

# LOS ANGELES COUNTY HERO PAY ORDINANCE

## FREQUENTLY ASKED QUESTIONS

### **1. *When did the Los Angeles County Hero Pay Ordinance go into effect?***

The County Hero Pay Ordinance was adopted by the Los Angeles County Board of Supervisors on February 23, 2021. Employees covered by the ordinance begin earning Hero Pay at 12:00 a.m. on February 26, 2021. The complete text of the Ordinance can be found online by visiting either of the following web addresses:

<http://file.lacounty.gov/SDSInter/bos/supdocs/153999.pdf>

[https://library.municode.com/ca/los\\_angeles\\_county/codes/code\\_of\\_ordinances](https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances)

The Hero Pay Ordinance is found at Chapter 8.204 of the County Code.

### **2. *Which businesses does the Hero Pay Ordinance apply to?***

Employers should carefully review the text of the Los Angeles County Hero Pay Ordinance to determine whether the requirements apply to their specific business and employees. Generally, the Hero Pay Ordinance applies to grocery or drug retail stores that sells primarily food or household goods; or a variety of prescription and non-prescription medicine or miscellaneous items; or is over 85,000 square feet and dedicates 10% or more of its sales floor to groceries or 10% or more of its sale's floor to drug retail and meets all of **ALL** of the following requirements:

1. Employs or exercises control over the wages, hours, or working conditions of any employee;
2. Operates at least one retail grocery store, retail drug store, or large retail store that includes a grocery or drug component to its retail sales in the unincorporated areas;
3. Either is a publicly traded company or employs 300 or more workers nationwide; and
4. Employs more than 10 employees per store.

### **3. *How much is the Hero Pay amount?***

Hero pay amount is no less than \$5 per hour in addition to the employee's base hourly wage.

### **4. *Does the Hero Pay Ordinance apply to the entire Los Angeles County?***

No. The County Hero Pay ordinance was adopted by the Los Angeles County Board of Supervisors and applies only in the **unincorporated areas** of the County—not in cities. Some cities have also adopted ordinances to provide hazard pay to certain employees due to COVID-19. An ordinance adopted by a city applies only within the boundaries of that city. Questions regarding a city ordinance should be directed to that city.

### **5. *Who is exempt from the Hero Pay Ordinance?***

This Hero Pay Ordinance does not apply to public entities, such as federal, State, County and incorporated cities, including school districts. In addition, anyone exempt from the California State Minimum Wage is also exempt from the Hero Pay Ordinance.

### **6. *Can employees select to receive paid leave instead of Hero Pay?***

Yes, employees may elect to receive paid leave instead of Hero Pay. An election to receive paid leave in lieu of Hero Pay must be made in a writing signed by the employee. An employee accrues one full hour of paid leave when the Hero Pay earned totals one hour of the employee's Base Wage.



## **LOS ANGELES COUNTY HERO PAY ORDINANCE FAQs (continued)**

**7. *If an employer already voluntarily provides an employee with COVID-19 related hazard pay, are they still obligated to pay their employees Hero Pay?***

If an employer provides an employee with COVID-19 related hazard pay of less than \$5, the employer must pay the difference to ensure compliance with the Hero Pay Ordinance.

**8. *How long is the Hero Pay Ordinance in effect?***

The Hero Pay Ordinance is in effect for 120 days from the effective date of February 26, 2021, unless otherwise extended.

**9. *What is considered retaliatory action by the employer under the Hero Pay Ordinance?***

No employer may discharge, reduce in compensation, or otherwise discriminate against any employee for exercising their rights under the Hero Pay Ordinance.

**10. *Does the Hero Pay Ordinance cover employees that are teleworking?***

No, employees must be physically present in the workplace to receive Hero Pay.

**11. *How long does an employee have to file a complaint for violations of the Hero Pay Ordinance?***

An employee has three years from the date the violation first occurred to file a complaint.

**12. *Do employers have to provide notice of Hero Pay to employees?***

Yes, the Hero Pay Ordinance requires every covered employer to post in a conspicuous place at every store located within unincorporated areas of the County where any employee works a written notice informing employees of the Hero Pay Ordinance and their rights under this Chapter.

**13. *Are employers required to keep payroll records of Hero Pay?***

Yes, employers are required to keep payroll records to demonstrate compliance with this Hero Pay Ordinance for a period of 4 years.

**14. *Is there is a grace period for employers to comply with the Hero Pay Ordinance?***

The \$5 per hour of Hero Pay for covered employees begins accruing at 12:00 a.m. on Friday, February 26, 2021. However, employers have 45 days to pay any accrued Hero Pay to entitled employees and avoid any fines for non-payment of Hero Pay. This 45 day grace period is to afford employers time to incorporate the Hero Pay requirements into their payroll systems. However, this grace period only applies to fines for non-payment of Hero Pay—it does **not** apply to any fines imposed for employers retaliating against their employees for exercising a right protected under the Hero Pay Ordinance.

**15. *How can DCBA help me?***

DCBA can investigate allegations of violations of the Hero Pay Ordinance and require employers pay covered employees the Hero Pay they have earned, cite employers who are in violation of the Hero Pay Ordinance and, where applicable, order employers to reinstate an employee to the position the employee was discharged from if the employee was retaliated against by their employer.

**16. *Can I take my employer to court if I do not get paid Hero Pay?***

Yes. Employees that do not receive the Hero Pay they are entitled to under the Ordinance may sue their employer for violating the Hero Pay Ordinance.

