


## ANALYSIS

This urgency ordinance amends the Los Angeles County COVID-19 Supplemental Paid Sick Leave Ordinance contained in Chapter 8.200 of Title 8 – Consumer Protection, Business and Wage Regulations – of the Los Angeles County Code, which established supplemental paid sick leave for employees at businesses that employ 500 or more employees nationally in response to the pandemic COVID-19 public health crisis. The supplemental paid sick leave under Chapter 8.200 expired on December 31, 2020. This urgency ordinance will extend supplemental paid sick leave until two calendar weeks after the expiration of the COVID-19 local emergency as ratified and declared by the Board. This urgency ordinance will also extend supplemental paid sick leave to employees at all businesses in the unincorporated areas of the County.

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

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By



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Requested: 1/5/2021  
Revised: 1/21/2021

## ORDINANCE NO.

An urgency ordinance amending Title 8 – Consumer Protection, Business and Wage Regulations of the Los Angeles County Code, relating to extending supplemental paid leave for employees of employers with 500 or more employees nationally for COVID-19 related reasons, and establishing supplemental paid leave for employees of all employers in the unincorporated areas of the County.

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

**SECTION 1.** ~~Division 5 is hereby added to read~~ Sections 8.200.010, 8.200.020, 8.200.030, and 8.200.130 are hereby amended as follows:

**8.200.010 Purpose.**

As a result of the COVID-19 pandemic and "Safer at Home" emergency declarations by California Governor Gavin Newsom and the ~~County of Los Angeles County Board of Supervisors~~ issued to protect the public health and welfare, many workers in the County of Los Angeles are facing significant job and economic insecurity. To ensure fair employment practices during the economic upheaval resulting from the pandemic and to reduce the demand on government-funded social services, the County hereby requires all employers ~~not covered by the Families First Coronavirus Response Act (H.R. 6201) and the California Governor's Executive Order N-51-20~~ in the County to provide its employees with supplemental paid sick leave for COVID-19 related reasons, as set forth in this ordinance.

On March 18, 2020, the federal government enacted H.R. 6201 Federal Families First Coronavirus Response Act ("Families First Act"), which required employers with

fewer than 500 employees to provide supplemental paid sick leave benefits to their employees impacted by COVID-19.

On April 28, 2020, the County of Los Angeles enacted an urgency ordinance extending the paid sick leave benefit to employees at businesses that employ 500 or more employees nationally, in the County's jurisdiction, which were not covered by the Families First Act. The supplemental paid sick leave benefits provided under Chapter 8.200 expired on December 31, 2020. Given the continuing COVID-19 pandemic, the benefits under Chapter 8.200 should be extended.

However, the Families First Act's supplemental paid sick leave benefits for employees at employers with fewer than 500 employees also expired on December 31, 2020. Therefore, the sick leave benefits provided under Chapter 8.200 should be extended to all employers in the unincorporated areas of the County.

**8.200.020 Definitions.**

The following definitions shall apply to this Chapter:

- A. "County" means the unincorporated areas of the County of Los Angeles.
- B. "Emergency Responder" means an Employee who provides emergency response services, including, but not limited, to any of the following:
  - 1. A peace officer;
  - 2. A firefighter;
  - 3. A paramedic;
  - 4. An emergency medical technician;
  - 5. A public safety dispatcher or safety telecommunicator;

6. An emergency response communication employee;
7. Rescue service personnel; and
8. Employees included in the definition of emergency responder in the

regulations issued by the U.S. Department of Labor.

C. "Employee" means an individual who performs any work within the geographic boundaries of the County for an Employer. For purposes of this Chapter, a worker is presumed to be an Employee, and an Employer has the burden to demonstrate that a worker is a bona fide independent contractor and not an Employee. For the period of March 31, 2020 to December 31, 2020, Aa food sector worker, as defined in the California Governor's Executive Order N-51-20, is excluded from the definition of "Employee."

D. "Employer" means a person, as defined in Section 18 of the California Labor Code, including a corporate officer or executive, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs or exercises control over the wages, hours or working conditions of any Employee. For the period of March 31, 2020 to December 31, 2020. ~~This, this~~ Chapter applies only to Employers with 500 or more employees nationally. Effective January 1, 2021, this Chapter shall apply to all Employers in the unincorporated areas of the County. This Chapter and the definition of Employer does not apply to federal, state, or local government agencies.

E. "Family member" means the Employee's child, parent or spouse. "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a

person standing in loco parentis who is either of the following: (a) under 18 years of age or (b) an adult dependent child. "Parent" means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the Employee when the Employee was a child.

F. "Health Care Provider" means an Employee who provides emergency response services, including, but not limited, to any of the following:

1. Medical Professionals;
2. Employees who are needed to keep hospitals and similar health care facilities well supplied and operational;

3. Employees who are involved in research, development, and production of equipment, drugs, vaccines, and other items needed to combat the COVID-19 public health emergency; and

4. Employees included in the definition of health care provider in the regulations issued by the U.S. Department of Labor.

G. "Person" means a person, association, organization, partnership, business trust, limited liability company or corporation.

H. "Supplemental Paid Sick Leave" means time an Employee is compensated by an Employer for COVID-19 related leaves as described in Section 8.200.040.

#### **8.200.030 Supplemental Paid Sick Leave Entitlements.**

A. An Employer's obligation to begin providing Supplemental Paid Sick Leave under this Chapter iscommences March 31, 2020.

B. An Employee who is employed by an Employer ~~on the effective date of this Chapter~~ is entitled to Supplemental Paid Sick Leave as follows:

1. An Employee who works at least forty (40) hours per week or is classified as a full-time Employee by the Employer shall receive no more than eighty (80) hours of Supplemental Paid Sick Leave under either the Families First Act or this Chapter for the entire period covered under this Chapter. Supplemental Paid Sick Leave shall be calculated based on an Employee's highest average two week pay over the period of January 1, 2020 through the effective date of this Chapter.

2. An Employee who works less than forty (40) hours per week and is not classified as a full-time Employee by the Employer shall receive Supplemental Paid Sick Leave for the entire period covered under this Chapter in an amount no greater than the Employee's average two week pay over the period of January 1, 2020 through the effective date of this Chapter. Such Supplemental Paid Sick Leave must be reduced by the supplemental paid sick leave paid under the Families First Act.

3. An Employee who has exhausted the Supplemental Paid Sick Leave entitlements in Section 8.200.030(B) or the supplemental paid sick leave benefits in the Families First Act by December 31, 2020, is not eligible for any additional allotment of Supplemental Paid Sick Leave after that date.

C. In no event shall the Supplemental Paid Sick Leave amount paid to an Employee exceed \$511 per day and \$5,110 in the aggregate. Employees of joint Employers are only entitled to the total aggregate amount of leave specified for Employees of one Employer.

D. The total number of hours of Supplemental Paid Sick Leave to which an Employee is entitled pursuant to Section 8.200.030 shall be in addition to any paid sick leave that may be available to the Employee under Labor Code section 246.

E. An Employer may not require an Employee to use any other paid or unpaid leave, paid-time off, or vacation time provided by the Employer to the Employee before the Employee uses Supplemental Paid Sick Leave, or in lieu of Supplemental Paid Sick Leave.

**8.200.130 Expiration of Ordinance.**

Due to the extraordinary effects on employment resulting from the COVID-19 pandemic, this ordinance is extended and shall be in effect until two calendar weeks after the expiration of the COVID-19 local emergency as ratified and declared by the Board of Supervisors ~~shall be in effect until December 31, 2020~~, unless the Board of Supervisors takes an action to extend this ordinance. The provisions of this Chapter are made retroactive to January 1, 2021.

**SECTION 2. Immediate Effect.**

This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths or greater vote, pursuant to sections 25123(d) and 25131 of the California Government Code. The Board of Supervisors finds that the extension of the benefits provided for herein are necessary for the immediate preservation of the public peace, health, or safety due to the extraordinary effects on employment resulting from the ongoing COVID-19 pandemic.

[DIV5TITLE8JGCC]