

## **LEGISLATIVE DIGEST**

[Emergency Ordinance - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Employee Protections]

**Reenactment of emergency ordinance (Ordinance No. 74-20, as reenacted by Ordinance Nos. 110-20, 156-20, and 230-20) to temporarily require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections to employees during the public health emergency related to COVID-19.**

### Existing Law

An emergency ordinance (Ordinance No. 74-20, as reenacted by Ordinance No. 110-20, Ordinance No. 156-20, and Ordinance No. 230-20) temporarily requires certain health and scheduling protections for grocery store, drug store, restaurant, and on-demand delivery service employees during the public health emergency related to COVID-19.

The legislative digest for emergency Ordinance No. 74-20 is found in Board File No. 200360. Lightly edited, it summarizes the emergency ordinance as follows:

The emergency ordinance provides certain protections for employees of “covered employers,” which are grocery stores, drug stores, restaurants, and on-demand delivery services. On-demand delivery service workers are defined as employees for the purposes of the emergency ordinance regardless of how the delivery service classifies them.

The emergency ordinance supplements and clarifies the social distancing and sanitation requirements in the City’s Stay-Safer-at-Home Health Order (Order No. C19-07o) in the on-demand delivery service context. The emergency ordinance requires on-demand delivery services to provide to or reimburse employees for the reasonable cost of purchasing necessary hand sanitizer, disinfecting cleaning supplies, and any needed personal protective equipment such as gloves and face masks, and to provide employees a social distancing protocol. Additionally, on-demand delivery services must offer delivery employees the option of a no-contact delivery method where feasible to facilitate social distancing and must provide employees detailed guidance on how to safely make both in-person and no-contact deliveries. On-demand delivery services also must require delivery drivers to regularly disinfect high-touch surfaces in their vehicles and compensate them for doing so.

The emergency order provides scheduling protections that give grocery, drug store, restaurant, and on-demand delivery service employees an additional tool to keep

themselves safe. Covered employers must, where reasonably feasible, allow employees to cancel work for any reason for which sick leave or emergency paid sick leave under the federal Families First Coronavirus Response Act may be taken. Employees may use any available accrued paid sick leave or emergency paid sick leave, or reschedule the work.

The emergency ordinance includes anti-retaliation protections that, among other provisions, prohibit interfering with any right 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. Complaints of potential violations can be reported by calling 311 or contacting OLSE.

The original emergency ordinance, Ordinance No. 74-20, became effective on May 1, 2020. On July 10, 2020, Ordinance No. 110-20 reenacted Ordinance No. 74-20; on August 28, 2020, Ordinance No. 156-20 again reenacted Ordinance No. 74-20, as reenacted; and on November 13, 2020, Ordinance No. 230-20 again reenacted Ordinance No. 74-20, as reenacted. Ordinance No. 74-20, as reenacted, will terminate automatically on January 12, 2021, unless again reenacted.

#### Amendments to Existing Law

The proposed emergency ordinance reenacts Ordinance No. 74-20, with the result that it does not terminate on January 12, 2021, but rather is extended for an additional 60 days.

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