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Staff Report for City of San Leandro City Council Urgency ORDINANCE to Amend Both the Urgency Ordinance and Regular Ordinance Related to Grocery Workers Hazard Pay so that they Terminate on July 29, 2021

**RECOMMENDATIONS**

Pass an Urgency Ordinance that Amends Ordinances No. 2021-001 and No. 2021-002, which defines the end of the effectiveness of both the urgency and regular ordinances to be July 29, 2021.

**BACKGROUND AND SUMMARY**

On February 16, 2021, the City Council adopted Ordinance No. 2021-001, which was an urgency ordinance establishing an immediate requirement for grocery stores to provide premium pay, also known as “hazard pay”, to grocery workers, to compensate 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. On March 1, 2021, the City Council approved Ordinance No. 2021-002, which was a regular ordinance establishing a requirement for grocery stores to provide hazard pay to grocery workers. The ordinances require large grocery stores to provide hazard pay until the later of 120 days from the effective date of the ordinances, the date Alameda County reaches the Minimal (yellow) tier under the State’s Blueprint for a Safer Economy, or such time as all covered employees, as defined in the ordinances, are vaccinated, excluding those covered employees who are prevented from receipt of vaccination by disability or sincerely held religious beliefs. At the time the Ordinances were adopted, it was clearly uncertain when vaccinations would be available to the general population beyond frontline emergency workers, healthcare workers, and other essential workers. Grocery stores were deemed an essential business sector, such that grocery store workers were also essential workers, who could also receive the vaccine ahead of the general population. Because of the uncertainty during February and March 2021 regarding vaccination availability, the City Council

included a vaccination requirement in its grocery workers hazard pay ordinance to incentivize covered employers and employees to get vaccinations.

After the ordinances went into effect, California and, in particular, the nine Bay Area counties, made significant progress in fighting the spread of COVID-19 by making vaccinations as available as possible. Case rates decreased in recent months. As a result of decreasing case rates and increasing vaccination rates, the State and Alameda County lifted many restrictions regarding activities and business operations, and the Governor terminated the Blueprint for a Safer Economy. COVID-19 vaccinations are now widely available to any adult in Alameda County. Over 80% of Alameda County residents 12 years of age or older have received at least one dose, and over 67% are fully vaccinated. As a result, the City Council desires to amend the ordinances requiring the payment of hazard pay to grocery workers to reflect the fact that vaccines are now widely available and that the Blueprint for a Safer Economy is no longer relevant. Recognizing that vaccination is the primary means to help combat the continued spread of COVID-19 and its variants, and because the State of California and San Leandro are still in a state of emergency due to COVID-19 and its variants, this Ordinance must be passed as an urgency ordinance to protect public health, safety, and welfare to encourage all workers in the City to get their vaccinations. As such, upon passage, in accordance with San Leandro Municipal Code Section 1-1-345(b), this ordinance goes into effect immediately.