

**IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO**

**ORDINANCE NO. 2021-002**

**CITY OF SAN LEANDRO CITY COUNCIL ORDINANCE TO REQUIRE LARGE GROCERY STORES IN SAN LEANDRO TO PAY EMPLOYEES AN ADDITIONAL FIVE DOLLARS PER HOUR IN TEMPORARY HAZARD PAY DURING A SPECIFIED PERIOD OF TIME ASSOCIATED WITH THE COVID-19 PANDEMIC**

**Retail Food Worker Hazard Pay Ordinance**

**Recitals**

**WHEREAS**, the novel coronavirus 19 (COVID-19) disease is caused by a virus easily transmissible from person to person and may result in serious illness or death, and is classified by the Centers for Disease Control and the World Health Organization (WHO) as a pandemic; and

**WHEREAS**, COVID-19 has spread broadly throughout the State of California and remains a significant, imminent health risk to the community, especially to members of our most vulnerable populations; and

**WHEREAS**, COVID-19 has been declared as a global pandemic, which is particularly severe in high risk populations, such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level, requiring dramatic interventions to disrupt the spread of the disease; and

**WHEREAS**, on March 4, 2020, California Governor Gavin Newsom proclaimed a state of emergency in response to rising cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

**WHEREAS**, on March 16, 2020, due to an escalating increase in the number of cases in Alameda County, under San Leandro Municipal Code section 3-4-124, the Director of Emergency Services proclaimed a local emergency and a state of emergency related to COVID-19; and

**WHEREAS**, on March 16, 2020, at its regular meeting the San Leandro City Council confirmed the Director of Emergency Services' proclamation of a local emergency and a state of emergency related to COVID-19; and

**WHEREAS**, on March 19, 2020, California Governor Gavin Newsom issued a "Stay Home - Stay Healthy" proclamation closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. In addition to healthcare, public health and emergency services, the "Stay Home - Stay Healthy" proclamation identified grocery stores as essential business sectors critical to protecting the health and well-being of all Californians and designated grocery store workers as essential critical infrastructure workers; and

**WHEREAS**, on March 19, 2020, the California State Public Health Officer designated specific sectors and their workers, including grocery stores, as Essential Critical Infrastructure Workers (“essential workers”) to ensure the “continuity of functions critical to public health and safety, as well as economic and national security;” and

**WHEREAS**, grocery stores are essential businesses operating in San Leandro during the COVID-19 emergency making grocery workers highly vulnerable to economic insecurity and health or safety risks; and

**WHEREAS**, on March 24, 2020, in order to mitigate the effects of COVID-19, Alameda County’s Public Health Officer issued the “Safer at Home” Order to control the spread of COVID-19 by closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. In addition to healthcare, public health and emergency services, the “Safer at Home” Order identified grocery stores as essential business sectors critical to protecting the health and well-being of all Californians and designated their workers as essential critical infrastructure workers; and

**WHEREAS**, on December 3, 2020, California Governor Gavin Newsom extended the “Stay Home - Stay Healthy” proclamation; and

**WHEREAS**, on December 3, 2020, in order to mitigate the effects of COVID-19 within the County of Alameda, the Alameda County Health Department extended the “Safer at Home” Order to control the effects and spread of COVID-19; and

**WHEREAS**, on January 17, 2021, the California Department of Public Health reported another COVID-19 variant that had grown more common across the state since December, with worrisome signs that this variant may be highly transmissible; and

**WHEREAS**, on February 3, 2021, California Governor Gavin Newsom announced that there was a California or West Coast variant of COVID-19 that had grown more common across the state; and

**WHEREAS**, as of February 4, 2021, the County of Alameda reported 75,175 case of COVID-19, including 1,021 deaths; and

**WHEREAS**, grocery workers working for grocery stores are essential workers who perform services that are fundamental to the economy and health of the community during the COVID-19 crisis. They work in high risk conditions with inconsistent access to personal protective equipment and other safety measures; work in public situations with limited ability to engage in physical distancing; and continually expose themselves and the public to the spread of disease; and

**WHEREAS**, premium pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress; and

**WHEREAS**, grocery workers working during the COVID-19 emergency merit additional compensation because they are performing hazardous duty due to the significant risk of exposure to the COVID-19 virus. Grocery workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection; and

**WHEREAS**, the City of San Leandro has adopted wage and employment ordinances specific to employment sectors in the past; and

**WHEREAS**, the availability of grocery stores is fundamental to the health of the community and is made possible during the COVID-19 emergency because grocery workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by working in hazardous situations; and

**WHEREAS**, establishing a requirement for grocery stores to provide premium pay to grocery workers protects public health, supports stable incomes, and promotes job retention by ensuring that grocery workers are compensated for the substantial risks, efforts, and expenses they are undertaking to provide essential services in a safe and reliable manner during the COVID-19 emergency.

**NOW THEREFORE, the City of San Leandro City Council hereby ORDAINS, as follows:**

That the document attached hereto, and made a part hereof is hereby adopted.

Introduced by Mayor Cutter and passed and adopted this 16<sup>th</sup> day of February 2021 by the following called vote:

Members of the Council:

AYES:	Councilmembers Aguilar, Azevedo, Cox, Lopez, Simon	(5)
NOES:	None	(0)
ABSENT:	Councilmember Ballew	(1)
RECUSED:	Mayor Cutter	(1)

ATTEST: \_\_\_\_\_  
Leticia I. Miguel, City Clerk

Passed and adopted this 1<sup>st</sup> day of March, 2020 after publication on March 6, 2021 by the following called vote:

Members of the Council:

AYES: Councilmembers Aguilar, Cox, Hernandez, Lee, Lopez (5)

NOES: Councilmember Ballew (1)

RECUSED: Mayor Cutter (1)

ATTEST: \_\_\_\_\_  
Leticia I. Miguel, City Clerk