



April 27, 2020

The Honorable Kathryn Barger
Chair, Los Angeles County Board of Supervisors
500 West Temple Street, Suite 869
Los Angeles, CA 90012

SUBJECT: Item 36: Los Angeles County Supplemental Paid Sick Leave in Response to COVID-19 - CONCERNS

Dear Supervisor Barger,

On behalf of the Valley Industry & Commerce Association (VICA), we are writing in response to the Paid Sick Leave ordinance being considered by the Los Angeles County Board of Supervisors in response to COVID-19. While we commend the tireless efforts and swift response to COVID-19 by the Board of Supervisors, we are concerned with the implications and ramifications of this ordinance, especially as several businesses across the County are struggling to stay alive.

We urge the Board of Supervisors to consider making the following changes to the ordinance:

- **Add 'essential services' to Sec. 8.200.050 Exemptions**, which would be consistent with other City and State COVID-19 rules and orders.
- **Amend Sec. 8.200.060 Employer Offset**. This ordinance should allow an employer to offset the 80 hours of supplemental paid sick leave with the amount of paid sick leave the employer already provides to its employees in accordance with their existing paid sick leave policy.
- **Amend Sec. 8.200.130 Expiration of Ordinance**. The expiration of this ordinance should be amended to expire two calendar weeks after the expiration of the COVID-19 local emergency period.

Exemptions for Essential Services

While there are exemptions for first responders and health care providers, this ordinance offers no exemptions for essential services. Essential services have been deemed exempt from several City and State rules and orders, and should be deemed exempt under this ordinance to remain consistent with these rules.

Amid the COVID-19 crisis and the need for essential businesses to remain open in order to provide essential services, employers have made changes to their paid sick leave policies to ensure the safety of their workers and to ensure continuity in their operations. Exempting essential services from this ordinance would further allow these businesses to remain open without the stress of an additional burden that may create financial hardship during this economic crisis.

Employer Offset

In order to attract and retain talent, a number of businesses and non-profit organizations throughout Los Angeles County go above and beyond in the benefits they provide their employees, including paid



sick leave. In cities like Los Angeles, which requires an employer to provide 48 hours or 6 days of paid sick leave, there are employers who provide more than this required amount.

This ordinance should allow an employer to offset the 80 hours of supplemental paid sick leave with the amount of paid sick leave the employer already provides to its employees in accordance with their existing paid sick leave policy. This offset should be permitted if the amount in an employer's existing paid sick leave policy is greater than what is required under current law. This would provide clarity on whether an employer would need to provide an additional 10 days or 80 hours of paid sick leave on top of what they already provide their employees.

Expiration of Ordinance

Currently as drafted, this ordinance would expire on December 31, 2020. The expiration of this ordinance should be consistent with the City of Los Angeles' Emergency Order on Supplemental Paid Sick Leave and be amended to expire two calendar weeks after the expiration of the COVID-19 local emergency period. This would prevent confusion for businesses who operate in different jurisdictions of the County.

Given the global health crisis we are facing, businesses throughout Los Angeles County have been doing their best to continue operating and generate enough revenue to avoid going out of business. We believe the suggested changes will help place businesses in a position to recover from this crisis more quickly.

Thank you for your consideration on this issue.

Sincerely,

Brad Rosenheim
VICA Chair

Stuart Waldman
VICA President