



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Human Resources
Department No.: 064
For Agenda Of: April 21, 2020
Placement: Administrative
Estimated Time:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: Department Maria Elena De Guevara, Human Resources Director,
Director(s) 568-2816
Contact Info: Joseph Pisano, Employee Relations Division Chief, 568-2839
SUBJECT: Authorization and Ratification of Paid Leave Time Provided in Response to the COVID-19 Emergency.

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: N/A

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Approve the resolution in Attachment A authorizing and ratifying emergency action taken by the County Executive Officer to grant up to 160 hours of additional County paid leave to regular and extra help employees (up to 224 hours to Fire Department employees in 112 hour per pay-period shifts assignments) if such employees are absent from work for reasons related to the COVID-19 emergency;
- b) Find, pursuant to County Code § 27-12 (i), that the action in recommendation a) is in the best interest of the County, and does not amount to a gift of public funds prohibited by the California Constitution, because it serves public purposes by retaining qualified and competent County employees; and
- c) Determine pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(4) that the above actions are government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment, and therefore is not a project subject to environmental review.

Summary Text:

The recommended actions authorize and ratify emergency steps taken by the County Executive Officer to grant additional County paid leave to regular and extra help employees who must be absent from work for reasons related to the COVID-19 emergency. This paid leave is separate from other leave balances and provisions for paid time off previously available to employees.

County Human Resources would also like to report that its evolving response to the current crisis includes staffing the newly activated EOC Management Liaison area remotely. This action is intended to observe and model the County's commitment to maximize teleworking arrangements while continuing to provide essential public services. As noted previously, the purpose of this unit is to ensure adequate levels of staffing for various necessary emergency services. In addition, Human Resources continues to communicate regularly with the County workforce, most recently to provide information and resources on implementing the recommended use of face coverings in instances where teleworking is not possible.

Background:

At the direction of the County Executive Officer, effective in the pay period that began on Monday, March 23, 2020, the County made available up to 160 additional hours of paid leave time (up to 224 hours for shift employees of the Fire Department) employees could use if they were absent from work for reasons related to COVID-19. Employees directed to observe protocols for COVID-19 quarantine or to self-isolate at home because their managers believe there has been a work-related exposure continue to be paid without charge to their leave balances. The new paid leave time, also known as "PTL" leave, is provided in addition to existing leave provisions and may be used by County employees who are unable to work (or telework) because:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. The employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis from a healthcare provider;
4. The employee is caring for an individual who is subject to an order in 1) or has been directed as in 2);
5. The employee is caring for his/her son or daughter whose school or place of care of the son or daughter is closed, or the child care provider of the son or daughter is unavailable due to COVID-19; and no other suitable child care is available;
6. The employee has a substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Implementation of this paid PTL leave has been consistent with guidance from the Department of Labor pursuant to the Emergency Paid Sick Leave Act (EPSLA) which became effective as part of H.R. 6201 on April 1, 2020. This Federal legislation also established leave benefits to address COVID-19 issues, including 80 hours of paid leave, capped at certain maximum dollar

amounts depending on the reason for the leave. The County's Paid Time Leave hours include the 80 hours of paid leave established by H.R. 6201, but without the income restrictions of the Federal law. County employees will still receive their full pay for all PTL hours up to 160 (or 224) hours. Benefits under H.R. 6201 are scheduled to sunset on December 31, 2020, and PTL hours will likewise no longer be available as of that same date.

Should employees separate before December 31, 2020, there will be no cash value associated with the PTL hours, and they will not be added to service credit for purposes of retirement. Employees must submit an attestation requesting the PTL leave (Attachment B). Approval of the PTL time off is subject to the ability of individual departments and the County to maintain essential operations.

Fiscal and Facilities Impacts:

Budgeted: Yes.

Fiscal Analysis:

The recommended actions provide additional paid time off and allow employees to take paid time off during the COVID-19 emergency in situations other than what is normally permitted. Although funds are available for all the hours employees are budgeted to work, any paid time off represents a loss of productivity. In addition, while creating an additional bank of paid leave time does not create an unfunded liability, and it will not be paid out on separation, employees will be paid for time off without reducing their existing leave balances to the extent they use the additional paid time off in lieu of earned accrued time-off.

Key Contract Risks: N/A

Staffing Impacts:

Legal Positions:
N/A

FTEs:
N/A

Special Instructions:

Attachments:

- A. Resolution authorizing and ratifying emergency action taken by the County Executive Officer to grant paid leave hours.
- B. Attestation form for paid time off leave related to COVID-19

Authored by: Robert Clark

cc: Mona Miyasato, County Executive Officer
Michael C. Ghizzoni, County Counsel
Betsy Schaffer, Auditor Controller
Assistant CEOs
Department Heads