



Board of Supervisors
County Administration Building
Stockton, CA

Dear Board Members:

**Implement H.R. 6201 and Authorize Modifications to Sick Leave in Accordance
with Qualifying COVID-19 Reasons and Leave Accrual Policies**

RECOMMENDATION

It is recommended that the Board of Supervisors, by Board Order:

1. 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.
2. 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.
3. Authorize the County Administrative Officer to provide essential employees working this public health crisis:
 - a. 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;
 - b. Extend leave accruals with a fiscal year expiration date, for usage to December 31, 2020.

REASON FOR RECOMMENDATION

San Joaquin County has been actively responding to the ever changing Coronavirus (COVID-19) situation. With Governor Newsom's Stay-at-Home Order effective March 19, 2020 and the Board of Supervisor's subsequent order for San Joaquin County citizens to stay-at-home, County Leadership has been assessing the needs of the workforce. Many County employees and their families have been personally affected by this public health crisis.

Families First Coronavirus Response Act

On March 18, 2020, President Trump signed the Family First Coronavirus Response Act (H.R. 6201). The Act which becomes effective April 1, 2020, contains two subsections which are relevant to the County workforce; the Emergency Family and Medical Leave Expansion Act (Emergency FMLA) and the Emergency Paid Sick Leave Act. The County is working diligently to implement the provisions of the Acts in support of the workforce.

Emergency FMLA is the more expansive of the two subsections and provides paid leave to an employee to care for a minor child if the school or place of care has been closed down or is unavailable due to COVID-19. Emergency FMLA caps at \$200/day and \$10,000 in the aggregate. The Paid Sick Leave Act provides job protection and 80 hours of paid sick leave for employees who are unable to work or telework for the reasons listed:

- Regular rate-of-pay if the employee is:
 - Subject to a Federal, State or local quarantine or isolation COVID-19 Order
 - Been advised to self-quarantine due to COVID-19 concerns
 - Experiencing COVID-19 symptoms and is seeking a medical diagnosis
- Two-thirds regular rate of pay if the employee is:
 - Caring for an individual who is subject to 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
 - Caring for a child 18 and under due to school closures due to COVID-19
 - Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.

Emergency Paid Sick Leave caps are \$511 per day and \$5,100 in the aggregate for employee related absences and \$200 per day and \$2,000 in the aggregate to care for an individual or child. The Emergency Paid Sick Leave Act allows for an exclusion for health care providers and emergency responders. Your Board approved of this exclusion on March 24, 2020.

County Sick Leave Accruals

County Leadership recognizes addressing this situation is outside of the normal policies and practices currently available. Currently, the County has several labor contract provisions that are impeding the ability to assist employees through this crisis. Seven of the County’s bargaining units have capped sick leave accruals between 64 and 80 hours to care for family members. The labor agreements for these bargaining units typically state that an employee may use up to 80 hours of sick leave in a fiscal year for *“illness, injury, or quarantine of a member of the employee’s immediate family which requires the employee to tend, care, or otherwise provide care of such person...”*. Under the Healthy Workplace Family Act, part-time employees are able to use three (3) days of sick leave accruals annually. It is recommended that the use of sick leave be expanded to include any qualified COVID-19 related reason set forth in the Emergency FMLA and Emergency Paid Sick Leave Acts and that the sick leave cap currently in place to care for family members be removed.

County’s Part-time Workforce

The County’s part-time workforce is a critical element in providing essential services during the COVID-19 crisis. Currently, the County has one labor organization representing six bargaining units with a 1,560 hour part-time restriction per fiscal year. San Joaquin General Hospital and

Health Care Services, two agencies supporting critical functions in the community, have reported needing relief from this restriction. It is recommended, that the 1,560 hour restriction be lifted until June 30, 2020 for part-time performing an essential function approved by the Department Head.

Essential Employees

Many essential employees continue working and providing valuable services to our community during this crisis. In recognition of their ongoing commitment, it is recommended that essential employees receive a five percent (5%) supplemental pay for all hours worked effective March 30, 2020 through the pay period ending May 24, 2020. Should this crisis continue, this option will be evaluated for effectiveness and brought back to your Board for additional authority if appropriate. Additionally, County employees are eligible for several leave banks including administrative leave and floating/flexible holidays. Some of these leave banks expire at the end of the fiscal year. It is recommended that the expiration date for those leave banks be extended from June 30, 2020 to December 31, 2020 for those essential employees who are unable to take time off during COVID-19.

FISCAL IMPACT

The average salary, benefit, and tax expense for a County employee is approximately \$5,000 per pay period. This figure includes all employees who received a paycheck in the last pay period. County departments have reported requiring approximately 4,600 essential employees to remain during this time. Non-essential, full time employees who would be eligible for the 80 hours identified in The Emergency Paid Sick Leave Act are estimated to be approximately 1,800 full-time employees. This results in an estimated cost between \$9 and \$13 million dollars of increased costs to the County. The potential costs for part-time employees are still being analyzed.

The anticipated cost of providing supplemental pay to essential employees is estimated to be between \$3 and \$5 million.

ACTION TO BE TAKEN FOLLOWING APPROVAL

Following approval by the Board of Supervisors, Human Resources will implement the recommendations set forth in this letter.

Very truly yours,



Brandi Hopkins
Director of Human Resources

Reviewed by County Administrator's Office:

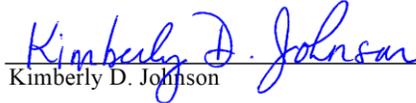
Reviewed by County Counsel's Office:

Sandy Regalo



3/27/2020

Kimberly D. Johnson



3/27/2020

Before the Board of Supervisors

County of San Joaquin, State of California

B-20-198

Implement H.R. 6201 and Authorize Modifications to Sick Leave in Accordance with Qualifying COVID-19 Reasons and Leave Accrual Policies

THIS BOARD OF SUPERVISORS DOES HEREBY:

1. 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.
2. 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.
3. Authorize the County Administrative Officer to provide to essential employees working this public health crisis:
 - a. 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;
 - b. Extend leave accruals with a fiscal year expiration date, for usage to December 31, 2020.

I HEREBY CERTIFY that the above order was passed and adopted on March 31, 2020 by the following vote of the Board of Supervisors, to wit:

MOTION: Patti/Villapudua/5

AYES: **Villapudua, Patti, Winn, Elliott, Miller**

NOES: **None**

ABSENT: **None**

ABSTAIN: **None**

ATTEST: RACHÉL DeBORD
Clerk of the Board of Supervisors
County of San Joaquin
State of California



Rachél DeBord