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MARY C. WICKHAM
County Counsel

April 10, 2020

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

**Re: Urgency Ordinance Adding Chapter 11.57 of Title 11 – Health
and Safety – of the Los Angeles County Code**

Dear Supervisors:

Pursuant to the Board's motion of March 31, 2020, enclosed please find for your consideration, the analysis and urgency ordinance adding Chapter 11.57 to Title 11 – Health and Safety – of the Los Angeles County Code, which:

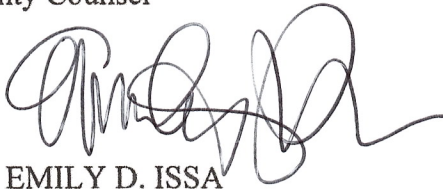
1. Establishes sanitary practices, and workplace safety protections for Retail Grocery Store and Retail Drug Store premises;
2. Provides for the supply of protective face covering, sanitizing and other protective products; and
3. Includes other practices to assist vulnerable customers and other members; to help protect the health and safety of Retail Grocery Store, Retail Drug Store and Food delivery Platform workers and their customers in response to the pandemic COVID-19 public health crisis.

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This interim urgency ordinance will take immediate effect upon its approval by at least a four-fifths vote of your Board.

Very truly yours,

MARY C. WICKHAM
County Counsel

By 

EMILY D. ISSA
Deputy County Counsel
Health Services Division

APPROVED AND RELEASED:



LAWRENCE L. HAFETZ
Chief Deputy

JWW:EDI:jj

Enclosures

ANALYSIS

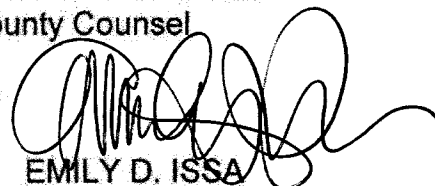
This interim urgency Ordinance constitutes the Los Angeles County COVID-19 Worker and Consumer Safety Ordinance by adding Chapter 11.57 to Title 11 – Health & Safety – of the Los Angeles County Code which establishes sanitary practices, and workplace safety protections for Retail Grocery Store and Retail Drug Store premises, provides for the supply of protective face covering, sanitizing and other protective products, and provides other practices to assist vulnerable customers and other members to help protect the health and safety of Retail Grocery Store, Retail Drug Store and Food Delivery Platform workers and their customers in response to the pandemic COVID-19 public health crisis.

This interim urgency ordinance will take immediate effect upon its approval by at least a four-fifths vote of the Board of Supervisors.

This interim urgency ordinance will expire on the latter of the lifting of (1) the Emergency Order declared on March 4, 2020, by the Governor of the State of California, or (2) the Local Emergency declared on March 4, 2020, declared by the Board of Supervisors.

MARY C. WICKHAM
County Counsel

By



EMILY D. ISSA
Deputy County Counsel
Health Services Division

JWW:EDI:bl

Requested: 04/09/2020

Revised: 04/10/2020

HOA.102840203.1

ORDINANCE NO. _____

An interim urgency ordinance amending Title 11 – Health and Safety of the Los Angeles County Code, relating to establishing sanitary practices and providing protective products by certain employers in response to the public health crisis created by the COVID-19 pandemic.

The Board of Supervisors of the County of Los Angeles ordains as follows:

Chapter 11.57 COVID-19 Worker and Consumer Safety

SECTION 1. 11.57.010 is hereby added to read as follows:

11.57.010 Purpose, Application and Findings.

On March 4, 2020, the Los Angeles County Board of Supervisors declared a Local Emergency, and the Los Angeles County Health Officer declared a Local Health Emergency, regarding the outbreak of the novel coronavirus (COVID-19), and on March 11, 2020, the World Health Organization officially declared the health crisis a pandemic. On March 21, 2020, the Los Angeles County Health Officer issued a revised Safer at Home Order, requiring all residents to stay at home unless performing certain essential activities.

Retail Grocery Stores and Retail Drug Stores remain open, and their workers have become "front-line responders" to the local health emergency. In addition, many of the most vulnerable County residents, including those 60 years and older or with underlying health conditions, have turned to "Food Delivery Platforms" as a result of the requirements under the Safer at Home Order to meet many basic activities, such as obtaining groceries, toiletries and other essential items.

Food and grocery delivery drivers and shoppers are an essential population of workers, not employed directly by Retail Grocery Stores and Retail Drug Stores, but in

contractual relationship with Food Delivery Platforms. These businesses, along with Retail Grocery Stores and Retail Drug Stores, must provide their workers with the necessary supplies, tools, equipment and safety practices to protect the workers and the public they are serving.

In promoting the health, safety, and general welfare of its residents, the County of Los Angeles has a substantial interest in encouraging Retail Grocery Stores, Retail Drug Stores and Food Delivery Platforms to comply with federal, State, and local laws, and Health Officer orders and recommendations of health authorities to limit the spread of COVID-19.

SECTION 2. 11.57.020 is hereby added to read as follows:

11.57.020 Definitions.

For the purpose of this interim urgency ordinance, the following words and terms shall have the following meaning:

A. "Employer" means any of the following:

1. Retail Grocery Store;
2. Retail Drug Store; or
3. A Food Delivery Platform.

B. "Food Delivery Platform" means a business that utilizes an online website or other similar presence to interact with customers and acts as an intermediary between its customers/consumers and a Retail Grocery Store, Retail Drug Store and/or Restaurant.

C. "Health Officer Order" means any order issued by the Los Angeles County Health Officer, as amended.

D. "Restaurant" shall have the same meaning as set forth in Section 8.04.400 of the Los Angeles County Code.

E. "Retail Drug Store" means a retail store that sells a variety of prescription and non-prescription medicines and miscellaneous items, including but not limited to drugs, pharmaceuticals, sundries, fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, and prepared foods.

F. "Retail Grocery Store" means a retail store that sells primarily food or household goods, including fresh produce, meats, poultry, fish, deli products, dairy products, canned foods, dry foods, beverages, baked goods, and/or prepared foods.

G. "Retaliation" means taking adverse action against a Worker, such as reduction of work hours or compensation, or discharging a Worker for exercising rights granted by this interim urgency ordinance, or for complying with any Health Officer Order.

H. "Worker" means any person working for a Retail Grocery Store, Retail Drug Store, or Feed Delivery Platform, including as an employee or an independent contractor, that either physically works at a retail location that is open to the public and sells groceries, or shops or picks up prepared foods, groceries and other orders from a Restaurant, Retail Grocery Store and/or Retail Drug Store to deliver to a consumer. For purposes of this interim urgency ordinance, a Worker is presumed to be an employee of an Employer, and an Employer has the burden to demonstrate that a Worker is not an employee.

I. "Social Distancing" means the practice of avoiding large gatherings and maintaining a physical distance of at least six (6) feet from other people, or as otherwise defined in a Health Officer Order, and any other guidance issued by a Health Officer.

SECTION 3. 11.57.030 is hereby added to read as follows:

11.57.030 Provision of Equipment and Supplies.

A. Retail Grocery Stores and Retail Drug Stores shall provide their Workers who touch products for sale or otherwise interact with customers, at the Employers' expense, the following:

1. Gloves (if commercially available)
2. Hand sanitizer (if commercially available)
3. Disinfecting cleaning products and any other necessary sanitary tools and supplies.
4. Face coverings (non-medical grade).
5. Plexiglass barriers at all point of sale stations between a customer and a Worker.
6. Appropriate training on the proper use, cleaning, and maintenance of items 1 through 5 above.

B. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Dedicated handwashing or sanitizing stations available in all stores for use by Workers prior to beginning their shifts.
2. Sanitary restrooms stocked with necessary soap, towels, toilet seat covers and toilet paper.

C. Food Delivery Platforms shall provide either (1) a face covering (non-medical grade), and gloves and/or hand sanitizer, or (2) a stipend or other sufficient, available funds for the purchase of a face covering (non-medical grade), and gloves and/or sanitizers.

D. Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms will follow all Health Officer Orders and guidance issued by the Los Angeles County Health Officer related to the work environment, Workers, and COVID-19.

SECTION 4. 11.57.040 is hereby added to read as follows:

11.57.040 Staffing.

A. Retail Grocery Stores and Retail Drug Stores shall be maintained in clean condition, and shall cause the shopping carts and baskets to be sanitized between each use.

B. Retail Grocery Stores and Retail Drug Stores shall not unreasonably withhold approval of a Worker's request to change a work schedule due to childcare/family needs arising from a Health Officer Order, or due to a Worker experiencing symptoms consistent with COVID-19.

SECTION 5. 11.57.050 is hereby added to read as follows:

11.57.050 Other Worker and Customer Protections.

A. Retail Grocery Stores and Retail Drug Stores shall permit their respective Workers to wash their hands at least every thirty (30) minutes.

B. Retail Grocery Stores and Retail Drug Stores shall require their respective Workers to wear face coverings (non-medical grade) while on premises.

C. Retail Grocery Stores and Retail Drug Stores shall provide the following:

1. Shopping time dedicated solely for customers age 60 and over.
2. Proper signage at entrances to stores informing customers of the requirements for Social Distancing and visible markers for customers in line, in accord with Social Distancing at point of sale stations.

3. Access for Food Delivery Platform Workers to the restrooms on the premises for handwashing purposes.

D. Retail Grocery Stores and Retail Drug Stores may refuse admission or service to any individual who is not wearing a face covering.

E. Food Delivery Platforms shall require their Workers to wash or sanitize their hands prior to handling any food for delivery.

F. Food Delivery Platforms shall offer to its customers "no-contact" delivery options so deliveries can be made without Workers coming into close physical contact with customers.

SECTION 6. 11.57.060 is hereby added to read as follows:

11.57.060 Retaliation Prohibited.

Retail Grocery Stores, Retail Drug Stores, and Food Delivery Platforms shall be prohibited from retaliating against a Worker for exercising rights granted by this interim urgency ordinance or for complying with any Health Officer Order.

SECTION 7. 11.57.070 is hereby added to read as follows:

11.57.070 Sunset Clause.

This interim urgency ordinance shall sunset upon the latter of either the Governor of the State of California lifting his emergency order declared on March 4, 2020, or the Board of Supervisors lifting the Local Emergency declared on March 4, 2020.

[CH1157EICC]