



Legislation Text

File #: 2020-1348, **Version:** 1

To: Board of Supervisors of the County of Sonoma, Board of Directors of the Sonoma County Water Agency Board of Commissioners of the Community Development Commission, and Board of Directors of the Sonoma County Agricultural Preservation and Open Space District

Department or Agency Name(s): Human Resources

Staff Name and Phone Number: Janie Carduff 707-565-3995, Christina Cramer 707-565-2988

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

Extension of Leave Benefits Provided by the Families First Coronavirus Response Act and Additional COVID-19 Leave Programs for County Employees

Recommended Action:

Adopt a Concurrent Resolution to provide the listed benefits for County of Sonoma, Sonoma Water, Sonoma County Community Development Commission, Agricultural Preservation and Open Space District, and Sonoma County Fair and Exposition, Inc. employees:

- A) Approve a voluntary extension and continuation of the leave benefits that were initially provided by the Families First Coronavirus Response Act from January 1, 2021 through March 31, 2021; and
- B) Approve the new COVID-19 Leave Donation Program, effective January 12, 2021 through June 28, 2021, and give authority to Human Resources Director to extend the program for up to three months if it is determined there is still a need; and
- C) Approve the new Voluntary Hours Reduction Program, effective January 12, 2021 through June 27, 2022; and
- D) Approve OSHA Emergency Leave, effective December 29, 2020.

(4/5th Vote Required)

Executive Summary:

As we begin 2021, the COVID-19 pandemic and the impacts continue. Distanced learning is anticipated for at least the next several months, childcare is still challenging to find, and the number of COVID-19 cases is increasing the need to quarantine and/or isolate. The economic stimulus bill signed by the President on Sunday, December 27th did not clearly extend the leave protections for public employers that were part of the Families First Coronavirus Response Act (FFCRA) beyond December 31, 2020. Additionally, as the Act and these benefits have been in effect since March 2020, some employees have exhausted the leave protections provided by the Act.

Human Resources recommends the Board voluntarily extend to County employees the leave benefits provided by the Families First Coronavirus Response Act (FFCRA) through March 31, 2021. The extension is simply allowing continued use of the benefits previously provided for an extended period of time. This item also requests authorization to implement additional leave programs including, a Voluntary Hours Reduction Program, COVID-19 Leave Donation Program, and OSHA Emergency Leave. These leave programs provide paid

time off for County employees who are sick with COVID-19 or who are required to quarantine due to exposure to the COVID-19 virus, and also provide leave time for County employees to respond to the needs of their families due to the pandemic's impacts such as schools and senior/adult care facility closures.

Discussion:

On March 17, 2020, the Sonoma County Public Health Officer issued a Shelter-in-Place Order in response to the COVID-19 pandemic. The Federal, State, and Sonoma County governments responded with various laws and benefits to provide employees additional leave options in order to help prevent the spread of the COVID virus and aid in managing the new demands on working families.

The County and special agencies/districts did an incredible job adjusting to the initial and follow-up stay-at-home orders and implemented a significant amount of work and services via telework and other virtual options, and have accommodated employees with more flexible work schedules. Some services and work cannot be performed remotely, and the impacts on working families are expected to continue for at least several more months. The programs listed below will provide flexibility to the County workforce impacted by COVID while balancing the need to provide critical services to the community.

Extension of Families First Coronavirus Response Act (FFCRA) - Attachment A

FFCRA as originally enacted expired on December 31, 2020. There were two significant employer/employee leave benefits in the Act. FFCRA included the Emergency Paid Sick Leave Act (EPSL), which provided 80 hours of paid sick leave for employees illness, quarantine, or to care for dependents affected by the virus. It also included the Emergency Family and Medical Leave Expansion Act (EFMLEA), which provides 2/3 of an employee's wages for up to 12 weeks for the care of children due to school closures. These two Acts provided forms of wage continuation when there were COVID specific impacts that affected one's ability to work.

Congress and President Trump just enacted another COVID relief bill. Although the FFCRA was addressed in the overall relief plan, the way it was addressed presents an issue for public employers. Congress extended the tax credits through March 31, 2021 for any covered employer who voluntarily provides paid leave under the FFCRA, and the leave itself is no longer mandated. However, public employers were never eligible for the tax credits. Public employers may decide to voluntarily continue these benefits and must take formal action to do so.

Human Resources recommends extending the deadline to use the accrued, but unused, leaves provided under FFCRA of EPSL and EFLMEA to March 31, 2021, as described in Attachment A . The recommendation does not include adding additional leave time if employees have already exhausted the benefit. Should the Federal or State government extend FFCRA or provide a similar leave benefit before March 31, 2021, the County's extension of these leaves would end at that earlier time. Several other Counties in California are taking similar actions. Given the timing of the current pay period in relation to the December 31, 2020 expiration of the Act, action today will not result in any gap in benefits for the employees.

Additionally, Human Resources recommends the following leave programs to assist employees in managing time off needs created by the pandemic.

The COVID-19 Leave Donation Program - Attachment B

The COVID-19 Leave Donation Program will allow employees who have exhausted all other available paid leave options for COVID-19 related illness, quarantine or dependent care needs to receive up to 240 hours of COVID Leave from vacation and compensatory time donated by employees. When employees donate leave to this program, they must maintain a vacation leave balance of at least 40 hours. Employees may donate all of their compensatory time. This program would start on January 12, 2021 and end on June 28, 2021. The recommendation also includes giving the Human Resources Director the ability to extend the program for up to three additional months if needed. That decision would be in consultation with the County Administrator. There is no additional cost to the County for this program as employees would be voluntarily donating leave hours for which they are entitled under the applicable Memorandum of Understanding or Salary Resolution

OSHA Emergency Leave - Attachment C

On November 30, 2020, the State of California approved emergency temporary Cal-OSHA standards on COVID-19 infection prevention. These new temporary standards apply to most workers in California. The regulation provides that employers continue to pay employees their normal wages (for their regularly scheduled hours) when they must quarantine due to workplace exposure to COVID. If telework is available, the employee may be assigned to telework as long as the telework assignment is reasonably contemplated within the employee's job specification. The regulation allows employers to require employees to use paid sick leave if available.

Human Resources is recommending that we extend a new leave, OSHA Emergency Leave, to employees required to quarantine due to a workplace exposure to COVID instead of requiring them use their accrued sick leave once EPSL has expired or been exhausted. For the duration of this Cal-OSHA temporary standards on COVID infection prevention, employees required to quarantine for a workplace COVID exposure will first be required to use Emergency Paid Sick Leave (EPSL) available under the FFCRA or similar COVID paid sick leave provided by law or County extension. Effective December 29, 2020, after an employee exhausts EPSL, employees will be eligible to use the new OSHA Emergency Leave, instead of being required to use their sick leave accruals.

Note that this California enacted leave requirement references use of the newly expired FFCRA. Voluntarily extending the FFCRA benefits will allow for the original intended purpose of the new Cal-OSHA Standards.

The Voluntary Hours Reduction (VHR) Program - Attachment D

VHR is a cost-savings program that can serve dual-purposes - cost savings for the department/County and relief of COVID's impacts on working families. This program allows employees to temporarily reduce the number of hours worked per pay period by up to 25% for an initial period of six months. Part-time employees cannot go below .5 full-time equivalent (FTE). The VHR program requires department head approval, which will allow an assessment of the request to ensure essential services are not impacted. The VHR program would start on January 12, 2021 end on June 27, 2022.

All labor unions were advised of these COVID-19 related leave programs, were given the opportunity to meet and confer, and the status of these discussions are at point where the Board can take action to approve.

The Board has initially approved the concepts of a new strategic plan that will be finalized in the first quarter of 2021. One of the strategic pillars is Organizational Effectiveness. This pillar has goals and objective related to being an “employer of choice”. That means employees want and chose to work for a specific organization due to that organization’s culture and brand. With COVID-19 creating such difficult times for employees and our community, approving today’s actions represent leadership and organizational decisions that support your strategic goals.

For the reasons described above, staff recommends authorizing the implementation of the aforementioned recommendations and programs.

Prior Board Actions:

None.

FISCAL SUMMARY

Expenditures	FY 20-21 Adopted	FY21-22 Projected	FY 22-23 Projected
Budgeted Expenses			
Additional Appropriation Requested			
Total Expenditures			
Funding Sources			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources			

Narrative Explanation of Fiscal Impacts:

The extension of the FFCRA leave benefits of EPSL and EFMLEA, the new COVID-19 Leave Donation Program, and OSHA Emergency Leave will be provided with existing budgeted funds. The Voluntary Hours Reduction Program is a cost reduction program which may result in salary savings depending on utilization.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

None

Attachments:

Concurrent Resolution:

Attachment A: Families First Coronavirus Response Act Leave Extension

Attachment B: COVID-19 Leave Donation Program

Attachment C: OSHA Emergency Leave

Attachment D: Voluntary Hours Reduction Program

Related Items “On File” with the Clerk of the Board:

N/A