

**CITY OF EMERYVILLE** 

# MEMORANDUM

**DATE:** February 17, 2015

**TO:** Sabrina Landreth, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** Citywide Minimum Wage Draft Ordinance

### RECOMMENDATION

Staff recommends that the City Council review the attached draft ordinance establishing a citywide minimum wage, plus additional workplace standards, and approve for distribution an ordinance that reflects Council's direction on several issues highlighted in the following discussion.

# BACKGROUND

The purpose of this report is to obtain comment and approval of a draft ordinance to establish a citywide minimum wage, sick leave benefits, and other employment standards which will be made available to the public in order to provide notice to affected parties of the impending legislation.

In an effort to help working households achieve economic security, and acknowledging the higher relative cost of living in San Francisco Bay Area, the City of Emeryville has been considering a citywide minimum wage that is higher than the minimum wage required by the State of California.

Staff first explored this issue in 2006 in light of the passage of Measure C, a voter-approved ballot initiative that passed in November 2005, increasing wages for hotel workers and establishing some labor standards in that industry. As part of a comprehensive analysis of wage rates, in October 2006 the City Council approved a Living Wage Ordinance that applies to all permanent City employees and vendors with City contracts. The Council at that time directed staff to defer consideration of a citywide minimum wage in order to analyze the impacts of Measure C and the Living Wage Ordinance. Additionally, the State was making efforts to increase the statewide minimum wage as then-Governor Schwarzenegger signed a bill in 2006 raising the minimum wage to \$8.00 per hour by 2008. Subsequent to that action, Governor Jerry Brown signed another bill in 2013 increasing the statewide minimum wage to \$9.00 per hour in 2014 (the current statewide minimum wage) and again to \$10.00 per hour in 2016.

In August 2014, staff again reported to the Council on evaluating the feasibility of establishing a minimum wage for the City of Emeryville, including a summary of previous consideration by the City and recent activity in other cities.

At the time of the August 2014 report, several citywide minimum wage measures had recently passed in Berkeley, Richmond, and Seattle, and two measures had qualified for the November 2014 ballot (Oakland and San Francisco). In addition, several more research studies have been conducted in the past six months analyzing the potential impacts of some of these measures. For example, UC Berkeley's Center on Wage and Employment Dynamics analyzed the potential impacts to the cities of Los Angeles, San Jose, Oakland, San Francisco, and San Diego (http://irle.berkeley.edu/research/minimumwage/), and other consultants and staff in those cities have also performed analyses. The studies conducted by UC Berkeley generally found that effects of an increased minimum wage on employment, business operating costs, and consumer prices were modest to negligible.

An update item was again brought to the Council for its consideration on January 20, 2015. Since the prior report in August 2014, the citywide minimum wage ballot measures in San Francisco and Oakland passed by significant majorities, and the City Councils of Sunnyvale and Mountain View also adopted ordinances increasing the minimum wages to match the ordinance that has been in place in San Jose.

At the January 20, 2015 Council meeting, staff recommended consideration of a citywide minimum wage ordinance for Emeryville that closely mirrored that of the Oakland initiative, with a schedule for outreach and implementation, with a proposed effective date of January 1, 2016. The Council directed staff to develop an ordinance for Emeryville as follows:

- The ordinance should be based on the parameters of the Oakland initiative.
- The initial minimum hourly wage should mirror the City's Living Wage, currently \$14.03 per hour but will be increased July 1 by the local consumer price index (CPI), with increases annually thereafter by the CPI.
- The ordinance would be effective as of July 1, 2015.

Given the accelerated effective date, and in light of the regional research already conducted for other cities, Council directed staff that additional economic impact analyses and separate community meetings were not necessary to take place before the next discussion of the proposed ordinance on February 17, 2015.

### DISCUSSION/ANALYSIS

#### Proposed Elements of Draft Emeryville Minimum Wage Ordinance

Per the direction of the City Council, a draft citywide minimum wage ordinance is attached, and is largely based on the Oakland initiative developed by Lift Up, with exceptions as noted.

- The Emeryville ordinance would be added as Chapter 37 to Title 5 of the Emeryville Municipal Code, "Minimum Wage, Sick Leave, and Other Employment Standards"
- Effective date of July 1, 2015
- Minimum wage rate and schedule for increases
  - Match City of Emeryville Living Wage as of the July 1, 2015 effective date as opposed to Lift Up rate of \$12.25 per hour. The current Emeryville living wage rate is \$14.03 per hour. The Lift Up initiative provides for increases to the rate based on increases to the consumer price index ("CPI") in the prior calendar year. Emeryville ordinance maintains this schedule for wage rate increases. In calendar year 2014 the CPI increased 2.8% and thus the proposed Emeryville minimum wage rate will be \$14.42 per hour as of July 1, 2015.
- Exemptions
  - Lift Up initiative provides that employees subject to a ratified collective bargaining agreement may agree to waive application of law. Emeryville draft ordinance clarifies that employees subject to a current collective bargaining agreement in effect as of the effective date of the ordinance are exempt from the application of the ordinance until the agreement expires. Thereafter, the ordinance would apply unless there is a clear and unambiguous waiver of all or portions of the ordinance in a collective bargaining agreement.
- Considerations for sick leave
  - Employees would accrue one hour of paid sick leave for every 30 hours they work.
  - Employers may cap paid sick leave accrued by an employee at 72 hours. (Note: please see discussion below re AB 1522 and cap on accrued sick leave)
- Elements that differ from Oakland ordinance
  - Elements related to Measure C

### Living Wage Ordinance as Proxy for Initial Minimum Wage Rate

Per the direction of Council, the proposed ordinance uses the City's current Living Wage rate as the initial minimum wage rate. The City's Living Wage is inclusive of wages and health benefits, such that the monetary wages paid to the employees may be reduced by the monetary value of the employer's contribution for health benefits. Likewise the wage rates established pursuant to Measure C for hotel workers also provide a credit for health benefits provided by an employer. The citywide minimum wage, as based on the Oakland initiative, does not have a consideration for a health benefit credit. As such, the current City of Emeryville Living Wage is not directly comparable to the minimum wage rate currently under consideration. Accordingly, while the minimum wage rate will obviously increase overall wages, it is possible that any health benefits provided at the expense of an employers, such as hotels, may be withdrawn since the employer would not be allowed a credit against the wage rate.

Additionally, the minimum wage rate put forth by Council of \$14.42 per hour to be in place by July 1, 2015 is higher than the minimum wages set by any other jurisdiction for 2015. The minimum wage of \$12.25 per hour in the Oakland initiative, effective as of March 2, 2015, is approximately 36% higher than the current State minimum wage rate of \$9.00 per hour while the draft Emeryville rate represents a 59% increase over the current State minimum wage.

The previously referenced studies completed by UC Berkeley concluded that the costs of minimum wage increases are offset through increased worker retention, improved worker productivity, and minor increases in prices. However, none of the cities recently studied by UC Berkeley specifically analyzed an increase of this magnitude in the first year of implementation. As a result, the extrapolation of the findings of those studies to the legislation currently under consideration may be less applicable than if Emeryville pursued a similar wage increase schedule to that of Oakland or Berkeley (the two cities in Alameda County that have been studied).

### AB 1522 – Paid Sick Leave

At the time the Oakland initiative was adopted, there were no state regulations regarding paid sick leave. Since the enactment of the Oakland initiative, the Governor approved AB 1522, the "Healthy Workplaces, Healthy Families Act of 2014," attached to this report. The bill amends the state Labor Code to provide for paid sick leave to employees beginning July 1, 2015. Covered employees who work in California for 30 or more days within a year are entitled to paid sick days for prescribed purposes, to be accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90<sup>th</sup> day of employment after the effective date of the statute.

The bill authorizes an employer to limit an employee's use of paid sick days to 24 hours or 3 days in each year of employment. AB 1522 prohibits an employer from discriminating or retaliating against an employee who requests paid sick days. The bill also requires employers to satisfy specified posting, notice, and recordkeeping requirements.

The provisions of the Oakland initiative regarding accrual of paid sick leave were modeled on AB 1522. Specifically, the Oakland initiative mirrors the following provisions of AB 1522:

- A. the starting date for use of paid sick leave (90 days from effective date of the statute)
- B. the accrual rate of paid sick leave (1 hour of paid sick leave for every 30 hours worked);
- C. exemption from providing paid sick leave in the event the employer already offers a paid sick leave policy; and
- D. employer is not obligated to provide reimbursement to employee for unused paid sick leave at the time of separation. Because the state statute regulates these areas of paid sick leave accrual, the draft ordinance presented to the City Council does not include those provisions.

While the Oakland ordinance largely mirrors AB 1522, there are differences between the two statutes which staff highlights for the City Council's consideration:

1. Employees Subject to the Minimum Wage Statute

The Oakland initiative defines employees subject to that statute as persons who: 1) work at least 2 hours per week within the city of Oakland; and 2) qualifies as an employee entitled to payment of minimum wage under California minimum wage law. The Oakland statute also exempts employees covered by a valid collective bargaining agreement which waives the provisions of the statute in clear and unambiguous terms.

AB 1522 has a narrower definition of employee. An employee under the state statute does <u>not</u> include: 1) an employee covered by a valid collective bargaining agreement which includes, among other provisions, for paid sick leave; 2) an employee in the construction industry covered by a valid collective bargaining agreement in which includes provisions for paid sick leave and which either was entered into before January 1, 2015, and expressly waives the provisions of the state statute in clear and unambiguous terms; 3) a provider of in-home

supportive services; and 4) an individual employed by an air carrier as a flight deck or cabin crew member.<sup>1</sup>

- The draft presented to the City Council is modeled on the Oakland initiative. Staff seeks direction on whether to specify a narrower definition of employee as provided by the AB 1522 model, or to maintain a more expansive definition as seen in the Oakland ordinance.
- 2. Maximum Paid Sick Leave Hours Accrued

The Oakland initiative provides that Small Business employers (defined as employing ten or fewer persons per week) may cap an employee's accrued paid sick leave at 40 hours per year. All other employers may cap accrued paid sick leave at 72 hours. However, AB 1522 provides that all employers, regardless of size, may cap accrued paid sick leave at 48 hours, or 6 days.<sup>2</sup> Accordingly, Small Businesses in Oakland will only be allowed to cap accrual of paid sick leave at 48 hours in accordance with AB 1522, not 40 hours as provided by the Lift Up initiative. Both the Oakland ordinance and the Labor Code allow an employer to provide for caps higher than the maximum hours specified.

To avoid conflict with the provisions of AB 1522, staff is not recommending a Small Business cap of 40 hours accrued paid sick leave. Instead staff recommends a cap of 72 hours of accrued paid sick leave for all employers similar to the Oakland initiative as that measure applies to non-Small Businesses.

- Staff is seeking direction from the City Council regarding: 1) the maximum number of sick leave hours an employee may accrue (keeping in mind the state requirement is a minimum of 48 hours or 6 days); and 2) whether the City Council wishes to distinguish between maximum accrued hours for Small Business employers and all other employers.
- 3. Maximum Hours of Usable Paid Sick Leave In A Year

AB 1522 provides that an employer may limit an employee's use of paid sick days to 24 hours or three days in each year of employment<sup>3</sup> notwithstanding the fact that under the same statute, an employee may accrue up to 48 hours or 6 days of paid sick leave annually. Thus an employee may use at most only half of the maximum accrued paid sick leave in a year. The Oakland initiative does not

<sup>&</sup>lt;sup>1</sup> Labor Code section 245.5(a)

<sup>&</sup>lt;sup>2</sup> Labor Code section 246(i)

<sup>&</sup>lt;sup>3</sup> Labor Code section 246(d)

provide any limits on the amount of paid sick leave useable in a year, and thus an employee may use up to the maximum accrued amount.

- Like the Oakland initiative, the draft Emeryville ordinance presented for City Council consideration does not address limits on the amount of paid sick leave usable each year by an employee. Accordingly, without addressing this issue, the limits established by AB 1522 likely apply. Thus staff requests the City Council provide direction on the number of allowable sick leave hours an employee may use each year recognizing no such limit may be established that is less than that provided by AB 1522 (i.e. 24 hours/year).
- 4. Use of Paid Sick Leave

AB 1522 allows an employee to use paid sick leave for the care or treatment of the employee or an employee's family member. "Family member" includes a child <sup>4</sup>, parent, stepparent, legal guardian, spouse, or registered domestic partner<sup>5</sup>. In addition to the family members covered by AB 1522, the Oakland initiative also allows an employee to use paid sick leave for the care or treatment of one designated person, if the employee does not have a spouse or registered domestic partner. The employee is allowed to make the designation no later than the date on which the employee has worked 30 hours after paid sick leave begins to accrue. The employee may change the designation on an annual basis.

- Staff has included the provision relating to the right of an employee to designate an individual for whom they may use paid sick leave to care for in the event they do not have a spouse or domestic partner in the draft ordinance. Staff seeks City Council direction on whether to keep this designation in future versions of the ordinance.
- 5. Start of Use of Paid Sick Leave

AB 1522 provides that employees may use paid sick leave beginning on the 90<sup>th</sup> day of employment<sup>6</sup>. Likewise, the Oakland initiative allows an employee to begin using paid sick leave 90 days after commencement of employment.

<sup>&</sup>lt;sup>4</sup> Including a biological, adopted, or foster child, or a stepchild or legal ord. The definition of child is applicable regardless of age or dependency status.

<sup>&</sup>lt;sup>5</sup> Labor Code section 245.5(c)

<sup>&</sup>lt;sup>6</sup> Labor Code section 246(c)

Regarding the proposed ordinance, in the absence of a different starting period for the use of paid sick leave, the provisions of AB 1522 will control, and an employee may begin using accrued sick leave after the 90<sup>th</sup> day of employment.

• Staff seeks direction on whether an employee may begin using paid sick leave sooner than the 90<sup>th</sup> day of employment.

### Hospitality Service Charge

Like the Oakland initiative, the proposed ordinance includes regulations covering the disbursement of hospitality service charges. Service charges are amounts collected by a Hospitality Employer from customers for service provided a Hospitality Worker. Hospitality Employers are defined as an employer who owns, controls or operates a hotel, restaurant, or banquet facility within the City, including subcontractors. Hospitality Workers are individuals who work for a Hospitality Employer and who perform service for which a Hospitality Employer imposes a service charge. Hospitality Workers do not include managerial employees.

The proposed ordinance requires service charges collected by the Hospitality Employer to be paid in their entirety to the Hospitality Worker(s) actually performing the services for which the service charges are collected. No part of the service charge may be paid to supervisors except for the portion of time spent on nonsupervisory work for the customers, and then at no higher rate than the compensation of the average paid to Hospitality Workers performing similar customer service duties. The service charges shall be distributed to Hospitality Workers no later than the next payroll following the work or collection of charge from the customer.

Service charges collected for banquets or catered meetings shall be paid to the Hospitality Workers who actually work the banquet or catered meeting. Service charges collected for room service shall be paid to the Hospitality Workers who actually deliver food and beverage associated with the charge. Service charges paid for porterage services shall be paid to the Hospitality Workers who actually carried the baggage associated with the charge.

The above provisions regarding service charges do not apply to any tip or gratuity paid, given, or left for a Hospitality Worker by a customer.

Note that staff has been advised that based on discussions being held in Oakland in relation to the implementation of this provision there may be further suggested revisions forthcoming in order to provide greater clarity. As of the preparation of this report no such suggestions have been provided to the City by representatives of Lift Up.

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### Posting and Noticing

The minimum wage increases July 1 of every year with an adjustment based on CPI. The proposed ordinance requires the City to publish and make available the adjusted wage rates by April 1 of each year, with an effective date of July 1. The ordinance also requires Employers to publish by May 1 a bulletin available to all employees advising of the current minimum wage rates and the employees' rights under the ordinance. Notice of employee rights under the ordinance shall also be provided to each current employee and each new employee at the time of hire.

#### Implementation and Enforcement<sup>7</sup>

The proposed ordinance allows the City to adopt regulations to implement and enforce the statutory requirements. The ordinance allows an aggrieved employee to report suspected violations to the City, and the City may investigate possible violations. While the City shall make efforts to resolve complaints informally, the City's investigation and attempts at resolution do not bar an employee from pursuing a private right of action against an employer.

The City may undertake enforcement for non-compliance with the ordinance. Possible actions include:

- 1. Issuance of an Administrative Citation with fines for specific violations of the ordinance:
  - a. A fine against an employer who retaliates against an employee exercising his or her rights provided by the ordinance, with a penalty of \$1,000 per employee retaliated against.
  - b. A fine of \$500 for failure to post notices or maintain payroll records as provided in the ordinance.
  - c. A fine equal to the total amount of appropriate remedies described below.
- 2. Alternatively, the City may issue a compliance order requiring the employer to correct specified violations. The employee has the right to request an administrative appeal before a Hearing Officer designated by the City Manager. The decision of the Hearing Officer shall be final with no further administrative review.

<sup>&</sup>lt;sup>7</sup> AB 1522 charges the state Labor Commissioner with enforcement of the Labor Code. The bill provides for an administrative hearing and a separate penalty schedule. The Labor Commissioner or the Attorney General may also bring a civil action against an employer for violations of the state statute (Labor Code Section 248.5).

3. The City may also institute a civil action for injunctive relief, damages, and penalties.

In addition to enforcement by the City, the proposed ordinance allows an employee claiming harm from an employer to bring a private right of action to enforce the provisions of the ordinance.

The proposed ordinance provides for remedies available for violations of the statute including:

- 1. Reinstatement, the payment of back wages and payment of \$50 to each employee who rights were violated for each day the violation continued.
- 2. Interest on all unpaid wages, with accrual from the date the wages were due and payable.
- 3. Reimbursement of the City's administrative cost of enforcement.
- 4. Repeated violations within the period of July 1 to June 30 of the following year require an employer to pay the City a civil penalty of \$50 for each employee whose rights were violated.

As discussed in prior reports, there are several options for administration and enforcement. Given that Emeryville's proposed minimum wage differs from that of adjoining jurisdictions, an enforcement agreement with a neighboring jurisdiction is not an efficient option. Staff is recommending that enforcement be done directly by the City, either through the hiring of a new staff person or engagement of a contract employee, and that enforcement be complaint-driven.

### Administrative Citations

The proposed ordinance refers to administrative citations which the City may issue as an enforcement tool. Staff will present a separate ordinance for the adoption of an administrative citation process. That ordinance will be presented at the May 5, 2015 City Council meeting to coincide with the first reading of the proposed minimum wage ordinance.

### Measure C

The Emeryville electorate adopted Measure C in November 2005 to set minimum compensation rates and labor standards for employees of large hotels (50 or more hotel rooms). The Minimum Compensation rate for affected employees was initially set at \$9.00 per hour and the Minimum Average Compensation (as

those terms are defined in Measure C) for all employees in a hotel was set at \$11.00 per hour (EMC 5-32.1.1). Both rates are subject to adjustment for annual CPI. For the period beginning March 1, 2015, the adjusted Minimum Compensation is \$11.39, and the adjusted Minimum Average Compensation is \$13.94.

In order to reconcile the compensation rates for Measure C and the proposed minimum wage ordinance, staff recommends amending section 5-32.1.1 of the Emeryville Municipal Code regarding Measure C effective July 1, 2015 to increase the Minimum Compensation rate to \$14.42 per hour (the same rate as the proposed starting minimum wage); and thus the Minimum Average Compensation for all hotel employees would adjust to \$17.65 per hour. Like the minimum wage rate, both Measure C rates will continue to be adjusted for annual CPI and will therefore match the minimum wage rates.

Measure C defines an Employee as an employee of the hotel operator. For purposes of Measure C, an Employee does not include a managerial or administrative employee earning above a specified annual amount. (EMC 5-32.1.3) The original threshold for a managerial or administrative employee was \$50,000 per year, adjusted annually for CPI. The current threshold is \$63,363.35. In order to track the minimum wage rate of the proposed ordinance, as well as the adjusted Minimum Compensation and Minimum Average Compensation rates, staff also recommends amending section 5-32.1.3 of the Emeryville Municipal Code regarding Measure C to increase the threshold earning for managerial or administrative employees to \$80,219.45 per year, subject to annual CPI adjustment.

### Possible Exemptions or Phased Implementation

Some minimum wage ordinances prescribe that certain businesses or types of employment be exempt, or that the increase be phased for those businesses. Three example categories for exemption and/or phasing include internships or training programs, small businesses, and nonprofits.

Should a phased implementation be considered, the increased wage could be effective over two six-month increments, to allow for additional time to absorb the additional labor costs. As an example:

- Increase to \$12.25 per hour on July 1, 2015
- Increase to \$13.50 per hour on January 1, 2016
- Increase to meet then current citywide minimum wage on July 1, 2016.

This phased approach would allow these businesses a longer period to amend their business plans to accommodate the new living wage, including but not limited to changing product/service pricing, accessing bridge funding, or amending grant provisions. Many nonprofits are reliant on foundation or grant funding for at least a portion of their labor costs, which may have funding cycles that do not coincide with the anticipated effective date of July 1, 2015 (October 1-September 30 for federal grants/January 1 – December 31 for most private business plans).

# Implementation Timeline

In order to provide notice to businesses of the change in minimum wage and other employment standards presented by the ordinance discussed herein within the timeframe directed by Council, and assuming there are no significant changes required to the draft ordinance presented herein, staff recommends the following actions:

- February 17: City Council approves/provides direction on the ordinance
- By end of February: Notification to businesses of proposed ordinance by:
  - Mail draft ordinance to all businesses with current business licenses
  - Post draft ordinance on website
- March 4: Discussion of draft ordinance by the Economic Development Advisory Committee
- March 17 or April 1: City Council discusses business/community input and provides direction to staff
- May 5: Public hearing for first reading of ordinance
- May 19: Second reading of ordinance
- May June: Prepare for implementation
  - Develop administrative instructions
  - o Engage staffing for administration and enforcement
  - Develop support materials (notification posters, complaint forms, etc.)
- July 1: Ordinance goes into effect

# FISCAL CONSIDERATIONS

### Administration Costs

One full time employee is estimated to be needed to administer and enforce the minimum wage ordinance. The cost for a full-time employee, or the equivalent cost for a contract employee, is estimated at \$125,000 per fiscal year, including benefits. Additionally, approximately \$35,000 should be budgeted in the first

year for the production and distribution of education and outreach material. These estimates are based on similar cost estimates for the administration of Oakland's and Berkeley's minimum wage ordinances, with adjustments for Emeryville's smaller size.

#### Part-Time Staff Costs

In the event the minimum wage is increased, the anticipated fiscal impact will also affect the City's own personnel budget, as most of the unrepresented parttime employees that are assigned to the Community Services Department are currently making less than the current Living Wage rate of \$14.03 per hour (since they are exempt from application of that ordinance) as well as the proposed minimum wage of \$14.42.

If the minimum wage increased to \$14.42 per hour, staff estimates the annual increased payroll costs would be approximately \$80,000 per year.

In addition, in the event the minimum wage increases, it is anticipated that employees earning at the higher end of the range for some classifications would experience compaction, possibly resulting in additional payroll costs to the Community Services Department budget, if those salary schedules are adjusted.

#### Total Costs

Based on the above, it is anticipated that the one-time FY 2014-15 costs for implementation of a citywide minimum wage would be approximately \$35,000 and the FY 2015-16 costs (ongoing) would be as follows:

Ordinance Administration and Enforcement	\$125,000
City Staff Additional Wages/Benefits	80,000
Total	\$205,000

Of note, these anticipated costs totaling \$240,000 are currently unbudgeted and Council will need to amend the current operating budget in order to allocate \$35,000 of General Fund reserve balance for FY 2014-15 for educational and outreach materials, and also make a mid-cycle budget amendment for FY 2015-16 budget for the full implementation/enforcement costs of \$205,000 as detailed above.

### CONCLUSION

Staff seeks direction from Council on the following questions related to the draft citywide minimum wage ordinance:

- 1) Does the Council wish to include exemptions and/or phased implementation for any of the following:
  - a) Nonprofits
  - b) Internships/training programs
  - c) Small businesses
  - d) Businesses in which employees receive tips
  - e) Businesses that provide health benefits
- 2) With respect to sick leave benefits, does Council wish to:
  - a) Utilize the narrower definition of "employee" under AB 1522 or the more expansive definition as seen in the Lift Up initiative?
  - b) Utilize the cap on annual accrual of paid sick leave of AB 1522 of 48 hours or 6 days, or the Lift Up initiative cap of 72 hours?
  - c) Distinguish between maximum annual accrual of paid sick leave by employees of small businesses versus other employers as provided in Lift Up initiative – staff is recommending cap on annual accrual of paid sick leave by all employees at 72 hours regardless of whom their employer is?
  - d) Remove limitation provided by AB 1522, which is unaddressed by Lift Up initiative, on number of paid sick leave hours (i.e. 24 hours) an employer may limit their employees to use in a calendar year?
  - e) Include provision provided by Lift Up initiative, but not provided by AB 1522, which allows an employee who does not have a spouse or domestic partner to designate a person for whom they may use paid sick leave to provide care for?
  - f) Allow an employee to begin using accrued paid sick leave sooner than the 90<sup>th</sup> day of employment?
- 3) Does the Council have any other changes or revisions to the draft ordinance?
- 4) Is the implementation timeline proposed by staff acceptable?

**PREPARED BY**: Michelle E. De Guzman, Acting Economic Development and Housing Manager

### APPROVED AND FORWARDED TO THE EMERYVILLE CITY COUNCIL

Sabrina Landreth, City Manager

Attachments:

- 1. Draft Citywide Minimum Wage Ordinance
- 2. AB 1522