

City of Sacramento

Legislation Text

File #: 2020-00776, Version: 1

Title:

Ordinance Relating to Sacramento Worker Protection, Health, and Safety Act and Declaring the Ordinance to be an Emergency Measure [Two-Thirds Vote Required] (To Be Published in its Entirety Upon Adoption)

File ID: 2020-00776

Location: Citywide

Recommendation:

1) Adopt an Ordinance by two-thirds vote adding Chapter 5.160 to the Sacramento City Code, relating to worker, protection, health, and safety, and declaring the Ordinance to be an emergency measure to take effect immediately and published in its entirety within ten days of adoption; and 2) review proposed article IV to Sacramento City Code chapter 5.160, and either (a) include article IV in the Ordinance to be adopted, (b) continue discussion of article IV to a future council meeting, or (c) provide further direction to staff.

Contact: Mayor Darrell Steinberg, (916) 808-5300, Office of the Mayor

Presenter: Mayor Darrell Steinberg, (916) 808-5300, Office of the Mayor

Attachments:

- 1-Description/Analysis
- 2-Ordinance (Clean)
- 3-Proposed Additional Article IV
- 4-Provisions Adopted by Other Jurisdictions (Charts)

Description/Analysis

Issue Detail: On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 19 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County from COVID-19. Due to directives from federal state, and local health officials, many businesses were closed and residents were advised to shelter-in-place to prevent the spread of the disease.

As restrictions are lifted and more and more employees return to the workplace, it is critical to protect the health and safety of the City's residents.

Policy Considerations: The proposed ordinance seeks to mitigate the spread and effects of COVID-19 by protecting employees in the workplace.

Economic Impacts: Not applicable.

Environmental Considerations: None.

Sustainability: Not applicable

Commission/Committee Action: Not applicable. This ordinance is deemed urgent by the mayor and thus is being brought directly to the council, without Law and Legislation Committee review, under Council Rule of Procedure 13.B.1.b.(i).

Rationale for Recommendation: The mayor and council need to act quickly to ensure a safe environment for employees who are returning to the workplace. The urgent enactment is needed to reduce employees' potential exposure to COVID-19, as the number of cases continues to rise in Sacramento County and statewide.

Financial Considerations: None.

Local Business Enterprise (LBE): Not applicable.

Background: During the Council Comments segment of the May 26, 2020, city council meeting, Mayor Steinberg requested that the city manager and city attorney work with his team to vet a collection of worker-protection proposals put forth by the Central Labor Council (CLC) and the Center for Workers' Rights (CWR). The mayor requested the vetted proposals be brought back for council consideration as soon as possible.

Summary of Ordinance

The overall purpose of the ordinance is to provide workers new rights and protections as businesses resume operations. Employers' obligations would commence fifteen days after the ordinance is adopted.

The attached draft ordinance combines the CLC and CWR proposals into one ordinance, adding a new chapter to the city code. The proposed ordinance is broken into several articles to address the main points of CLC's and CWR's requests, which are summarized below:

Article I - General Provisions

The general provisions explain the overall purpose of the “Sacramento Worker Protection, Health, and Safety Act,” setting forth definitions for key terms, conditioning the receipt of financial assistance from the City on compliance with the chapter, prohibiting retaliation against employees properly exercising their rights under the chapter, and setting forth the methods of enforcement and the remedies available to employees. It also provides that the chapter would have no effect after December 31, 2020, and that the city would evaluate the impacts and effects of these new provisions within 90 days of adoption.

Article II - Employer Safety Protocols

This article would require employers to implement specified social distancing, mitigation, and cleaning protocols and practices in their workplaces within the city. These protocols and practices would include: the maintenance and implementation of specified cleaning and disinfection protocols; the establishment of a protocol to be implemented if a location is exposed to a person with a probable or confirmed case of COVID-19; the provision of handwashing, sanitizing, and disinfectant supplies; the provision of face coverings and mandated wearing of face coverings, except to the extent employees can maintain the recommended physical distance from others or while using break times to eat or drink; and notifying employees of the required protocols in writing.

Article III - Supplemental Paid Sick Leave

This article would require employers with 500 or more employees nationally to provide additional paid sick leave for employees that can be used for COVID-19-related reasons. Under the federal Emergency Paid Sick Leave Act enacted as part of the Families First Coronavirus Response Act (H.R. 6201), many employers were required to provide additional sick leave. However, large (over 500 employee) employers were exempted from providing such leave.

Like the federal Emergency Paid Sick Leave Act, full-time employees would be entitled to 80 hours of new paid sick leave, and part-time employees would receive sick leave hours based on their average hours worked over each two-week period during the last six months. Employees could use this sick leave if: (1) they are subject to quarantine or isolation under a federal, state, or local order, or are caring for a family member who is quarantined or isolated due to COVID-19; (2) they are advised by a health care provider to self-quarantine due to COVID-19; (3) they are over the age of 65 or are vulnerable due to a compromised immune system; (4) their office has temporarily ceased operations due to a public health order or other public health official’s recommendation; (5) the employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or (6) the employee is caring for a minor child because the child’s school or daycare is closed.

Employers who already granted employees additional paid sick leave in response to COVID-19 would receive a credit for such hours against the total required under this new chapter.

Article IV - Right to Recall [proposed]

This article is included separately in Attachment 3 for discussion. The council may direct staff to bring back an update to this ordinance to include article IV in its proposed form or with revisions.

As it is currently drafted, it would require employers with 50 or more employees working in the city to give laid-off workers an opportunity to return to work when positions become available. It specifies that employees who held the same or similar position prior to their separation would have the first priority for reinstatement, and if more than one employee held the same or similar position, laid-off employees would be given the opportunity to return based on seniority.

Other Jurisdictions

A few other California cities and counties have adopted similar ordinances - although none of those jurisdictions has adopted all of the components that are found in the attached draft ordinance and Attachment 3.

Attachment 4 includes charts that provide a brief comparison of other jurisdictions' regulatory approaches to the concepts addressed in the proposed draft ordinance and in the proposed additional article IV provisions.