

ORDINANCE NO. ..
BOARD OF SUPERVISORS, COUNTY OF SONOMA,
STATE OF CALIFORNIA

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**URGENCY ORDINANCE AMENDING THE COUNTY’S URGENCY COVID-19 PAID
SICK LEAVE ORDINANCE (ORDINANCE NO. 6336) TO SUPPLEMENT AND TO
EXTEND THE ORDINANCE’S EXPIRATION TO SEPTEMBER 30, 2021**

The Board of Supervisors of the County of Sonoma, State of California,
ORDAINS as follows:

SECTION 1. Declaration of Emergency

On March 3, 2020, the Sonoma County Director of Emergency Services issued a proclamation of local emergency in Sonoma County, and the Sonoma County Health Officer declared a local health emergency, due to the introduction in the County of COVID-19. Since then, there have been numerous State and local health Orders that have been issued in connection with the COVID-19 pandemic.

Due to the continuing public health emergency related to COVID-19 and the actions required to respond to the emergency, many workers across the County are and will be unable to work (including telework) due to illness, exposure to others with the coronavirus, business closures, and family and household caregiving obligations related to closures of schools and care facilities, and an inability to secure caregiving assistance. This poses a significant threat to the health, safety, and economic well-being of those who live or work in the County.

SECTION 2. Findings and Purpose

On March 18, 2020, then-President Trump signed into law the Families First Coronavirus Response Act (“FFCRA”), which provided emergency paid sick leave to certain employees who were unable to work or telework due to the COVID-19 crisis. The mandatory provisions of the FFCRA expired December 31, 2020. Under the federal American Rescue Plan Act, employers who elect to afford their employees with the various COVID-19 specified leave benefits may be entitled to federal tax credits for up to eighty (80) hours of paid COVID-19 sick and family and medical leave benefits furnished to employees from January 1, 2021 through September 30, 2021.

On August 18, 2020, the Board enacted Ordinance No. 6320, which extended emergency paid leave to employees working in the unincorporated areas of the County who are employed by businesses with 500 or more employees on a local or national basis. Ordinance No. 6320 was tied to the expiration of the FFCRA,

and thus expired on December 31, 2020.

On January 26, 2021, the Board extended Ordinance No. 6320 through June 30, 2021. On February 9, 2021, the Board enacted Ordinance No. 6336, which required all employers in the unincorporated areas of the County to allow their employees to use up to 80 hours of any unused paid leave benefits previously furnished to employees in 2020 for various COVID-19 sick purposes and/or for the care of the employee's immediate family member whose senior care provider or whose school or childcare provider was closed or was unavailable due to COVID-19 reasons.

AB 85 and SB 95 took effect on March 29, 2021, and offer eligible workers up to 80 hours of supplemental paid sick and family medical leave from January 1, 2021 through Sept. 30, 2021 for the various specified COVID-19 related reasons.

In enacting this Ordinance to amend and extend Ordinance No. 6336, the Board finds that:

- (1) In the absence of paid sick leave, many workers facing employment and economic insecurity will make the difficult decision to work when they should be quarantining or isolating themselves at home, posing a significant public health risk, and will have no option other than to send their children to childcare providers or school when those children should be quarantining or isolating themselves at home, thereby posing a significant public health risk; and
- (2) There is a need to update the expiration date, covered reasons for benefit eligibility, and available leave hours specified in Ordinance No. 6336 so as to be in alignment with what is specified in the State and Federal COVID-19 paid sick leave legislation.

By mirroring the new buckets of COVID-19 leave afforded to employees and the available reasons for taking the leave under State and Federal law, and by extending the deadline for covered employees to use such leave benefits, this Ordinance reduces the likelihood that infected employees will report to work, and makes it more likely that employees will be able to care for their family and household members and ensure those family and household members stay home, thereby minimizing the spread of COVID-19 in the community. This Ordinance also serves to provide economic protection to employees through September 30, 2021.

SECTION 3. Authority of the Urgency Ordinance.

The California Constitution, Article XI, Section 7 vests the County with authority to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws." Further, this Ordinance is approved pursuant to Sections 25123(d) and 25131 of the California Government

Code, allowing for ordinances for the immediate preservation of the public peace, health, or safety, as well as Section 8634 of the Government Code, which authorizes ordinances necessary during a local emergency to provide for the protection of life and property. This ordinance is enacted for the immediate preservation of the public peace, health, or safety, and as an urgency ordinance enacted pursuant to Sections 25123(d) and 25131 of the California Government Code. The ordinance shall be effective immediately upon its introduction and passage by a 4/5 vote.

SECTION 4. Extension and Amendment of Ordinance No. 6336.

The expiration date referenced in Section 3 of Ordinance No. 6336 is hereby amended and restated to read as follows:

This Ordinance shall expire on September 30, 2021, unless the Board of Supervisors takes an action to further extend this Ordinance.

The expiration date referenced in Section V(1)(c)(iii) of Ordinance No. 6336 is hereby amended and restated to read as follows:

This Ordinance will provide protection to covered employees through September 30, 2021, unless extended by the Board.

The amount of leave benefits afforded Covered Employees under the Ordinance in Section V 1(c) is hereby amended and restated to read as follows:

c. Amount of Paid Sick Leave Benefits. An Employee who has worked a minimum of two (2) hours for an Employer has accrued Supplemental Paid Sick Leave hours as follows

- i. A full-time Employee who is normally scheduled to work forty (40) or more hours per week may use up to eighty (80) hours of Supplemental Paid Sick Leave from January 1, 2021 through September 30, 2021.
- ii. A part-time Employee who is normally scheduled to work fewer than forty (40) hours per week may use Supplemental Paid Sick Leave in an amount no greater than the Employee's average number of work hours in a two-week period, calculated over the prior six (6) months.
- iii. Employers are only required to provide the Supplemental Paid Sick Leave hours on a one-time basis. An Employer may credit the total COVID-19 paid sick leave hours furnished to an Employee under the American Rescue Plan Act, AB 85 and SB 95, and/or Cal/OSHA regulations, against the Supplemental Paid Sick Leave obligations required by this Ordinance. This Ordinance will provide protection to covered employees through September 30, 2021, unless extended by the Board.

The covered reasons for Supplemental Paid Sick Leave eligibility specified in Section V 1(d) of Ordinance No. 6336 is hereby amended and restated to read

as follows:

- d. *Permissible Basis for Receipt of the Benefit.* An Employer shall provide Supplemental Paid Sick Leave upon the written (includes, but is not limited to, electronic mail and text) request of an Employee if the Employee cannot work, or telework, because:
- i. The Employee has been advised by a health care provider to isolate or self-quarantine to prevent the spread of COVID-19;
 - ii. The Employee is subject to quarantine or isolation by federal, state or local order due to COVID-19;
 - iii. The Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - iv. The Employee needs to care for an Individual who is subject to a federal, state, or local quarantine or isolation order related to COVID19, or has been advised by a health care provider to self-quarantine related to COVID-19, or is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - v. The Employee takes time off work because the Employee needs to provide care for an Individual whose senior care provider or whose school or childcare provider is closed or is unavailable in response to a public health or other public official's recommendation;
 - vi. The Employee has an appointment to receive a COVID-19 vaccine; or
 - vii. The Employee is ill after receiving a COVID-19 vaccine and cannot work or telework.

Supplemental Paid Sick Leave benefits are not available to Employees who are able to work from home.

The available employer offsets Leave eligibility specified in Ordinance No. 6336 in Section V 1(h) is hereby amended and restated to read as follows:

h. Employer Offsets and Exhaustion of Benefits. To the extent an Employee has at least eighty (80) hours of accrued paid sick leave benefits as June 8, 2021 or at least one hundred sixty (160) hours of a combination of paid sick leave, vacation and PTO paid time off benefits ("Accrued Leave Benefits"), the obligation to provide Supplemental Paid Sick Leave under this Ordinance shall be deemed to be satisfied. To the extent accrued paid sick leave benefits afforded Employees as of June 8, 2021 are less than eighty (80) hours, or Accrued Leave Benefits are less than one hundred sixty (160) hours, an Employer is required to furnish Supplemental Paid Sick Leave to the extent of such deficiency. An Employer may credit the total COVID-19 paid sick leave hours furnished to an Employee under the American Rescue Plan Act, AB 85 and SB 95, and/or Cal/OSHA regulations, against the Supplemental Paid

Sick Leave obligations required by this Ordinance.

This Ordinance will be published once before the expiration of 15 days after its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 8th day of June, 2021, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

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