

# **Los Angeles County Code Chapter 8.205 EMPLOYEE PAID LEAVE FOR EXPANDED VACCINE ACCESS ORDINANCE**

## **FREQUENTLY ASKED QUESTIONS**

### **1. When did the Los Angeles County Employee Paid Leave for Expanded Vaccine Access Ordinance go into effect?**

The Ordinance was adopted by the Los Angeles County (County) Board of Supervisors on May 18, 2021. Employees covered by the Ordinance can receive paid leave for receiving their COVID-19 vaccinations as of January 1, 2021 until August 31, 2021, unless otherwise extended.

The Ordinance can be found in Chapter 8.205 of the County Code and online by visiting either of the following web addresses:

<http://file.lacounty.gov/SDSInter/bos/supdocs/158362.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)

### **2. Which businesses does this Ordinance apply to?**

This ordinance requires all private employers in the unincorporated areas of Los Angeles County to provide COVID-19 Vaccine Paid Leave to employees receiving a COVID-19 vaccination.

### **3. Who is exempt from This Ordinance?**

This Ordinance does not apply to public entities, such as Federal, State, and County Government agencies.

### **4. How much is the COVID-19 Vaccine Paid Leave amount?**

An employee who receives COVID-19 Vaccine Paid Leave shall be compensated at their normal rate of pay. It shall be calculated based on the employee's highest average two-week pay over the period of January 1, 2021 through the effective date of this Ordinance, August 31, 2021.



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**5. Does the COVID-19 Vaccine Paid Leave only cover the time spent for an employee to receive the COVID-19 vaccine?**

No. The COVID-19 Vaccine Paid Leave includes time spent for an employee to **travel** to and from a COVID-19 vaccine appointment, to **receive** the COVID-19 vaccine injection, and to **recover** from any symptoms related to receiving the COVID-19 vaccine that prevent the employee from being able to work or telework.

**6. Does this Ordinance apply to the entire Los Angeles County?**

No. It applies only in the **unincorporated** areas of the County.

**7. I still have leave time left over under Labor Code section 248.2 (COVID-19 Supplemental Paid Sick Leave); am I still entitled to additional Paid Sick Leave for a COVID-19 vaccination?**

No. If an employee is entitled to leave time under Labor Code section 248.2, then that employee is entitled to additional paid sick leave **ONLY** if the employee has exhausted **ALL** available leave time under Labor Code section 248.2 (COVID-19 Supplemental Paid Sick Leave).

**8. I still have regular paid sick days, under Labor Code section 246, that I have not exhausted; am I still entitled to additional COVID-19 Vaccine Paid Leave for the COVID-19 vaccination injections?**

Yes. The total number of hours of COVID-19 Vaccine Paid Leave to which an employee is entitled under this Section shall be in **addition** to any paid sick days that may be available to the employee under Labor Code section 246.

**9. How much Vaccine Paid Leave time am I allowed?**

A **full-time employee** is entitled to use up to **four** hours of additional paid leave per injection to receive the COVID-19 vaccine.

A **part-time employee** is entitled to a prorated amount of four hours per injection based on the Employee's normally scheduled work hours over the two-week period preceding the injection. For example, if an Employee worked 20 hours a week during the two-week period, the Employee would be entitled to two hours of COVID-19 Vaccine Paid Leave per injection.



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#### **10. How long is This Ordinance in effect?**

The provisions of this Chapter are effective as of January 1, 2021 and will remain in effect until August 31, 2021, unless otherwise extended.

#### **11. What is considered a retaliatory action by the employer under This Ordinance?**

An Employer may not refuse to employ, terminate or reduce in compensation, or otherwise discriminate against any employee for exercising their rights under this Ordinance.

#### **12. Can my employer ask for proof that I received the COVID-19 vaccine if I request paid leave under the Paid Leave for Expanded COVID-19 Vaccine Access Ordinance?**

Yes. An employer may ask an employee to provide written verification of receipt of the COVID-19 vaccine in order to receive COVID-19 Paid Vaccine Leave.

#### **13. Does the Employee Paid Leave for Expanded Vaccine Access Ordinance cover employees that are teleworking?**

Yes.

#### **14. How long does an employee have to file a complaint for violations of the Employee Paid Leave for Expanded Vaccine Access Ordinance?**

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

#### **15. Do employers have to provide notice of Employee Paid Leave for Expanded Vaccine Access to employees?**

Yes. Every covered employer is required to post in a conspicuous place, at every business located within unincorporated areas of the County, where any employee works, a written notice informing employees of the Employee Paid Leave for Expanded Vaccine Access Ordinance and the employees' rights under this Chapter.



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#### **16. As an Employer, where do I get a copy of the notice that I need to post?**

The notice can be found online by visiting:

<https://dcba.lacounty.gov/vaccineleave/>

#### **17. Under the ordinance, are employers required to keep payroll records of Employee Paid Leave for COVID-19 Vaccine Access?**

Yes. Employers are required to keep payroll records to demonstrate compliance with this Ordinance for a period of four years.

#### **18. How can the Department of Consumer and Business Affairs help me?**

The Department of Consumer and Business Affairs (DCBA) can investigate allegations of violations of this ordinance and require that employers who are in violation of the ordinance to pay the paid leave for vaccine injections to employees who qualify. DCBA can also cite employers who are in violation of this Ordinance and, where applicable, order employers to reinstate an employee who may have been terminated as a result of retaliation by their employer.

#### **19. Can I take my employer to court if I do not get paid under the Employee Paid Leave for Expanded Vaccine Access Ordinance?**

Yes. Employees that do not receive the COVID-19 Vaccine Paid Leave they are entitled to under this Ordinance, may sue their employer for violating this Ordinance.

