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CITY ATTORNEY

REPORT NO. R 20 - 0092

MAR 25 2020

REPORT RE:

**DRAFT ORDINANCE ADDING ARTICLE 3-72MM TO CHAPTER XX OF
THE LOS ANGELES MUNICIPAL CODE TO PROVIDE WORKERS OF
GROCERY, DRUG RETAIL, AND FOOD DELIVERY PLATFORMS WITH
ADDED PROTECTIONS DURING THE COVID-19 PANDEMIC**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 20-0147-S44

Honorable Members:

Pursuant to your request, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. The draft ordinance adds Article 3-72MM to Chapter XX of the Los Angeles Municipal Code to provide workers of grocery, drug retail, and food delivery platforms with added protections during the COVID-19 pandemic.

On Tuesday March 17, 2020, the City Council adopted 48 motions related to COVID-19 pandemic. Motion 72MM requests an ordinance to establish certain worker protection measures for grocery, drug retail, and food delivery workers. In addition, the motion also seeks to regulate health, safety, and sanitation issues in grocery and retail drug stores, as well as food delivery platform companies.

Worker Protections

The draft ordinance provides grocery, drug retail, and food delivery platform workers with additional rights including the right to make schedule changes, have

additional work hours offered to current workers before new workers are hired, and have food delivery platforms set up no-contact delivery methods.

Worker Health and Safety

The remainder of the motion seeks to regulate employers by enacting health and safety standards for grocery and drug retail stores, as well as food delivery platform companies. Protections for these employees is comprehensively provided by state law, including in the California Retail Food Code, and through the California Occupational Safety and Health Act (CalOSHA), which was enacted for the purpose of assuring safe and healthful working conditions for all California workers. For reasons explained in a confidential report transmitted along with this report, the draft ordinance does not include health and safety standards that otherwise are regulated by the state.

We note, however, that the Governor of California can use his expansive emergency powers to order the immediate imposition of enhanced health and sanitation for these workers, or suspend some of these state laws in order expressly to allow municipalities to do so. If the Governor issues such an order clearing the way for local action, the City Council, by ordinance, or the Mayor by issuing a new emergency public order, may enact local health and sanitation protections for grocery, retail drug, and food delivery workers.

If you have any questions regarding this matter, please contact Deputy City Attorney Dania Minassian at (213) 978-8130. She or another member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

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Transmittal