

OV C D-19 SUPPLEMENTAL PAID SICK LEAVE

A. An employee who has been employed for 90 days with the same employer, is entitled to supplemental paid sick leave, if an employee is unable to work or telework, as follows:

1. An employee who works at least 40 hours per week or is classified as a full-time employee by the employer shall receive 80 hours of supplemental paid sick leave. Supplemental paid sick leave shall be calculated based on an employee's average two week pay over the last 90 days of employment.
2. An employee who works less than 40 hours per week and is not classified as a full-time employee by the employer shall receive supplemental paid sick leave in an amount no greater than the Employee's average two week pay over the last 90 days of employment.

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B. For purposes of this Order, an employee is an individual who performs any work within the geographic boundaries of the City for an employer. For purposes of this Order, an employer is a person in Section 18 of the California Labor Code, including a corporate officer or executive, who directly 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. This Order shall apply to an employer that has either: (i) 500 or more employees within the City of Los Angeles; or (ii) 2,000 or more employees within the United States.

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.

EMPL ~~YE REQUEST~~ F SUPPLEMENTAL PAID SICK LEAVE

A. An employer shall provide supplemental paid sick leave upon the oral or written request of an employee if:

1. The employee takes time off due to COVID-19 infection or because a public health official or healthcare provider requires or recommends the employee isolate or self-quarantine to prevent the spread of COVID-19;
2. The employee takes time off work because the employee is at least 5 years old or has a health condition such as heart disease, asthma, lung disease, diabetes, kidney disease, or weakened immune system;

- 3 The employee takes time off work because the employee needs to care for a family member who is not sick but whose public health officials or health care providers have required or recommended isolation or self-quarantine or
- 4 The employee takes time off work because the employee needs to provide care for a family member whose senior care provider or whose school or child care provider caring for a child under the age of 18 temporarily ceases operations in response to a public health order or other public official's recommendation. This provision is only applicable to an employee who is unable to secure a reasonable alternative caregiver
- 5 The employee takes time off work to receive a vaccine for protection against contracting COVID-19, which includes the time traveling to and from an appointment, and to recover from any symptoms related to a COVID-19 vaccine

B With the exception of requesting verification of receipt of a COVID-19 vaccine, an Employer may not require a doctor's note or other documentation for the use of Supplemental Paid Sick Leave

III. EMPLOYER OFFSET.

An Employer's obligation to provide 80 hours of Supplemental Paid Sick Leave under this Order shall be reduced for every hour an employer allowed an employee to take paid leave in an amount equal to or greater than the requirements in Section II, not including previously accrued hours, on or after March 4, 2020, for any of the reasons described in Paragraph II A 1-5 or in response to an Employee's inability to work due to COVID-19

IV. EXEMPTIONS.

- A Emergency and Health Services Personnel An employer of an employee who is either emergency Personnel or a health care worker shall be exempt from this Order. Emergency Personnel refers to individual specified in the April 1, 2020 City of Los Angeles Safer at Home emergency order Paragraph 5(vi), including all first responders, gang and crisis intervention workers, public health workers, emergency management personnel, emergency dispatchers, law enforcement personnel, and related contractors and others working for emergency services providers. A health care worker shall encompass individuals described in California Government Code Section 12945.2(c)(1) or individuals, including contract workers, working at a health facility licensed under California Health & Safety Code Section 1250
- B Critical Parcel Delivery An employer of an employee that provides global parcel delivery services shall be exempt from this Order. For purposes of this Order, global parcel delivery is an essential emergency Service vital to the health and safety during this pandemic

G e erous Leave If a Employer has a paid leave or paid time off policy that provides a minimum of 10 hours of paid leave annually the Employer is exempt from a duty obligation to provide supplemental leave pursuant to this Order for the Employee that received the more generous paid leave

D New Business Exemption This Order exempts new businesses that started in the city or businesses that relocated from outside the city on or after September 4 2019 through March 4 2020 To qualify a Employer could not have been in business in the city in the 2018 tax year The following businesses shall not qualify for this new business exemption: construction businesses as defined in Section 21.30 b 1 of the Los Angeles Municipal Code or film producers as defined in Section 21.109 of the Los Angeles Municipal Code

E Government This Order does not apply to employees of government agencies working within the course and scope of their public service employment

F Closed Businesses and Organizations Any business or organization that was closed or not operating for a period of 14 or more consecutive calendar days due to a city official's emergency order because of the COVID-19 pandemic shall be exempt from the requirements of this Order

V. ENFORCEMENT.

A An Employee claiming a violation of this Order may bring a action in Superior Court of the State of California against a Employer and may be awarded:

1. Restatement to the position the Employee was discharged in violation of this Order
2. Back pay and Supplemental Paid Sick Leave unlawfully withheld calculated at the Employee's average rate of pay
3. Other legal or equitable relief the court may deem appropriate

B If a Employee is the prevailing party in a legal action taken pursuant to this Order the court may award reasonable attorneys' fees and costs as part of the costs recoverable

VI. RETALIATORY ACTION PROHIBITED.

No Employer shall discharge reduce in compensation or otherwise discriminate against any Employee for opposing any practice proscribed by this Order for requesting to use or actually using Supplemental Paid Sick Leave under this Order for participating in proceedings related to this Order for seeking to enforce his or her rights under this Order by any lawful means or for otherwise asserting rights under this Order

N O WA I E R O F R I G H T S

Any waiver by an employee of any or all of the provisions of this Order shall be deemed contrary to public policy and shall be void and unenforceable.

**C O E X I S T E N C E W I T H O T H E R A P P L I C A B L E R E L I E F F O R S P E C I F I C
D E P R I M A T O N S O F P R O T E C T E D R I G H T S**

With the exception of rights and remedies provided to employees pursuant to federal aid packages, including, without limitation, the Families First Coronavirus Response Act (HR 201), the provisions of this Order are in addition to or independent of any other rights, remedies, or procedures available under any other law and do not diminish, alter, or negate any other legal rights, remedies, or procedures available to an employee.

X C O N F L I C T S

Nothing in this Order shall be interpreted or applied to create any power or duty in conflict with any federal or state law.

X S E P A R A B L E T Y

If any subsection, sentence, clause or phrase of this Order is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The City Council hereby declares that it would have adopted this Order and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Order would be subsequently declared invalid or unconstitutional.

X E X P I R A T I O N O F O R D E R

Due to the extraordinary effects on employment resulting from the COVID-19 pandemic, this order shall be in effect until two calendar weeks after the expiration of the COVID-19 local emergency period.

X E X E M P T I O N F O R C O L L E C T I V E B A R G A I N I N G A G R E E M E N T

A collective bargaining agreement in place on the effective date of this Order may supersede the provisions of this Order if it contains COVID-19 related sick leave provisions. When the collective bargaining agreement expires or is otherwise open for renegotiation, the provisions of this Order may only be expressly waived if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. If a collective bargaining agreement is in place on the effective date of this Order but the agreement does not address COVID-19 related sick leave provisions, the employer must comply with this Order unless and until the agreement is amended to expressly waive in clear and unambiguous terms set forth in the agreement.

ORDER ON CE WAGE STANDARDS

The Office of Wage Standards (OWS) of the Bureau of Contract Administration shall promulgate Rules and Regulations consistent with this Order. The Rules and Regulations shall be posted on WagesLA.lacity.org and may be relied upon by Employees and Employers to determine their rights and responsibilities under this Order.

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Eric Garcetti, MAYOR n

Dated: June 24, 2021 at Los Angeles, California
Time: 12:35 p.m.

Filed with the City Clerk

Date: _____

Time: _____

By: _____ n