



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nora Frimann
City Attorney

SUBJECT: HAZARDOUS PAY ORDINANCE **DATE:** February 8, 2021

COUNCIL DIRECTION

On February 2, 2021 the City Council directed the City Attorney to draft an urgency ordinance requiring hazard pay for retail food workers based in large part on the memorandum from Councilmember Jimenez dated Feb 2, 2021. The City Attorney was directed to bring the ordinance to the City Council on February 9, 2019 and include the following items in the ordinance:

- a. Hazard pay of an additional \$3 an hour for retail food workers;
- b. Apply to retail food establishments that sell meats, poultry, dairy products, fresh fruits, and vegetables that have at least 300 employees nationwide;
- c. Allow for a private right of action;
- d. Include a credit for retail establishments that currently provide pay increases related to the COVID-19 pandemic;
- e. Commence immediately upon Council approval and continue for 120 days, at which point the Council will evaluate the impacts of the ordinance and decide whether to extend hazard pay for additional time.

In addition, the Council also requested that the Ordinance include provisions covering full and part-time employees and provide an exemption for small business franchises as recommended by Councilmember Cohen. The Council further accepted Councilmember Cohen's request that the City Attorney return with an urgency ordinance and a regular ordinance Council for consideration.

In order to focus on the type of retail food establishment defined in Councilmember Jimenez's memo the ordinances refer to the businesses covered by the ordinances as Grocery Stores and the employees as Grocery Store Employees. The term Covered Employer is a Grocery Store which employs 300 or more employees. The ordinances also include options in Section 5 M which allows the Council to further define Grocery

