

WORKER PROTECTIONS AND BUSINESS RESOURCES

Preventing Retaliation for Reporting Public Health
Violation Ordinance

Hero Pay Ordinance

Minimum Wage Ordinance

Office of Small Business Resources



LOS ANGELES COUNTY
**CONSUMER &
BUSINESS AFFAIRS**

PREVENTING RETALIATION FOR REPORTING PUBLIC HEALTH VIOLATION ORDINANCE (TITLE 11, CHAPTER 11.01)



Ordinance was passed
on November 24,
2020.

RETALIATION AGAINST WORKERS IS PROHIBITED

No employer may discriminate in any manner or take adverse action against an employee for:

- ❖ **Reporting or Discussing** about the Employer's or other worker's perceived noncompliance with a Health Officer Order
- ❖ **Belonging** to or forming a Public Health Council
- ❖ **Informing** any Worker of his or her rights under this Ordinance
- ❖ **Exercising** any right provided under this Ordinance



WHAT IS RETALIATION?



Retaliation is any change or adverse action taken against a worker.

Examples of retaliation include, but are not limited to:

- Termination
- Demotion
- Pay Reduction
- Reduction of Hours
- Involuntary change of shift time
- Involuntary change of workplace responsibilities

VERIFYING JURISDICTION



The Ordinance will apply Countywide, except in cities with their own Health Officer, like Long Beach and Pasadena.

You can determine if the work is performed outside of Long Beach and Pasadena by checking with the Los Angeles County Registrar Recorder's Office at this link:

☐ <https://lavote.net/apps/precinctsmaps>

If the address **does not** appear on the Registrar Recorders database, be sure to use any of the links below:

☐ <http://egis3.lacounty.gov/ravs/3> Referral Address Verification System (RAVS)

☐ <http://planning.lacounty.gov/znet>

Department of Regional Planning (Z -Net)

IDENTIFYING THE WORKER



Any individual who performs any work within the geographic boundaries of the County of Los Angeles, except in cities with their own health officer, such as Long Beach and Pasadena. Independent contractors, volunteers and government employees are excluded from the ordinance.

IDENTIFYING THE EMPLOYER



Any person, who directly or indirectly or through an agent or any other person, including through the services of a temporary service or staffing agency or similar entity, employs any Worker or exercises control over the wages, hours, duties, or working conditions of any Worker.

SUBMITTING A COMPLAINT OF RETALIATION FOR REPORTING PUBLIC HEALTH VIOLATIONS



To submit a public health retaliation complaint, workers may contact:

Department of Consumer and Business Affairs

- Phone: (800) 593-8222
- Website: dcba.lacounty.gov
- Email: noretaliation@dcba.lacounty.gov

Department of Public Health

- Email: PHCouncils@ph.lacounty.gov

INVESTIGATION OF COMPLAINTS



LOS ANGELES COUNTY
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- The Department of Consumer and Business Affairs shall act as an agent for the Department of Public Health to investigate and enforce the provisions of the ordinance.
- The Department of Consumer and Business Affairs may issue a finding that an Employer has violated the provisions of the ordinance no later than **ONE** year after receiving the corresponding complaint.

ADMINISTRATIVE FINE FOR A VIOLATION



- DCBA may issue an administrative citation
- Fine up to \$10,000 per violation per day
- Employer may contest by filing an administrative hearing

RIGHT OF ACTION TO ENFORCE VIOLATION



Any Worker, or County Counsel on behalf of such Worker, may within 3 years of an Employer's last act bring action to the Superior Court of the State of California.

The Worker can be awarded:

- Hiring or reinstatement to the positions sought or held before the alleged unlawful act, or front pay instead.
- All actual damages including but not limited to lost pay and benefits and noneconomic damages or statutory damages in sum of \$10,000 per violation, whichever is greater.
- Punitive Damages.

NOTICE BEFORE INITIATING SUIT



1. The Worker or County Counsel must provide written notice to the Employer of the provisions of this Chapter alleged to have been violated and the facts to support the alleged violations.
2. The Employer fails to cure the alleged violations of this Chapter within fifteen (15) business days of receiving such written notice.

COVID-19 HERO PAY ORDINANCE

EFFECTIVE: FEBRUARY 26, 2021

LOS ANGELES COUNTY CHAPTER 8.204



A golden scale of justice and a wooden gavel are positioned on a wooden surface. The scale is on the left, with its pans hanging from a central beam. The gavel is on the right, resting on its base. The background is a dark, textured surface with a pattern of small, light-colored dots.

PURPOSE OF HERO PAY

Grocery retail and drug retail workers:

- Essential workers
- Face exposure to COVID-19
- Work has increased
- Low-wage earners
- Minimal benefits
- No luxury of working from home

APPLICABILITY

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. 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;
2. Either is a publicly traded company or employs 300 or more workers nationwide; and
3. Employs more than 10 employees per store.



EXEMPT

This ordinance does not apply to public entities, such as federal, state, county; incorporated cities, including school districts and salaried employees who are executive.

JURISDICTION

The Los Angeles County Hero Pay Ordinance applies to UNINCORPORATED areas of the County of Los Angeles. You can determine if the work is performed within the unincorporated areas of the County by checking with the Los Angeles County Registrar Recorder's Office at the following link:

<https://lavote.net/apps/precinctsmaps>

If the address **does not** appear on the Registrar Records database, be sure to use any of the links below:

<http://egis3.lacounty.gov/ravs/3> Referral Address Verification System (RAVS)

<http://planning.lacounty.gov/znet> Department of Regional Planning (Z-Net)



REQUIREMENTS

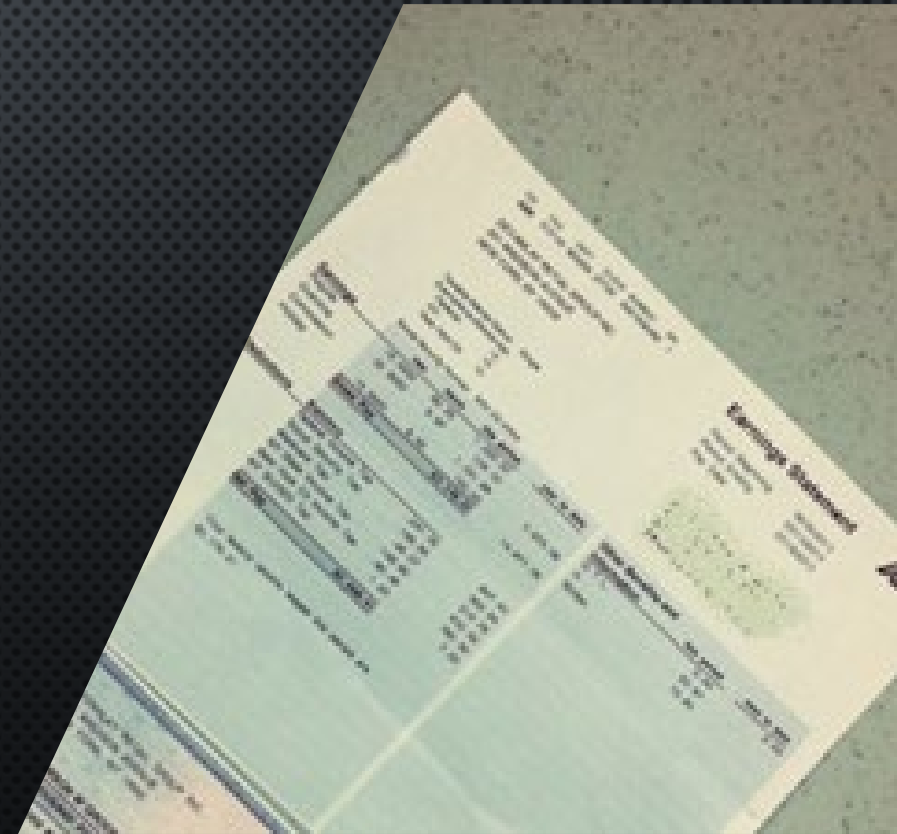
- Hero Pay Amount - \$5 per hour in addition to the Employee's Base Wage
- Offsets Prohibited
- Election to Receive Hero Pay as Paid Leave
 - Must be in writing
 - Accrues one full hour of paid leave when the Hero Pay earned totals one hour of the Employee's Base Wage.
- Credit for Voluntary Hazard Pay



REQUIREMENTS - PAY STATEMENT

The Ordinance requires covered employers include information about Hero Pay on the pay statement for covered employees, including:

- The hourly rate of Hero Pay (\$5 per hour) or voluntary hazard pay employer is providing
- The amount of Hero Pay, Paid Leave in lieu of Hero Pay, or voluntary hazard pay earned;
- The number of hours worked that entitled the employee to Hero Pay or voluntary hazard pay in the pay period.



POSTING REQUIREMENTS

The Ordinance also requires the Los Angeles County Hero Pay Poster to be displayed in a conspicuous and accessible place at every store located within unincorporated areas of the County where every employee works to inform employees of the Hero Pay ordinance and of their rights under this Ordinance.

THIS ORDINANCE COVERS EMPLOYEES WORKING IN UNINCORPORATED LOS ANGELES COUNTY, REGARDLESS OF IMMIGRATION OR WORK STATUS



Los Angeles County Hero Pay Ordinance

\$5.00 PER HOUR HAZARD PAY

This Ordinance takes effect February 26, 2021

FOR 120 DAYS UNLESS OTHERWISE EXTENDED

The Hero Pay Ordinance is an urgency ordinance that temporarily requires grocery retail and drug retail employers to provide an additional \$5 per hour hazard pay to employees working frontline positions as compensation for the hazards these employees face during the COVID-19 pandemic.

EMPLOYEES ENTITLED TO \$5.00 "HERO PAY"

Los Angeles County Code Section 8.204.020 (J)

As an employee, you may be entitled to Hero Pay if your employer meets the following criteria:

- Your employer is a Grocery Store, Drug Store, or large retailer that sells groceries and/or drug products
- Your employer is a publicly traded company or employs 300 or more people nationwide
- Your employer employs more than 10 employees at the store where you work
- The store where you work is located in the unincorporated area of the County of Los Angeles
- You are physically present at the store when you are performing work for your employer

See *Los Angeles County Code Chapter 8.204* for specific information about covered employees and employers

CREDIT FOR EXISTING HAZARD PAY

Los Angeles County Code Section 8.204.050

If your employer already provides hazard pay for COVID-19 related reasons to employees, but the amount is less than \$5 per hour, your employer must pay the difference to ensure employees receive a total of \$5 per hour in order to comply with this Ordinance.

PAID LEAVE IN LIEU OF HAZARD PAY

Los Angeles County Code Section 8.204.040 (C)

Employees can 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.

PAY STATEMENT INFORMATION

Los Angeles County Code Section 8.204.060

This Ordinance requires covered employers include information about Hero Pay on the pay statement for covered employees, including:

- The hourly rate of Hero Pay (\$5 per hour) or voluntary hazard pay your employer is providing you
- The amount of Hero Pay, Paid Leave in lieu of Hero Pay, or voluntary hazard pay you earned;
- The number of hours you worked that entitled you to Hero Pay or voluntary hazard pay in the pay period

RETALIATION IS PROHIBITED

Los Angeles County Code Section 8.204.080

You have the protected right to:

- File a complaint
- Inform any person of their potential rights
- Assert your rights under this ordinance

These actions are prohibited if done in retaliation against you for exercising your rights:

- Fire you
- Reduce your pay
- Discriminate against you
- Threaten you or your immediate family members

ENFORCEMENT

Los Angeles County Code Section 8.204.110

The Department of Consumer and Business Affairs (DCBA) is authorized to investigate complaints of alleged violations of Hero Pay Ordinance. Call DCBA at (800) 593-8222. More info: dcba.lacounty.gov/heropay

HERO PAY MAY IMPACT OTHER BENEFITS

Hero Pay is added to an employee's hourly wage and may temporarily increase the employee's total income for the time period this Ordinance is in effect. This increase in total income may affect the employee's eligibility for other forms of governmental aid that are income-based. Contact the aid program administrator for more information on eligibility.

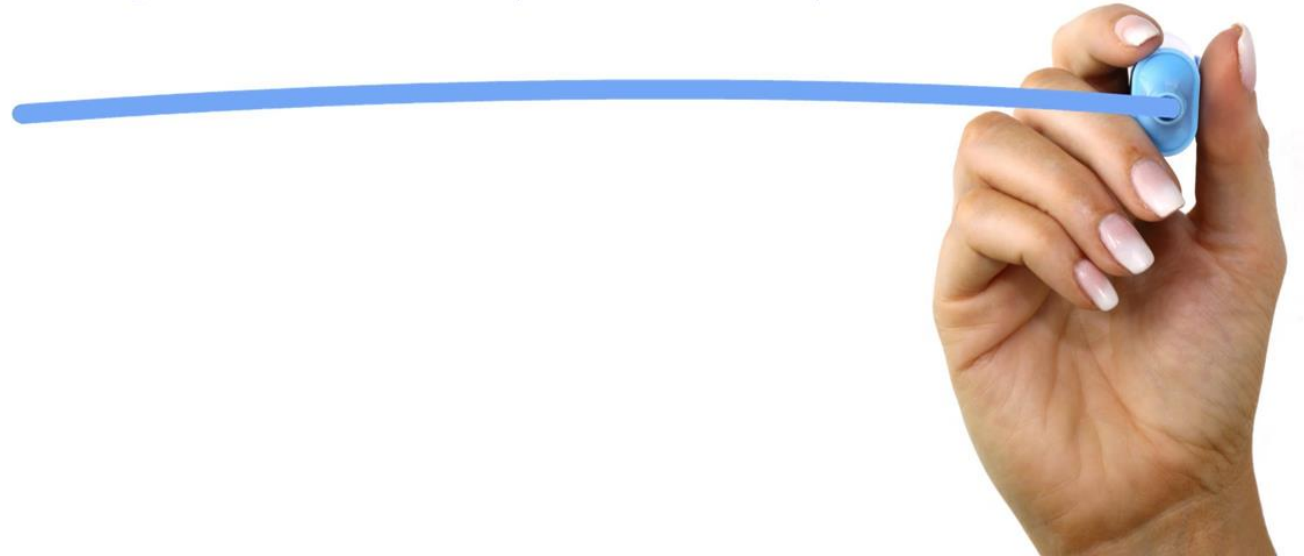
This poster must be displayed in a conspicuous and accessible place at every store located within unincorporated areas of the County where every employee works to inform employees of the Hero Pay ordinance and of their rights under this Ordinance.

Info: Los Angeles County Department of Consumer and Business Affairs (800) 593-8222

RETALIATION

Retaliation is prohibited when employees exercise their rights under the ordinance.

RETALIATION





ENFORCEMENT

DCBA'S AUTHORITY

- DCBA is authorized to investigate complaints of alleged violations of Hero Pay Ordinance
- Issue a wage enforcement order
- Assess fines payable to the County and/or Employee
- Where applicable reinstate the employees to the position the employee was discharged from

EMPLOYEE REMEDIES

An Employee claiming violations may sue in Superior Court of CA within 3 years of the occurrence of the violation and may be awarded:

- Reinstatement
- Back Pay
- All penalties and/or fines
- Treble of lost wages and penalties and reinstatement if retaliated
- Interest on all due and unpaid wages
- Reasonable attorney fees



HOW TO CONTACT US FOR HERO PAY QUESTIONS:

CONTACT

(800) 593-8222

HEROPAY@DCBA.LACOUNTY.GOV

VISIT

dcba.lacounty.gov





LOS ANGELES COUNTY MINIMUM WAGE ORDINANCE

EFFECTIVE JULY 1, 2016



LOS ANGELES COUNTY MINIMUM WAGE

(SECTION 8.100.040(A)(2))



Employers with **26 or more** employees must pay their employees no less than the following hourly rates on the following effective dates:

- ☐ July 1, 2016 - \$10.50
- ☐ July 1, 2017 - \$12.00
- ☐ July 1, 2018 - \$13.25
- ☐ July 1, 2019 - \$14.25
- ☐ **July 1, 2020 - \$15.00**

Employers with **25 or fewer** employees must pay their employees no less than the following hourly rates on the following effective dates:

- ☐ July 1, 2017 - \$10.50
- ☐ July 1, 2018 - \$12.00
- ☐ July 1, 2019 - \$13.25
- ☐ July 1, 2020 - \$14.25
- ☐ **July 1, 2021 - \$15.00**

- ❖ **Beginning July 1, 2022, the minimum wage will be adjusted based on the Consumer Price Index (CPI).**
- ❖ **Minimum Wage increases were not delayed** due to the COVID-19 emergency.

LA COUNTY MINIMUM WAGE ORDINANCE

(SECTION 8.100.030)

WHO IS AN EMPLOYEE?

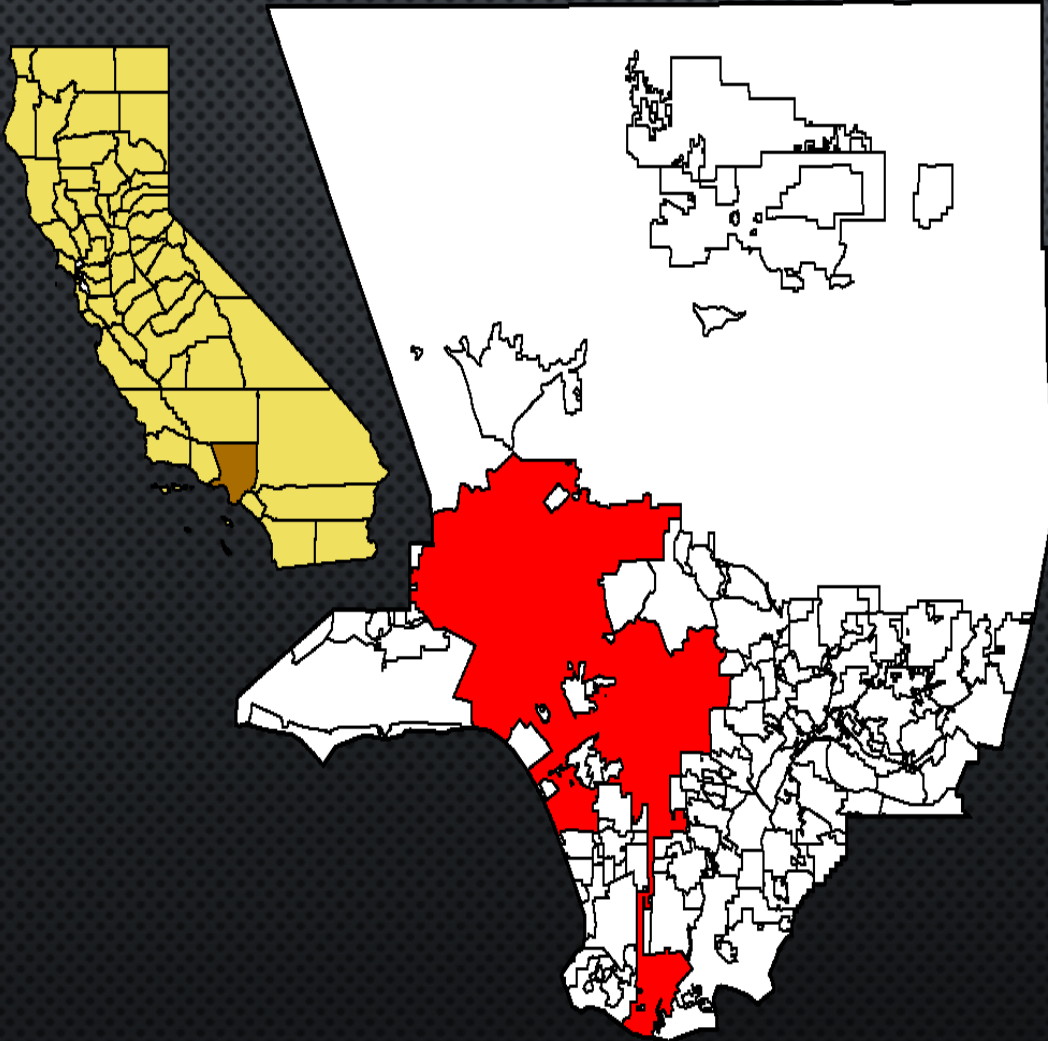


Effective July 1, 2016, the Los Angeles County Minimum Wage Ordinance applies to:

Employees who perform at least **two (2) hours** of work in a **particular week** within the **unincorporated** areas of Los Angeles County including part-time employees, full time employees and employees that are on probation/training, employees working for non-profit organization, and;

Those employees who are entitled to the payment of minimum wage under California minimum wage law. (LC 1197)

DETERMINING JURISDICTION



You can determine if the work is performed within the unincorporated areas of the County by checking with the Los Angeles County Registrar Recorder's Office at the following link:

<https://lavote.net/apps/precinctsmaps>

If the address **does not** appear on the Registrar Recorders database, be sure to use any of the links below:

<http://egis3.lacounty.gov/ravs/3> Referral Address Verification System (RAVS)

<http://planning.lacounty.gov/znet> Department of Regional Planning (Z-Net)

For addresses with “unincorporated” results, please verify jurisdiction with two sources (e.g. Reg-Rec AND RAVS)

LA COUNTY MINIMUM WAGE ORDINANCE POSTING REQUIREMENTS

Notice Requirements (Section 8.101.060(A)) : Every Employer must post in a conspicuous place at any workplace or jobsite located within unincorporated areas of County of Los Angeles a notice informing employees of:

- ❑ The current minimum wage rate; and
- ❑ The employee's rights under the MWO

If the employer does not have a physical location within the unincorporated areas of the County, the employer must provide the notice each year to the employees who perform work in the unincorporated areas of the County.

THIS ORDINANCE COVERS EMPLOYEES WORKING IN UNINCORPORATED LOS ANGELES COUNTY, REGARDLESS OF IMMIGRATION OR WORK STATUS.

County of Los Angeles Minimum Wage Ordinance

This ordinance takes effect July 1, 2016.

This ordinance applies to employees who perform at least two hours of work in a particular week within unincorporated areas of Los Angeles County. Employers are required to pay the minimum wage set forth below for all hours worked.

This poster must be displayed in a conspicuous and accessible place at job sites, in English, Spanish, and the primary language used by the employer to communicate with employees regarding employees' work functions, if other than English or Spanish.



Los Angeles County Code Chapter 8.100
Minimum Wage

Large Employers (26 or more employees)

\$10.50 PER HOUR July 1, 2016	
\$12.00 PER HOUR July 1, 2017	\$13.25 PER HOUR July 1, 2018
\$14.25 PER HOUR July 1, 2019	\$15.00 PER HOUR July 1, 2020

Small Employers (25 or less employees)

\$10.50 PER HOUR July 1, 2017	
\$12.00 PER HOUR July 1, 2018	\$13.25 PER HOUR July 1, 2019
\$14.25 PER HOUR July 1, 2020	\$15.00 PER HOUR July 1, 2021

* Beginning January 1, 2022, County's Chief Executive Officer (CEO) will determine the adjusted rates of the minimum wage based on the Consumer Price Index, which will become effective on July 1, 2022.

Los Angeles County Code Chapter 8.101
Your Rights Are Protected

You may be entitled to compensation for any violation of this law by your employer.

You Have a Right to File a Complaint: You may file a complaint with the Department of Consumer and Business Affairs' Wage Enforcement Program for alleged violations of the Minimum Wage Ordinance. Complaints must be filed with:	You Have a Right to Sue: Any employee, entity, or any other person acting on behalf of the public and whose rights under this law have been violated may bring a civil action in a court of law against an employer who:
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Los Angeles County Code Chapter 8.100 & 8.101
Retaliation is Illegal

It is illegal for an employer to retaliate against you for exercising your rights.

You have the protected right to: <ul style="list-style-type: none">File a complaintInform any person of their potential rightsAssert your rights under this law	These actions are prohibited if done to retaliate against you for exercising your rights: <ul style="list-style-type: none">Fire youReduce your payDiscriminate against youThreaten you or any of your immediate family members
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DCBA'S AUTHORITY

Los Angeles County Minimum Wage Enforcement Ordinance gives DCBA the authority to enforce the provisions of the ordinance.

This includes:

- ☐ Unpaid Minimum Wages
- ☐ Retaliation
- ☐ Failure to Post
- ☐ Failure to allow access to payroll records
- ☐ Failure to maintain records



LA COUNTY MINIMUM WAGE ORDINANCE: CORRECTION ORDER AND WAGE ENFORCEMENT ORDER

If during the investigation, DCBA WEP Investigator determines a violation of the MWO or the MWEO has occurred then DCBA may issue and serve a Correction Order (CO) to the Employer.

The Wage Enforcement Order (WEO) is issued when there is substantiated violations of the County Minimum Wage Ordinance. The employer is required to post the Wage Enforcement Order in a conspicuous place within **24 hours** of receipt.

The employer, employee or a third party may contest the Wage Enforcement Order by filing a Request for Reconsideration.

A red, distressed-style stamp with the word "CORRECTION" in bold, uppercase letters. The stamp is rectangular with rounded corners and a rough, ink-like border. It is positioned in the bottom right corner of the image, partially overlapping the text area.



Los Angeles County Office of Small Business



LOS ANGELES COUNTY
**CONSUMER &
BUSINESS AFFAIRS**

Last updated 3.12.2021

Office of Small Business Services



- Small Business Concierge
One-stop shop for business owners in Los Angeles County. Offers help with obtaining necessary permits, funding for starting your business, counseling and more.
- LA County Certifications
Registering and certifying small & disabled veteran-owned businesses, and social enterprises. Offers assistance with resources and information on doing business with the County.
- Procurement Technical Assistance Center
Information, resources, and training for small businesses who want to sell to local, state, and federal governments.

Procurement Technical Assistance Center



The LA County PTAC is an economic development program of DCBA's Office of Small Business. Our Experienced counselors help small and diverse businesses compete more effectively on federal, state, and local government contracts.

We provide:

- Technical assistance on Government Contracting
- Access to education workshops and trainings
- Access to market intelligence software to identify leads

To schedule an appointment email us at: PTAC@dcba.lacounty.gov

QUESTIONS?

Contact us:

dcba.lacounty.gov

Wage Enforcement

wagehelp@dcba.lacounty.gov

heropay@dcba.lacounty.gov

(800) 593-8222

Office of Small Business

OSB@dcba.lacounty.gov

PTAC@dcba.lacounty.gov

(323) 881-3964



@LACoSmallBiz
@LACountyDCBA



@LACountyDCBA



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