

LEGISLATIVE DIGEST

[Emergency Ordinance - COVID-Related Hazard Pay]

Reenactment of emergency ordinance (Ordinance No. 36-21) to temporarily require certain retail locations that include grocery stores or pharmacies, and property service contractors for retail locations that include grocery stores or pharmacies, to pay employees an additional five dollars per hour during the public health emergency related to COVID-19.

Existing Law

The Minimum Wage Ordinance, Administrative Code Chapter 12R, requires employers in the City to pay a minimum hourly wage rate, which is adjusted annually and is currently \$16.07 per hour. Additionally, an emergency ordinance (Ordinance No. 36-21) temporarily requires certain grocery stores, drug stores, and janitorial and security contractors whose employees work on-site at these grocery stores or drug stores, to provide a \$5 per hour hazard pay supplement to employees (up to a total wage of \$35 per hour).

The legislative digest for emergency Ordinance No. 36-21 is found in Board File No. 210181. Slightly edited, it summarizes the emergency ordinance as follows:

The emergency ordinance applies to grocery stores and drug stores with 500 or more employees worldwide including at least 20 employees in the City, and employees of janitorial and security contractors at such stores. Employees of a store that contains a grocery or pharmacy are covered, such as employees of a large drug store rather than just the employees of the pharmacy within it. Non-retail pharmacies, such as a pharmacy that serves a hospital, are not covered. Covered employers that voluntarily provided hazard pay may offset the employer-initiated hazard pay.

The emergency ordinance includes anti-retaliation protections that, among other provisions, prohibit interfering with rights protected under the emergency ordinance and taking any adverse action against an employee for exercising rights protected under the emergency ordinance.

The Office of Labor Standards Enforcement (OLSE) has implemented and is enforcing the emergency ordinance. OLSE published a notice suitable for employers to inform employees of their rights under the emergency ordinance, which employers were required to provide to employees, in English, Spanish, Chinese, Filipino, and any language spoken by at least 5% of the employees at job site, within three days after it is published.

FILE NO. 210456

Amendments to Existing Law

The proposed emergency ordinance reenacts Ordinance No. 36-21, with the result that it does not terminate on May 19, 2021. The proposed emergency ordinance sunsets on June 15, 2021.

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