

ACTION CALENDAR

January 19, 2021

To: Honorable Mayor and the City Council

From: Councilmembers Terry Taplin (Author) and Ben Bartlett and Mayor Jesse Arreguin (Co-Sponsors)

Subject: Guaranteeing COVID-19 Hazard Pay for Grocery Store Workers

RECOMMENDATION

Refer the City Manager and City Attorney to draft an emergency ordinance to guarantee hazard pay of an additional five dollars an hour for grocery store workers, effective upon adoption and until the City returns to the Yellow-Tier 4 rate of positivity for COVID-19.

BACKGROUND

While many workers in Berkeley have shifted to working from home amidst the COVID-19 pandemic, grocery store workers have continued to report to work and provide the City with a critical service while placing their own health and lives at risk. Grocery store workers interact indoors with large numbers of people on a daily basis and, despite the efforts of grocery stores to make precautions and keep customers and employees safe, there have nevertheless been outbreaks of COVID-19 among grocery store employees.<sup>1</sup> UFCW Local 5, the union representing grocery store workers, reports that over 600 grocery workers in their ranks have tested positive with COVID-19, and members of their union have been hospitalized or lost their life to the disease.

Many companies like Whole Foods' Amazon and Safeway's Albertsons implemented increased wages and one-time bonuses in the form of "Hero Pay" or "Appreciation Pay" in the early weeks of the shutdown, but ended those pay increases in the late spring despite no comparable decrease in the risks COVID-19 poses to grocery store employees. While the wages of many grocery workers have returned to their pre-pandemic levels, the risk of COVID-19 infection is at its worst level ever, both in Berkeley and throughout the United States. This threat is felt particularly hard by women and people of color, who are overrepresented among retail and grocery workers. Despite the unprecedented risk to employees and a lack of wages that match the

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<sup>1</sup> Hahn, Sarah. "Multiple Berkeley Bowl employees test positive for COVID-19." *Berkeleyside*. July 9, 2020. <https://www.berkeleyside.com/2020/07/09/berkeley-bowl-grocery-store-berkeley-employees-test-positive-for-coronavirus>

hazards workers face every day, grocery retailers have for the most part seen a major jump in their profits this year.<sup>2</sup>

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley must take action to ensure that the wages of its grocery store employees reflect the hazards that they face each time they report for their jobs. Even as the vaccine becomes more available, pay increase of five (5) dollars an hour while the threat of COVID-19 stays above the minimum level in the City are necessary to treat our grocery store workers as the heroes they are.

#### ENVIRONMENTAL IMPACTS

None.

#### FISCAL IMPACTS

None.

#### CONTACT

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#### ATTACHMENTS/SUPPORTING MATERIALS

1. Resolution

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<sup>2</sup> Kinder, Molly, Laura Stateler, and Julia Du. "Windfall profits and deadly risks: How the biggest retail companies are compensating essential workers during the COVID-19 pandemic." *Brookings*. November 2020. <https://www.brookings.edu/essay/windfall-profits-and-deadly-risks/>

RESOLUTION NO. ##,###-N.S.

GUARANTEEING COVID-19 HAZARD PAY FOR GROCERY STORE WORKERS

WHEREAS, since the beginning of the COVID-19 pandemic, grocery workers in the City of Berkeley have continued to report to work and serve their communities, despite the ongoing hazards and danger of being exposed to the novel coronavirus. The pandemic is far from over and the health threats that grocery workers face are just as real now as they were when this crisis began.

WHEREAS, because of the work of these essential grocery workers, families throughout the City have had access to the food they need during this pandemic.

WHEREAS, given the nature of these jobs, grocery workers must be there to help countless customers who are stressed and fearful for their wellbeing. Moreover, they are staying inside with large crowds every day, with ventilation systems that could be spreading the novel coronavirus.

WHEREAS, these essential grocery workers cannot choose to work from home-- they must come to work to do their jobs, which involve substantial interaction with customers. Workers are wearing masks, social distancing, and constantly wiping down cash registers, food conveyor belts and shopping carts to protect the public health. Moreover, these workers are continuously working to restock items that households desperately need like toilet paper, cleaning supplies and other essentials.

WHEREAS, these essential grocery workers continue to live with the daily fear of not only contracting the virus but also bringing it home to their families.

WHEREAS, the number of COVID-19 clusters within the grocery industry in the City of Berkeley continues to rise significantly. The health threat that these grocery workers face cannot be overstated. UFCW Local 5, the Union that represents grocery workers, reports that over 600 grocery workers in their ranks have tested positive with COVID-19, and members of their union and been hospitalized or lost their life to the coronavirus. In addition there have been highly publicized outbreaks at local grocery stores in Berkeley. The health threat that these grocery workers face cannot be overstated.

WHEREAS, we are now in the height of the pandemic with a stay at home order in our region with ICU capacity below 15 percent. We are a long way from minimal risk where there would be 1 daily new case per 100,000 or less than 2 percent positivity

WHEREAS, the City recognizes that these workers must be justly compensated for the clear and present dangers of doing their jobs during the pandemic by requiring their employers to provide hazard pay at all times that the City is at a coronavirus risk level of moderate, substantial, or widespread under the State Health orders.

WHEREAS, the City already knows that wage raises result in more money being spent in our small businesses and also act as a stimulus for our local economy.

WHEREAS, the United States' top retail companies have earned record-breaking profits during the pandemic, this increase in profit has not transferred to workers, according to a Brookings Institution analysis.

WHEREAS, the City has previously adopted ordinances specific to grocery establishments both to address worker retention and recently to address COVID-19-related protections.

WHEREAS, the City has lawfully crafted wage ordinances specific to employment sectors in the past.

WHEREAS, the drafted ordinance should apply to commercial establishments classified as Industry 445110 under the North American Industry Classification System with a total floor area over 2,500 square feet and selling 25 linear feet or more of food.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley refers the City Manager, City Attorney, and the Health, Life Enrichment, Equity & Community Committee to draft an emergency ordinance providing all employees of grocery stores an additional five (5) dollars an hour in wages for the period of the effective date of this Ordinance through until such time as the City returns to the Yellow-Tier 4 designation of COVID-19 infection rates under the State Health orders.