



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
Culver City, CA 90232
(310) 253-5851

Staff Report

File #: 21-1078, **Version:** 1

Item #: A-4.

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

Meeting Date: June 14, 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 (06/09/2021).

Department Approval: John M. Nachbar, City Manager (06/09/2021)

RECOMMENDATION

Staff recommends the City Council consider adoption of an Ordinance establishing premium hazard pay for on-site hospital workers at covered hospitals.

BACKGROUND

Proposed Premium Hazard Pay Ordinance

At the May 24, 2021 City Council Meeting, City Council voted 3-2 to introduce an Ordinance establishing premium hazard pay for on-site hospital workers at covered hospitals.

The Ordinance contains 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.
- An exemption to the provision stating that no provision of the Ordinance may be waived by an employee, except if expressly waived in writing in a collective bargaining agreement.
- **Ordinance Sunset Date** - 120 days after the effective date of the Ordinance; however, the Ordinance states that City Council may rescind the Ordinance sooner if conditions render it advisable to do so.

The Proposed Ordinance is presented for City Council’s consideration for adoption (Attachment 1).

FISCAL ANALYSIS

There is no fiscal impact relative to adopting the premium hazard pay for this on-site hospital workers at covered hospitals ordinance. If the Ordinance is adopted, and subsequently challenged, there would be costs associated with defending any litigation that may be filed against the City.

ATTACHMENTS

1. 2021-06-14_ATT_Proposed_Ordinance - Premium Hazard Pay for on-site hospital workers at covered hospitals.

MOTION

That the City Council:

1. Adopt 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.