



City of Culver City

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Staff Report

File #: 21-952, **Version:** 1

Item #: A-1.

CC - Introduction of an Ordinance Establishing Premium Hazard Pay for On-Site Hospital Workers at Covered Hospitals.

Meeting Date: May 10, 2021

Contact Person/Dept: Shelly Wolfberg/City Manager's Office
Phone Number: (310) 253-6000

Fiscal Impact: Yes ☐ No ☒

General Fund: Yes ☐ No ☒

Public Hearing: ☐

Action Item: ☒

Attachments: ☒

Commission Action Required: Yes ☐ No ☒ **Date:**

Public Notification: (E-Mail) Michael Klepin, Southern California Hospital; Maky Peters, SEIU - United Healthcare Workers West; and Meetings and Agendas - City Council (05/05/2021).

Department Approval: John M. Nachbar (05/05/2021)

RECOMMENDATION

Staff recommends the City Council consider introduction of an Ordinance establishing premium hazard pay for on-site hospital workers at covered hospitals (Attachment 1).

BACKGROUND

On March 4, 2020, the State of California declared a State of Emergency due to the worldwide novel coronavirus pandemic (COVID-19) affecting residents of California, and the County of Los Angeles declared a public health emergency on that same date. Subsequently, the City of Culver City issued a Proclamation of Local Emergency on March 14, 2020. Shortly after the emergency was declared, the State and County began issuing public health orders requiring the closure or modified operations of numerous business sectors, in an attempt to mitigate the spread of COVID-19.

Hospital operations were determined to be part of the essential infrastructure, and hospital workers were identified as essential workers. Thus, hospitals remained open and hospital employees continued to report to work, treating an increasing number of patients extremely ill from COVID-19 complications. Additionally, as more and more persons became ill with COVID-19 and were admitted to hospitals, it was reported that many hospitals initially experienced a shortage of

personal protective equipment such as gowns, gloves, and face masks.

Throughout the pandemic, many hospital workers have worked long hours; and thousands of hospital workers were infected with COVID-19. As of April 30, 2021, as reported by the Los Angeles County Department of Public Health, over 10,000 Los Angeles County hospital workers have tested positive with COVID-19. Due to the nature of the virus, it is not always possible to determine where an individual contracted the virus; thus, the Los Angeles County Public Health website does not state where the hospital workers contracted COVID-19.

Overall, as reported by Los Angeles County Public Health officials, as of May 4, 2021, over 23,900 COVID-19 deaths have been reported in Los Angeles County, and over 1,233,000 positive COVID-19 cases. The Centers for Disease Control and Prevention (CDC) reported that multiple COVID-19 variants are circulating globally, including in California and Los Angeles County. Under these circumstances, COVID-19 remains a risk in the community.

At the April 12, 2021 City Council Meeting, after discussion, the City Council voted 3-2 in favor of agendizing the introduction of an Ordinance establishing premium hazard pay for on-site hospital workers at covered hospitals. On that same date, the City Council voted to also agendize introducing an ordinance establishing premium hazard pay for grocery and drug retail workers, which was introduced at the April 26, 2021 City Council meeting.

DISCUSSION

As directed by City Council, the Proposed Ordinance for hospital workers is similar to the Premium Hazard Pay Ordinance adopted by the City of Los Angeles for grocery and retail drug store workers.

The Proposed Ordinance includes the following provisions:

- **Covered Hospital:** A covered hospital is one included in California Health and Safety Code section 1250(a), i.e., “a general acute care hospital having a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff that provides 24-hour inpatient care, including the following basic services: medical, nursing, surgical, anesthesia, laboratory, radiology, pharmacy, and dietary services.”
- **Eligible Employees:** The Ordinance uses the term “Hospital Workers”, defined as individuals providing direct patient care and support services at a Covered Hospital including but not limited to, clinicians, nurses, aides, technicians, janitorial and housekeeping staff, security guards, food services workers, laundry workers, pharmacists, and nonmanagerial administrative staff, but does not include any exempt manager or an individual performing exclusively managerial or supervisory functions, or any physician or surgeon licensed by the State of California
- **Employer:** As used in the Ordinance, an Employer is obligated to pay Premium Hazard Pay to Hospital Workers. An Employer includes any person, who directly or indirectly 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 Hospital Worker.
- **Premium Hazard Pay:** A Hospital Worker is entitled to no less than five dollars (\$5.00) per hour in Premium Hazard Pay for each hour worked on-site at a Covered Hospital in the City for an

Employer.

- A Covered Hospital shall reimburse any contracted Employer for Premium Hazard Pay paid to Hospital Workers under the Ordinance.
- Private Right of Action: Any Hospital Worker may bring a civil action against the Employer for violating the Ordinance.
- No Covered Hospital or Employer shall discharge, reduce in compensation or otherwise discriminate against a Hospital Worker for seeking to enforce their rights under the Ordinance.
- Ordinance Sunset Date - 120 days after the effective date of the Ordinance.

The Proposed Ordinance is presented for City Council's consideration for introduction (Attachment 1).

FISCAL ANALYSIS

There is no fiscal impact relative to introducing the premium hazard pay for this on-site hospital workers at covered hospitals ordinance.

ATTACHMENTS

1. 2021-05-10__ ATT__ Ordinance - Premium Hazard Pay for on-site hospital workers at covered hospitals.

MOTION

That the City Council:

1. Introduce an Ordinance Establishing Premium Hazard Pay for on-site hospital workers at covered hospitals; or
2. Provide alternate direction to the City Manager as deemed appropriate.