

ORDINANCE NO. 2021-\_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CULVER CITY, STATE  
OF CALIFORNIA, ESTABLISHING PREMIUM HAZARD  
PAY FOR ON-SITE HOSPITAL WORKERS AT COVERED  
HOSPITALS**

**WHEREAS**, the novel coronavirus 19 (“COVID-19”) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization (WHO) as a worldwide pandemic; and

**WHEREAS**, on March 14, 2020, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the COVID-19 pandemic, which was ratified by the City Council on March 18, 2020 by Resolution No. 2020-R015. Such action followed the Los Angeles County Department of Public Health’s and the Chair of the Board of Supervisor’s declarations of a local health emergency, the State of California’s declaration of a State of Emergency on March 4, 2020, and the declaration of a National Emergency on March 13, 2020; and

**WHEREAS**, after issuing local health emergency declarations, the County of Los Angeles, with guidance from the State of California, issued public health orders requiring the closure or modified operations of numerous business sectors, and ordered the general public to stay safer at home, except to provide essential services and to engage in essential activities, to mitigate the spread and the effects of COVID-19; and

**WHEREAS**, hospital operations were determined to be part of the essential infrastructure, and hospital workers were identified to be essential workers who continued to report to work throughout the pandemic and work long hours to serve their communities, despite the ongoing health hazard of being exposed to COVID-19; and

**WHEREAS**, according to the Los Angeles County Department of Public Health, as of April 30, 2021 over 10,000 Hospital Workers have been infected with COVID-19; and

1                   **WHEREAS**, Hospital Workers in Culver City put themselves and their  
2 families at increased risk every day to care for patients with COVID-19; and

3                   **WHEREAS**, caring for COVID-19 patients may also take an emotional  
4 toll on Hospital Workers, who often serve as family surrogates for very ill or dying patients  
5 and must bear the stress of record hospitalizations, declining caregiver to patient ratios,  
6 longer work shifts and deferred time off; and

7                   **WHEREAS**, in 2021 the CDC has reported that multiple COVID-19  
8 variants are circulating globally that appear to spread more quickly and easily than other  
9 variants, and as coronavirus cases continue to spread throughout the City and the region,  
10 the health threats Hospital Workers face continue to be significant, including the threat  
11 from the potentially more contagious variants of the coronavirus that have been detected  
12 in California; and

13                   **WHEREAS**, through this Ordinance, the City seeks to compensate  
14 essential Hospital Workers for their daily sacrifices and the ongoing risks they and their  
15 families face while providing vital services to the City's residents during the pandemic; and

16                   **WHEREAS**, by requiring premium hazard pay for their work during the  
17 COVID-19 pandemic, the City aims to protect the health and welfare of its essential  
18 Hospital Workers, their families, and the community.

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20                   **NOW THEREFORE**, the City Council of the City of Culver City, California,  
21 **DOES HEREBY ORDAIN** as follows:

22                   **SECTION 1: DEFINITIONS.**

23                   The following definitions shall apply to this Ordinance:

- 24                   A.     **"City"** means the City of Culver City.  
25                   B.     **"Covered Hospital"** means any and all hospitals as defined in  
26 California Health and Safety Code section 1250(a) that operate within the  
27 geographical borders of the City.  
28

1 C. **“Employer”** means any person, as defined in Section 18 of the  
2 California Labor Code, including any person, who directly or indirectly or  
3 through an agent or any other person, including through the services of a  
4 temporary service or staffing agency or similar entity, employs or  
5 exercises control over the wages, hours, or working conditions of any  
Hospital Worker.

6 D. **“Hospital Worker”** means any individual providing direct patient  
7 care and services supporting patient care at a Covered Hospital, including,  
8 but not limited to, clinicians, nurses, aides, technicians, janitorial and  
9 housekeeping staff, security guards, food services workers, laundry  
10 workers, pharmacists, and nonmanagerial administrative staff, but does  
11 not include any exempt manager or an individual performing exclusively  
12 managerial or supervisory functions, or any physician or surgeon licensed  
13 by the State of California pursuant to Chapter 5 of Division 2 of the  
14 Business and Professions Code.

15 E. **“Premium Hazard Pay”** means additional compensation owed to  
16 an Employee in addition to the Employee’s other compensation, including,  
17 but not limited to, salaries, wages, tips, overtime, commissions, piece rate,  
18 bonuses rest breaks, paid leave, and reimbursement for expenses.

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20 **SECTION 2. PREMIUM HAZARD PAY FOR HOSPITAL WORKERS.**

21 A. Hospital Workers shall be entitled to no less than five dollars (\$5.00)  
22 per hour in Premium Hazard Pay for each hour worked on-site at a Covered  
23 Hospital in the City for an Employer. If an Employer already provides hourly  
24 Premium Hazard Pay as of the effective date of this Ordinance, such  
25 compensation may be credited as part of the additional five dollars per hour  
26 required by this section. In no event shall any Premium Hazard Pay provided  
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1 prior to the effective date of this Ordinance be credited as part of the  
2 compensation due under this section.

3 B. Hospital Workers entitled to Premium Hazard Pay include Hospital  
4 Workers employed directly by a Covered Hospital and Hospital Workers who  
5 are contracted to work at the Covered Hospital through another Employer.

6 C. A Covered Hospital shall reimburse any contracted Employer for  
7 Premium Hazard Pay pursuant to this Ordinance.

### 8 9 **SECTION 3: RETALIATORY ACTION PROHIBITED.**

10 No Covered Hospital or Employer shall discharge, reduce in compensation, or  
11 otherwise discriminate against any Hospital Worker for opposing any practice proscribed  
12 by this Ordinance, for requesting the additional compensation owed under this Ordinance,  
13 for participating in proceedings related to this Ordinance, for seeking to enforce his or her  
14 rights under this Ordinance by any lawful means, or for otherwise asserting rights under  
15 this Ordinance.

### 16 17 **SECTION 4: ENFORCEMENT.**

18 Any Hospital Worker aggrieved by a violation of this Ordinance may bring a  
19 civil action in a court of competent jurisdiction against the Employer violating this  
20 Ordinance. An Employee, upon prevailing, shall be entitled to such legal or equitable relief  
21 as may be appropriate to remedy the violation, including, without limitation, the payment of  
22 any wages unlawfully withheld and/or injunctive relief, and shall be awarded attorney's  
23 fees and costs.

### 24 25 **SECTION 5: NO WAIVER OF RIGHTS.**

26 Any waiver by an Employee of any or all of the provisions of this Ordinance  
27 shall be deemed contrary to public policy and shall be void and unenforceable.  
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1                   **SECTION 6: COEXISTENCE WITH OTHER AVAILABLE RELIEF FOR**  
2 **DEPRIVATIONS OF PROTECTED RIGHTS.**

3                   The provisions of this Ordinance are in addition to or independent of any  
4 other rights remedies, or procedures available under any other law and do not diminish,  
5 alter, or negate any other legal rights, remedies, or procedures available to an Employee.

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7                   **SECTION 7: CONFLICTS**

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

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11                  **SECTION 8: RULES AND REGULATIONS.**

12                  The City Manager or their designee shall promulgate Rules and Regulations  
13 that will be updated when necessary consistent with this Ordinance for further clarification  
14 of the provisions of this Ordinance if warranted. The Rules and Regulations shall be  
15 posted on the City's website.

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17                  **SECTION 9: SUNSET**

18                  This Ordinance shall expire 120 days after the effective date of this  
19 Ordinance.

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21                  **SECTION 10. ENVIRONMENTAL DETERMINATION.** The City Council

22 finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA")  
23 pursuant to CEQA guidelines, California Code of Regulations, Title 14, Chapter 3,  
24 §15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect  
25 physical change in the environment] and §15060(c)(3) [the activity is not a project as  
26 defined in §15378] because it has no potential for resulting in physical change to the  
27 environment, directly or indirectly.

1                   **SECTION 11. EFFECTIVE DATE.** Pursuant to Section 619 of the City  
2 Charter, this Ordinance shall take effect thirty (30) days after its adoption.

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4                   **SECTION 12. SEVERABILITY.** The City Council hereby declares that, if any  
5 provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is  
6 rendered or declared invalid or unconstitutional by any final action in a court of competent  
7 jurisdiction or by reason of any preemptive legislation, then the City Council would have  
8 independently adopted the remaining provisions, sections, subsections, paragraphs,  
9 sentences, phrases or words of this Ordinance and as such they shall remain in full force  
10 and effect.

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12                   **SECTION 13. PUBLICATION.** Pursuant to Sections 616 and 621 of the City  
13 Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall  
14 cause this Ordinance, or a summary thereof, to be published in the Culver City News and  
15 shall post this Ordinance or a summary thereof in at least three places within the City.

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17 APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

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19 \_\_\_\_\_  
20 ALEX FISCH, MAYOR  
21 City of Culver City, California

22  
23 ATTEST:

APPROVED AS TO FORM:

24  
25 \_\_\_\_\_  
26 JEREMY GREEN  
27 City Clerk

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\_\_\_\_\_  
CAROL A. SCHWAB  
City Attorney