



# Human Resources Response COVID-19

March 31, 2020



# Agenda

- COVID-19 Human Resources Overview
- Families First Coronavirus Act
- FMLA Public Health Emergency Leave
- Emergency Sick Paid Sick Leave Act
- What happens after the Emergency Sick Leave Act?
- Part-time and Essential Employee Recommendations
- Recommendations- Corrected Pay Period End Date

# COVID-19 Human Resources Overview

- To ensure safety of employees, Departments have considered and implemented:
  - Telework arrangements for employees whose job duties are conducive to working remotely.
  - Alternative work schedules as a tool for improving physical distancing in the workplace.
  - Liberal approval of non-sick leave usage.
  - Providing non-essential business electronically or by appointment.
  - Regularly disinfecting employee workspaces and high-touch surfaces in public areas. Increasing the availability of hand sanitizers and tissues.
  - Eliminating large work-gatherings, non-essential travel, and in-person meetings. Using teleconferencing and video conference as necessary.

# COVID-19 Employee Responsibilities

- **Employees have been asked to:**
  - Stay at home if sick. Follow up with a health care provider for instructions.
  - Wash hands with soap and water for at least 20 seconds.
  - Cover coughing or sneezing.
  - Follow social distancing guidelines.
  - Stay-at-home when not at work performing essential functions.

# Families First Coronavirus Response Act

- Federal Response to Public Health Crisis passed March 18, 2020
- Applies to all government employers
- Effective April 1, 2020
- Amends the Family Medical Leave Act (FMLA)
- Provides FMLA Public Health Emergency Leave and Emergency Paid Leave through December 31, 2020

# FMLA Public Health Emergency Leave

- **Employee may be eligible:**

- Unable to work or telework due to a need to care for a child under age of 18 if the school or child care is closed or unavailable due to a public health emergency
- Initial 10 days unpaid, employee may elect to use accruals
- Employee may elect to substitute two weeks of unpaid with leave provided in Emergency Paid Sick Leave Act
- Employer must provide 2/3 of employee's regular rate of pay. Act permits employees to supplement with accruals to 100% of pay.
- Cap: \$200 per day; \$10,000 total

# Emergency Paid Sick Leave Act

- Effective April 1, 2020
- 80 hours of Paid Sick Leave (pro-rated for part-time)
- Runs concurrent with FMLA Public Health Emergency Leave
- Must be used prior to requiring an employee to use accruals
- Encourages Teleworking
- Two rates of pay
  - 100% regular rate of pay if employee is affected. \$511 per day; \$5,100 aggregate
  - Two-thirds regular rate of pay if employee is caring for an individual related to COVID-19 or a child due to school or child care closures. \$200 per day; \$2,000 aggregate

# Emergency Paid Sick Leave Act

- **Qualifying COVID-19 Reasons:**

- Employee is subject to a Federal, State, or local quarantine or isolation COVID-19 Order
- Employee has been advised to self-quarantine due to COVID-19 concerns
- Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
- Employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to COVID-19 concerns
- Employee is caring for a child due to school closures due to COVID-19

# Emergency Paid Sick Leave Act Potential Exposure

- Determining the potential exposure is an estimate. Actual use is unknown.
- Average salary, benefit and tax exposure for a County employee is approximately \$5,000 per pay period.
- Non-essential, full-time employees would be eligible for the full 80 hours in the Act estimated to be 1,800 employees.
- Part-time employees are still being analyzed.
- Estimated cost between \$9 and \$13 million dollars of increased County costs.

# After Emergency Paid Sick Leave

- Recognizing this public health crisis may be lengthy. Once an employee exhausts the Emergency Paid Sick Leave Act, it is recommended Departments approve qualifying COVID-19 related time off requests by allowing employees to use all available accruals including:
  - Sick Leave
  - Vacation Accruals
  - Administrative Leave
  - Flexible/Floating Holidays
  - Unpaid, approved time off if all leave types have been exhausted

# Sick Leave Accruals

- County Code and several labor agreements contain provisions capping sick leave at 64 or 80 hours per fiscal year for family use.
- Under the Healthy Workplace Family Act, part-time employees are capped at using three days annually.
- It is recommended to remove this cap allowing employees to use all available sick leave accruals for any qualified COVID-19 reason.

# Part-Time Employees

- Part-time employees are providing essential services to the community during this crisis.
- Some labor agreements cap the amount of part-time hours an employee may work to 1,560 per fiscal year.
- It is recommended the 1,560 hour restriction be lifted until June 30, 2020.

# Essential Workers

- Many essential employees continue working and providing valuable services to our community.
- To support these employees it is recommended:
  - Employees receive a 5% supplemental pay for all hours worked between March 30 and May 24, 2020. Potential cost exposure is estimated to be \$3 to \$5 million dollars.
  - Extend the expiration of leave banks with fiscal year expiration dates to December 31, 2020. Examples include administrative leave and flexible/floating holidays.

# Recommendations

- Authorize the use of all existing sick leave accruals in compliance with H.R. 6201 for any qualifying COVID-19 reason for any employee who exhausts the Emergency Sick Leave Act through December 31, 2020.
- Authorize Department Heads to allow part-time employees to work more than 1,560 hours in a fiscal year expiring June 30, 2020 if needed, to perform essential services.
- Authorize the County Administrative Officer to provide to essential employees working this public health crisis:
  - Five percent (5%) supplemental pay for all hours worked during this public health crisis to essential employees, effective March 30, 2020 through the pay period ending May 24, 2020 (corrected from Board Letter 2.3 indicating May 23<sup>rd</sup>);
  - Extend leave accruals with a fiscal year expiration date, for usage to December 31, 2020

Thank you for your Consideration  
Questions...

