requests from the city to confirm their compliance with the Commuter Benefits Program and other local laws.

Employers should remain proactive about their obligations to avoid fines in the event of an audit or claims from employees who were denied benefits.

For more information on the Commuter Benefits Program or related issues, please contact your principal Squire Sanders lawyer or one of the individuals listed in this alert.



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