



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Fifth District

April 10, 2020

To: Supervisor Kathryn Barger, Chair
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Janice Hahn

From: Sachi A. Hamai
Chief Executive Officer

REPORT BACK ON: PROTECTING WORKERS OF THE COUNTY OF LOS ANGELES (ITEM NO. 71-D, AGENDA OF MARCH 31, 2020)

On March 31, 2020, the Board of Supervisors (Board) adopted a motion (Motion) by Supervisors Hahn and Solis that called for the Chief Executive Officer (CEO), in consultation with County Counsel, the Department of Workforce Development, Aging and Community Services (WDACS), and the Department of Consumer and Business Affairs (DCBA), to consult with Labor Union representatives and report back on the feasibility of implementing health and safety protections for private sector essential workers in unincorporated areas of County of Los Angeles (County).

The CEO is working with WDACS, DCBA, and County Counsel and is in consultation with Labor Union representatives on the following as directed in the motion:

1. The Provision of Supplemental Paid Sick Leave for COVID-19 Related Reasons.

The goal of this provision is to extend the Supplemental Paid Sick Leave benefits provided to workers under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to businesses with over 500 employees in the unincorporated areas of the County. These benefits may be helpful to counteract the negative impacts from COVID-19, and thus would expire on December 31, 2020. These benefits would be consistent with those passed in the CARES Act for businesses with less than 500 employees, and a similar ordinance passed by the City Council of the City of Los Angeles on March 31, 2020. The provisions would include:

- All private employers in the unincorporated areas of the County with over 500 employees, except healthcare and first responder-related businesses, would be required to provide Supplemental Paid Sick Leave;

- Supplemental Paid Sick Leave would consist of 80 hours for full-time employees, or an amount no greater than the average two-week pay for part-time employees that were employed from February 3, 2020 through March 4, 2020;
- The amount of Supplemental Paid Sick Leave shall be capped at \$511 per day, and a total of \$5,110 per employee;
- An employer shall provide Supplemental Paid Sick Leave upon the request of an employee if: a) a healthcare provider recommends the employee isolate or self-quarantine due to COVID-19; b) the employee is at least 65 years old or has a health condition, such as heart disease, asthma, lung disease, diabetes, kidney disease, or a weakened immune system; c) the employee needs to care for a family member who is required to isolate or self-quarantine; or d) the employee needs to provide care for a family member whose senior care provider or school is closed;
- This ordinance will be enforced by the ability of the employee to bring action and be awarded reinstatement to their position if discharged, back pay and Supplemental Paid Sick Leave, and other legal or equitable relief the Superior Court may deem appropriate; and
- The waiver of these requirements in a collective bargaining agreement.

There are approximately 40 private companies that would be required to provide these benefits in the unincorporated areas of the County.

The County Counsel has drafted an ordinance on the above listed Supplemental Paid Sick Leave Benefits. The CEO is currently discussing the proposed language with Labor Union representatives and will identify impacted business within unincorporated areas to contact and solicit input and feedback on the proposed ordinances. The City of Los Angeles has received protest comments from businesses on their proposed right of recall and worker protection ordinances. The CEO anticipates receiving similar input once the draft ordinances are shared with the public for input on sick leave, right of recall, and retention.

2. The Provision of Recall Rights for Workers Laid Off and Retention Policies for Businesses that File Bankruptcies and/or are Sold as a Result of the COVID-19 Crisis.

The CEO, WDACS, and DCBA have consulted with Labor Union representatives. Initial conversations indicated that these provisions should be focused on the hospitality and janitorial sectors that have already experienced significant impacts due to the COVID-19 crisis and allow impacted workers to retain their seniority rights. In conversations with Labor Union representatives, they have expressed that they would prefer the provisions extend beyond December 31, 2020. The County Counsel is drafting ordinance language with sunset dates, and CEO is working with WDACS and DCBA in order to determine how many businesses would be impacted in the unincorporated areas of the County.

3. The Provision of Workplace Health and Safety Measures for Workers in Essential Services.

The CEO, WDACS, and DCBA consulted with Labor Union representatives and have begun discussions with the Department of Public Health (DPH). Initial discussions include: a) which agencies (OSHA or DPH) have jurisdiction over which aspects of worker protections at the workplace; b) how rules for additional personal hygiene and cleanliness of workstations might be enforced; c) how these rules might require modifications to piece-rate work; and d) the potential need to incorporate these practices in current training programs. In addition, CEO-EDD, in coordination with DPH, has compiled a list of COVID-19 - related health and safety resources and information specific to those still at work, including grocery workers, food service workers, delivery drivers, transit operators, and hospitality workers, as well as general COVID-19 - related health and safety tips for workers and employers. These resources will be made available through the County's Business and Worker Disaster Help Center.

The motion also directed the CEO, in collaboration with DHR, DCBA, WDACS, and other relevant departments to convene discussions and possible partnerships with impacted Labor Unions and other impacted entities on best practices training, and worker resources needs related to COVID-19 response efforts. Those discussions have begun and will be reported back at the next scheduled Board meeting.

In addition, DCBA, in collaboration with other Departments, is working to further develop the County's Business and Worker Disaster Help Center <https://lacountyhelpcenter.org/> to include worker safety information and guidance developed by DPH. The DCBA and DPH are partnering to host two webinars in English and Spanish in partnership with the Grocers Association to provide best practices to grocers on April 9, 2020, from 10:00 a.m. to 12:00 p.m. (English), and April 14, 2020, from 10:00 a.m. to 12:00 p.m. (Spanish).

The CEO will continue to work with WDACS, DCBA, and County Counsel on these efforts, including the implementation of guidance related to health and safety protections for workers. If you have any questions regarding these efforts, please contact Allison Clark at (213) 974-8355, or allison.clark@ceo.lacounty.gov.

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JO:RM:yy

c: Executive Office, Board of Supervisors
County Counsel
Workforce Development, Aging and Community Services
Consumer and Business Affairs