

Communication from Public

Name: Vivi Le

Date Submitted: 02/23/2021 11:25 AM

Council File No: 20-1609

Comments for Public Posting: Hi, I'm a former Target Employee and FairWorkWeek LA Coalition member who has worked during this deadly pandemic and express FULL SUPPORT for \$5 hazard pay to grocery and drug retail workers. Target and other business interests have made IMMENSE profits off of our labor during this pandemic and have stopped giving us the \$2 hazard pay they gave us at the beginning of the pandemic, which they never batted an eye at providing. They try to make it seem as though providing us hazard pay will raise the prices of their products when this is a lie. It's public knowledge their profits have only accelerated. At the very least, some of that enormous profit should be given back to their workers who are literally risking their lives (and some have died) for wages that cannot keep them afloat. Thank you, and I urge you to instate a \$5 hazard pay. Vivi

Communication from Public

Name: Robert J.

Date Submitted: 02/23/2021 12:33 PM

Council File No: 20-1609

Comments for Public Posting: I urge the City Council to vote AGAINST 20-1609. I believe it is wrong for the City Council to raise wages for one section of the economy or one type of business. The required increase in wages being contemplated by the City Council is ill advised as it will undoubtedly lead to legal challenges and costs for the City. In addition, the cost to employers goes FAR BEYOND the face value of the ordinance. For example, employers will have to shoulder the burden of higher worker compensation fees and higher payroll taxes. Perhaps even higher benefits costs if the temporary raise is included in contributions to retirements plans. To add this on the backs of employers at such a time as this is egregious. While I appreciate the effort of our grocery store workers at this time, I have a hard time singling them out for special treatment among all of those who are working through this pandemic. Furthermore, to force additional pay for them because they are so-called "Heros" is a slap in the face of all those who are willing to work, able to work, but have been prohibited from working by the pandemic rules. If it is the City's desire to reward these "Heros" for their work through this pandemic, then the CITY should bear the cost, not the employees' employers. As the Council is undoubtedly aware, Kroger has announced the shuttering of two of their stores in Long Beach, where another of these misguided ordinances was recently passed. Frankly, I would encourage every affected grocery store in the City to CLOSE if Los Angeles institutes a similar ordinance. Providing "Hero" pay is NOT within the scope of duties of the Los Angeles City Council (unless the City's going to pay for it) and the City should not involve itself in such things. Thank you.

Communication from Public

Name: Sarah Wiltfong
Date Submitted: 02/23/2021 06:08 PM
Council File No: 20-1609
Comments for Public Posting: Please find BizFed's letter OPPOSING Hazard Pay. As your economic impact report suggests, the increase in costs could be passed onto consumers, reduce working hours, lead to an increase in "food deserts" - among other consequences. While noble, we must find other ways to support our workers, not impose burdensome costs that will not lead to the desired results.

2/23/21

Nury Martinez, President
Los Angeles City Council

Via email

RE: "Hero Pay" for Front Line Grocery Workers

Honorable Nury Martinez and the Los Angeles City Council:

We are contacting you on behalf of BizFed, the Los Angeles County Business Federation. We are an alliance of over 200 business organizations representing over 450,000 employers with 4 million employees in Los Angeles County. We are contacting you regarding LA City's ordinance to require grocery stores to pay an additional \$5 hazard/hero pay for 120 days.

Without question, grocery store workers are on the frontlines and their services are necessary during this critical time. Indeed, grocers have invested a significant amount in safety enhancements, bonuses, incentive pay, and additional health benefits as they recognize the continual sacrifice these workers are making. Grocers have also been subject to the city's recall, retention, and paid sick leave ordinances.

While we respect the desire to provide extra funds for these workers – we have concern that this is being adopted without consideration of the economic consequences. As the City's economic impact report suggests these mandates have a high likelihood of passing the costs onto the consumers. Higher prices on food and necessary goods will not achieve the desired results of this mandate and instead hurt working families. What's more, if employers are forced to implement significantly higher wages on their staff, they may also have to decrease their hours to offset the costs. Struggling stores may also be forced to close.

We recommend the City of Los Angeles look for ways to support our businesses to stay open – not impose regulations that could cause more harm than good.

Thank you for your consideration of our letter. If you have any questions regarding this issue, please contact sarah.wiltfong@bizfed.org.

Sincerely,



Donna Duperron
BizFed Chair
Torrance Area Chamber



David Fleming
BizFed Founding Chair



Tracy Hernandez
BizFed Founding CEO
IMPOWER, Inc.

CC: Los Angeles City Council Members

BizFed Association Members

7-Eleven Franchise Owners Association of Southern California
Action Apartment Association
Alhambra Chamber of Commerce
American Beverage Association
American Institute of Architects - Los Angeles
Angeles Emerald
Apartment Association of Greater Los Angeles
Apartment Association, CA Southern Cities, Inc.
Arcadia Association of Realtors
AREAA North Los Angeles SFV SCV
Armenian Trade and Labor Association
Associated Builders & Contractors, Inc. Southern California Chapter
Association of Club Executives
Association of Independent Commercial Producers
Azusa Chamber of Commerce
Bell Gardens Chamber of Commerce
Beverly Hills Bar Association
Beverly Hills Chamber of Commerce
Black Business Association
BNI4SUCCESS
Bowling Centers of Southern California
Boyle Heights Chamber of Commerce
Building Industry Association - Baldyview
Building Industry Association - LA/Ventura Counties
Building Industry Association - Southern California
Building Owners & Managers Association of Greater Los Angeles
Burbank Association of REALTORS
Burbank Chamber of Commerce
Business and Industry Council for Emergency Planning and Preparedness
Business Resource Group
CA Natural Resources Producers Assoc
CalAsian Chamber
California Apartment Association- Los Angeles
California Asphalt Pavement Association
California Bankers Association
California Business Properties Association
California Business Roundtable
California Cannabis Industry Association
California Cleaners Association
California Construction Industry and Materials Association
California Contract Cities Association
California Fashion Association
California Gaming Association
California Grocers Association
California Hispanic Chamber
California Hotel & Lodging Association
California Independent Oil Marketers Association (CIOMA)
California Independent Petroleum Association
California Life Sciences Association
California Manufacturers & Technology Association
California Metals Coalition
California Restaurant Association
California Retailers Association
California Small Business Alliance
California Self Storage Association
California Society of CPAs - Los Angeles Chapter
California Trucking Association
Californians for Balanced Energy Solutions
Carson Chamber of Commerce
Carson Dominguez Employers Alliance
CDC Small Business Finance
Central City Association
Century City Chamber of Commerce
Cerritos Regional Chamber of Commerce
Chatsworth/Porter Ranch Chamber of Commerce
Citrus Valley Association of Realtors
Coalition for Renewable Natural Gas
Coalition for Small Rental Property Owners
Commercial Industrial Council/Chamber of Commerce
Construction Industry Air Quality Coalition
Construction Industry Coalition on Water Quality
Council on Trade and Investment for Filipino Americans
Covina Chamber
Crescenta Valley Chamber of Commerce
Culver City Chamber of Commerce
Downey Association of REALTORS
Downey Chamber of Commerce
Downtown Center Business Improvement District
Downtown Long Beach Alliance
El Monte/South El Monte Chamber
El Segundo Chamber of Commerce
Employers Group
Encino Chamber of Commerce
Engineering Contractor's Association EXP
F.A.S.T.- Fixing Angelenos Stuck in Traffic FilmLA
Friends of Hollywood Central Park
FuturePorts
Gardena Valley Chamber
Gateway to LA
Glendale Association of Realtors
Glendale Chamber
Glendora Chamber
Greater Antelope Valley AOR
Greater Bakersfield Chamber of Commerce
Greater Lakewood Chamber of Commerce
Greater Los Angeles African American Chamber
Greater Los Angeles Association of REALTORS
Greater Los Angeles New Car Dealers Association
Greater San Fernando Valley Regional Chamber
Harbor Association of Industry and Commerce
Harbor Trucking Association
Historic Core BID of Downtown Los Angeles
Hollywood Chamber
Hong Kong Trade Development Council
Hospital Association of Southern California
Hotel Association of Los Angeles
Huntington Park Area Chamber of Commerce
Independent Cities Association
Industrial Environmental Association
Industry Business Council
Inland Empire Economic Partnership
International Cannabis Business Women Association
Irwindale Chamber of Commerce
La Cañada Flintridge Chamber
LA Fashion District BID
LA South Chamber of Commerce
Lancaster Chamber of Commerce
Larchmont Boulevard Association
Latin Business Association
Latino Food Industry Association
Latino Restaurant Association
LAX Coastal Area Chamber
League of California Cities
Long Beach Area Chamber
Long Beach Economic Partnership
Los Angeles Area Chamber
Los Angeles County Board of Real Estate
Los Angeles County Waste Management Association
Los Angeles Gateway Chamber of Commerce
Los Angeles Gay & Lesbian Chamber of Commerce
Los Angeles Latino Chamber
Los Angeles Parking Association
Malibu Chamber of Commerce
Marketplace Industry Association
Motion Picture Association of America, Inc.
MoveLA
Multicultural Business Alliance
NAIOP Southern California Chapter
National Association of Tobacco Outlets
National Association of Women Business Owners - CA
National Association of Women Business Owners - LA
National Hispanic Medical Association
National Hookah Community Association
National Latina Business Women's Association
Orange County Business Council
Pacific Merchant Shipping Association
Pacific Palisades Chamber
Panorama City Chamber of Commerce
Paramount Chamber of Commerce
Pasadena Chamber
Pasadena Foothills Association of Realtors
PhRMA
Planned Parenthood Affiliates of California
Pomona Chamber
Propel LA
Rancho Southeast Association of Realtors
ReadyNation California
Recording Industry Association of America
Regional Black Chamber-San Fernando Valley
Regional Hispanic Chamber of Commerce
Regional San Gabriel Valley Chamber
Rosemead Chamber
San Dimas Chamber of Commerce
San Gabriel Chamber of Commerce
San Gabriel Valley Economic Partnership
San Pedro Peninsula Chamber
Santa Clarita Valley Chamber
Santa Clarita Valley Economic Development Corp.
Santa Monica Chamber of Commerce
Sherman Oaks Chamber
South Bay Association of Chambers
South Bay Association of Realtors
South Gate Chamber of Commerce
Southern California Contractors Association
Southern California Golf Association
Southern California Grantmakers
Southern California Leadership Council
Southern California Minority Suppliers Development Council Inc.
Southern California Water Coalition
Southland Regional Association of Realtors
Sunland/Tujunga Chamber
Torrance Area Chamber
Town Hall Los Angeles
Tri-Counties Association of Realtors
United Cannabis Business Association
United Chambers - San Fernando Valley & Region
United States-Mexico Chamber
Unmanned Autonomous Vehicle Systems Association
US Green Building Council
US Resiliency Council
Valley Economic Alliance, The
Valley Industry & Commerce Association
Vermont Slauson Economic Development Corporation
Vernon Chamber
Veterans in Business Network
Vietnamese American Chamber
Warner Center Association
West Hollywood Chamber
West Los Angeles Chamber
West San Gabriel Valley Association of Realtors
West Valley/Warner Center Chamber
Western Electrical Contractors Association
Western Manufactured Housing Association
Western States Petroleum Association
Westside Council of Chambers
Whittier Chamber of Commerce
Wilmington Chamber
World Trade Center

Communication from Public

Name:

Date Submitted: 02/23/2021 05:11 PM

Council File No: 20-1609

Comments for Public Posting: The LA Chamber, along with its member grocers, the larger business community, and local stakeholders, believes that we can protect and support essential grocery workers without increasing costs during a pandemic-induced economic recession. We also believe more time is needed to assess the negative consequences of extra pay-increase ordinances before causing unintended consequences for our grocers, their employees, and the community that relies on them to feed their families.

February 22, 2021

Council President Nury Martinez
Sixth District
City Hall, 200 N. Spring Street, Room 470
Los Angeles, CA 90012

SUBJECT: Grocery Workers/COVID-19/State Health Orders/Hazard Pay Ordinance

Dear Council President Nury Martinez:

On behalf of the Los Angeles Area Chamber of Commerce (Chamber), we write to express our concerns with the Los Angeles City “Hazard Pay” ordinance (20-1609) that is on the City Council’s agenda on Wednesday, February 24th. The Chamber, along with its member grocers, the larger business community, and local stakeholders, believes that we can protect and support essential grocery workers without increasing costs during a pandemic-induced economic recession. We also believe more time is needed to assess the negative consequences of extra pay-increase ordinances before causing unintended consequences for our grocers, their employees, and the community that relies on them to feed their families.

Grocery stores recognize the sacrifice of their employees that work on the frontlines providing customers safe access to food and other products during this incredibly difficult time. To protect their workers, customers, and business, grocers have invested billions in equipment, enhanced safety protocols, extra pay and bonuses, and additional health benefits for grocery workers. Unfortunately, this ordinance targets grocery and retail drug stores that have complied with safety ordinances, drives up grocery costs for families, and puts more financial strain on struggling grocery stores and their employees at the worst time. An additional \$5/hour increase in grocery worker pay would significantly increase the cost of food and groceries for Los Angeles families and communities, especially for low-income, people of color and disadvantaged communities.

Higher costs could also force grocers to reduce the number of workers, available hours, and store locations. Many grocers may find it too difficult to remain open, especially independent grocers, and groceries in disadvantaged communities because most operate on thin margins, even during the pandemic. If grocery stores start to shut down, it will only increase food insecurity, especially in low-income and disadvantaged neighborhoods. That is why we are asking our LA City Councilmembers to request an economic impact assessment to better understand the consequences of its ordinance before requiring extra pay to grocery workers. We also believe the City will benefit from holding listening sessions with the business community and other stakeholders to allow an opportunity to discuss with City leaders the impacts of the “Hazard pay” ordinance and possible solutions we can support as partners in addressing the impacts of the pandemic.

For the reasons state above, we are urging our City Councilmembers to complete an analysis of the costs, assess impacts on families and communities, and obtain input from grocers and businesses before voting on the ordinance. Thank you for your consideration. Please contact Public Policy Director, Jacqueline Silvers, with any questions at jsilvers@lachamber.com or 213-580-7518.

Sincerely,

A handwritten signature in black ink that reads "Maria Salinas". The signature is written in a cursive, flowing style.

Maria Salinas
President & CEO

CC: Los Angeles City Councilmembers

Communication from Public

Name: Tim James
Date Submitted: 02/23/2021 08:55 AM
Council File No: 20-1609
Comments for Public Posting: Please see attached documents. Thank you for your consideration.
Tim James, California Grocers Association

February 19, 2021

Writer's Direct Contact
+1 (415) 268.6358
WTarantino@mofo.com

Via Email

The Honorable Eric Garcetti
Mayor & City Council
200 N. Spring St.
Los Angeles, CA 90012

Re: Hazard Pay for Grocery Workers Ordinance

Dear Council Members:

We write on behalf of our client, the California Grocers Association (the "CGA"), regarding the proposed Premium Hazard Pay for On-Site Grocery and Drug Retail Workers ordinance (the "Ordinance") that singles out an specific group of grocery stores (i.e., those companies with 300+ employees that sells primarily food or household goods, or over 85,000 square feet with 10% of its sales floor dedicated to grocery merchandise) and requires them to implement mandatory pay increases. The City Council's rushed consideration of this Ordinance would, if passed, lead to the enactment of an unlawful, interest-group driven ordinance that ignores large groups of essential retail workers. It will compel employers to spend less on worker and public health protections in order to avoid losses that could lead to closures. In addition, the Ordinance, in its proposed form, interferes with the collective-bargaining process protected by the National Labor Relations Act (the "NLRA"), and unduly targets certain grocers in violation of their constitutional equal protection rights. We respectfully request that the City Council reject the Ordinance as these defects are incurable.

The Ordinance fails to address any issue affecting frontline workers' health and safety.

The Ordinance's purported purpose is the "immediate preservation of the public peace, health, and safety" of retail food workers during the COVID-19 pandemic. (§ 200.110.2.) The Ordinance is devoid of any requirements related to the health and safety of frontline workers or the general public and instead imposes costly burdens on certain grocers by requiring them to provide an "additional five dollars per hour" above a grocery worker's base pay ("Premium Hazard Pay"). (§ 200.102.) A wage increase does not play any role in mitigating the risks of exposure to COVID-19, nor is there any suggestion that there is any added risk to public peace, health, or safety, absent an increase in wages. If anything, the Ordinance could increase those risks, as it may divert funds that otherwise would have been available for grocers to continue their investments in public health measures recognized to be

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effective: enhancing sanitation and cleaning protocols, limiting store capacity, expanding online orders and curbside pickup service, and increasing spacing and social distancing requirements.

The Ordinance also inexplicably chooses winners and losers among frontline workers in mandating Premium Hazard Pay. The Ordinance defines “employer” as a “grocery retail store” in the City that has “more than 300 employees” and “sells primarily food or household goods,” a “drug retail store” with “more than 300 employees” and which sells miscellaneous items including grocery merchandise, or a “retail store” with “more than 300 employees” which has “over 85,000 square feet and dedicates 10 percent or more of its sales floor to groceries.” (§ 200.101.) Other retail and health care workers are ignored, despite the fact that those same workers have been reporting to work since March. The Ordinance grants Premium Hazard Pay for select, employees while ignoring frontline employees of other generic retailers and other frontline workers in Los Angeles that face identical, if not greater, risks.

The Ordinance is unlawful. By mandating Premium Hazard Pay, the Ordinance would improperly insert the City of Los Angeles into the middle of the collective bargaining process protected by the National Labor Relations Act. The Ordinance suggests that the certain grocery workers require this “immediate” relief on an emergency basis, as it “encourages them to continue their work to keep the food and supply chain operating.” (§ 200.100.) Los Angeles employers and workers in many industries have been faced with these issues since March 2020. They are in no way “immediate.” More importantly, there has been no meaningful interruption of the food supply or job retention issues, as the Ordinance suggests is imminent absent implementation of hazard pay. Grocers have continued to operate, providing food and household items to protect public health and safety. In light of the widespread decrease in economic activity, there is also no reason to believe that grocery workers are at any particular risk of leaving their jobs, but even if there were such a risk, grocers would have every incentive to increase the workers’ compensation or otherwise bargain with them to improve retention. The Ordinance would interfere with this process that Congress intended to be left to be controlled by the free-play of economic forces. *Machinists v. Wisconsin Employment Relations Comm’n*, 427 U.S. 132 (1976). Such ordinances have been found to be preempted by the NLRA.

For example, in *Chamber of Commerce of U.S. v. Bragdon*, the Ninth Circuit Court of Appeals held as preempted an ordinance mandating employers to pay a predetermined wage scale to employees on certain private industrial construction projects. 64 F.3d 497 (9th Cir. 1995). The ordinance’s purported goals included “promot[ing] safety and higher quality of construction in large industrial projects” and “maintain[ing] and improv[ing] the standard of living of construction workers, and thereby improv[ing] the economy as a whole.” *Id.* at 503. The Ninth Circuit recognized that this ordinance “differ[ed] from the [a locality’s]

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usual exercise of police power, which normally seeks to assure that a minimum wage is paid to all employees within the county to avoid unduly imposing on public services such as welfare or health services.” *Id.* at 503. Instead, the ordinance was an “economic weapon” meant to influence the terms of the employers’ and their workers’ contract. *Id.* at 501-04. The Ninth Circuit explained that the ordinance would “redirect efforts of employees not to bargain with employers, but instead, to seek to set specialized minimum wage and benefit packages with political bodies,” thereby substituting a “free-play of economic forces that was intended by the NLRA” with a “free-play of political forces.” *Id.* at 504.

The same is true of this Ordinance. While the City has the power to enact ordinances to further the health and safety of its citizens, it is prohibited from interfering directly in employers’ and their employees’ bargaining process by arbitrarily forcing certain grocers to provide Premium Hazard Pay that is both unrelated to minimum labor standards, or the health and safety of the workers and the general public.

The Ordinance also violates the U.S. Constitution and California Constitution’s Equal Protection Clauses (the “Equal Protection Clauses”). The Equal Protection Clauses provide for “equal protections of the laws.” U.S. Const. amend. XIV, § 1; Cal. Const. art I, § 7(a). This guarantee is “essentially a direction that all persons similarly situated should be treated alike” and “secure[s] every person within the State’s jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439 (1985); *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). No law may draw classifications that do not “rationally further a legitimate state interest.” *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992). By requiring that any classification “bear a rational relationship to an independent and legitimate legislative end, [courts] ensure that classifications are not drawn for the purpose of disadvantaging the group burdened by law.” *Romer v. Evans*, 517 U.S. 620, 633 (1996).

As discussed above, the Ordinance here unfairly targets retail food establishments and arbitrarily subjects certain 300-employee grocers to the Premium Hazard Pay mandate while sparing other generic retailers who also employ frontline workers. *See Fowler Packing Co., Inc. v. Lanier*, 844 F.3d 809, 815 (9th Cir. 2016) (“[L]egislatures may not draw lines for the purpose of arbitrarily excluding individuals,” even to “protect” those favored groups’ “expectations.”); *Hays v. Wood*, 25 Cal. 3d 772, 786-87 (1979) (“[N]othing opens the door to arbitrary action so effectively as to allow [state] officials to pick and choose only a few to whom they will apply legislation and thus to escape the political retribution that might be visited upon them if larger numbers were affected.”). Moreover, absent from the Ordinance is any requirement that would actually address its stated purpose of promoting the public’s health and safety. Put simply, there is a disconnect between the Ordinance’s reach and its

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stated purpose, making it unlawful and violating the equal protection rights of CGA's members.

CGA disagrees with the Council's characterization of the Ordinance as an "urgency." There is nothing in the Ordinance that is required for immediate preservation of the public peace, health and safety. (§ 200.110.) Even if an urgency ordinance passes, there is no requirement that an urgency ordinance become effective immediately on passage. As this Council has done many times before, an urgency ordinance can become effective at a set date in the future.

Finally, in light of emerging vaccination programs for essential workers, stores' increasing ability to protect patrons and workers from infection using distancing, curbside pickup, and other measures, we strongly encourage the City to set an alternate deadline for expiration of hazard pay ordinance (i.e., 90 days) so that it can be revisited by the Council in light of the rapidly changing pandemic conditions.

For all of the reasons discussed above, we respectfully request that the City Council reject the Ordinance.

Sincerely,



William F. Tarantino

cc: Honorable Members of the Los Angeles City Council
Mr. Gil Cedillo
Mr. Paul Krekorian
Mr. Bob Blumenfield
Ms. Nithya Raman
Mr. Paul Koretz
Ms. Nury Martinez
Ms. Monica Rodriguez
Mr. Marqueece Harris-Dawson
Mr. Curren D. Price, Jr.
Mr. Mark Ridley-Thomas
Mr. Mike Bonin
Mr. John Lee
Mr. Mitch O'Farrell
Mr. Kevin de León
Mr. Joe Buscaino

Communication from Public

Name: Rev. David Farley
Date Submitted: 02/23/2021 06:54 AM
Council File No: 20-1609
Comments for Public Posting: I'm signing as the Director of Justice & Compassion Ministries for the Cal0Pac conf. Of the United Methodist Church