

MOTION BY SUPERVISORS HILDA L. SOLIS

APRIL 20, 2021

AND SHEILA KUEHL

Employee Paid Leave for Expanded Vaccine Access

As eligibility for the COVID-19 vaccine expands and supplies coming into Los Angeles County increase, it is critical that barriers to vaccine access are removed to ensure an effective and equitable response. And though the vaccines are free regardless of insurance or documentation status, there exist other significant obstacles to access. In workplaces across the County, many employees lack the financial means to take the necessary time off from work to access the vaccine. This is especially true for low wage and essential workers.

Health experts have estimated that at least 70-85% of the population will need to be fully vaccinated to reach herd immunity. As of April 4, 2021, approximately 40% of County residents have received one dose of the vaccine. And though this is significant, Black and Latinx residents still have lower uptake of the vaccine when compared to other demographic groups – and this equity gap is even more pronounced for Black and Latinx men. In California, most essential workers are Black and Latinx. In fact, of Latinx

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workers in the State, 55% are employed in essential workers, and 48% of Black workers are in essential roles. Men are overrepresented in frontline jobs including food preparation, farm workers, and construction workers. Though the State does not currently collect vaccination data by occupation, the low vaccination rate in Black and Latinx communities for those ages 16 and above strongly suggests that more must be done to reach essential workers.

To close these gaps, the County deploys mobile units to go directly to select workplaces to provide vaccines. These mobile units target multiple communities, including highly impacted areas, neighborhoods with low access to transportation, homebound individuals, and senior housing centers. However, their capacity is limited, and mobile units alone cannot meet the significant need for every workplace across the County. It is clear that more must be done to remove barriers to access for workers across the County, especially our essential workers.

Opportunities for vaccines to come to workplaces must expand, but workers must also have a greater ability to access vaccination sites. Furthermore, workers must not be forced to decide between a paycheck and taking the necessary steps to safeguard their own wellbeing and the public health. To that end, it is critical that all workers have access to additional paid leave benefits to get vaccinated.

Although the first federal coronavirus relief package, the *Families First Coronavirus Relief Act (FFCRA)*, included provisions requiring employers to provide 80 hours of paid sick leave for coronavirus-related purposes such as recovery, quarantine, and isolation, it carried large carve outs for businesses with fewer than 25 employees or greater than 500 employees. Furthermore, it exempted employees from the public

sector, regardless of the size of the entity. Reports have indicated that due to this carveout, roughly 50% of employees were exempt from this critical provision.

California law, SB 95, addresses this loophole by requiring all employers with 25 or more employees to provide 80 hours of COVID-19 related sick leave for full-time employees, and for part-time employees, hours to cover the normal schedule that employee would work over two weeks. Though this covers vaccine-related time, many of our most vulnerable residents, especially our essential workers, may have already exhausted the existing 80-hour benefit due to either prior infection or exposure to COVID-19, and thus lack the necessary hours to take time off work to get vaccinated. To that end, it is important that workers be provided additional paid leave receive their vaccine.

This is especially important in light of Governor Newsom's stated goal of fully re-opening the State's economy by June 15, 2021. The current pace of individuals getting vaccinated must continue at its current rate or improve in the County and statewide to achieve that goal. It is in the best interest of the County's public health and the County's economy that we assure that all workers are vaccinated as expeditiously as possible, to prevent further outbreaks or delays for the County's re-opening. As the County re-opens, ensuring workers are vaccinated will provide greater assurances that businesses are safe for customers to return to, restoring greater consumer confidence in returning to regular economic activity.

WE, THEREFORE, MOVE that the Board of Supervisors direct County Counsel, in consultation with relevant Departments, to report back prior to the May 4, 2021 Board

of Supervisors meeting with the following:

1. Proposed Urgency Ordinance language that:
 - a. Grants all employees in private businesses/entities located in the unincorporated areas of the County up to an additional four hours of excused paid leave per injection to receive the COVID-19 vaccine;
 - b. Ensures that the leave of absence is granted at the employee's regular rate of pay and shall not be charged against any other leave an employee is entitled to, including paid sick leave;
 - c. Provides up to four hours of retroactive pay per injection for employees who received the vaccine during work time since January 1, 2021;
 - d. Prohibits retaliatory action against any employee who exercises rights afforded under this proposed ordinance; and
 - e. Submit the recommended Urgency Ordinance for Board consideration within 14 days.
2. A memorandum that advises the Board as to whether such an Urgency Ordinance can apply to all private employees in the unincorporated areas of Los Angeles County.

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