



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 19, 2022
Placement: Administrative
Estimated Time:

Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Maria Elena De Guevara, Human Resources Director
Director(s) 568-2816
Contact Info: Yvonne Torres, Assistant Human Resources Director
SUBJECT: Covid-19 Testing Contracts and Supplemental Paid Sick Leave (SPSL)

County Counsel Concurrence

As to form: Yes

Other Concurrence: Risk Management

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- 1) Approve, ratify, and authorize the Director of the Human Resources Department to execute a Memorandum of Understanding in Attachment A with the California Department of Public Health (CDPH) to utilize the State's Valencia Branch Laboratory for expedited COVID-19 testing beginning September 30, 2021 and terminating when the County of Santa Barbara local declared emergency regarding COVID-19 is no longer in effect as determined by the Board of Supervisors or as may be earlier revoked by the board; and
- 2) Approve, ratify, and authorize the Director of the Human Resources Department to execute a Master Agreement in Attachment B with Aptitude Clinical Laboratories LLC, located in Goleta, California, for expedited COVID-19 testing beginning January 25, 2022 and terminating when the County of Santa Barbara local declared emergency regarding COVID-19 is no longer in effect as determined by the Board of Supervisors or as may be earlier revoked by the board; and
- 3) Approve the resolution in Attachment C, effective January 1, 2022 authorizing and ratifying action to grant a bank of up to 80 hours of additional County paid leave to regular employees and pro-rated for part time and extra help employees (up to 112 hours to Fire Department employees in 112 hour per pay-period shift assignments) to implement California Senate Bill 114; and

- 4) Determine that the recommended actions are not a “Project” that are subject to environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5), because they are organizational or administrative activities of the government that will not result in direct or indirect physical changes in the environment.

Summary Text :

On August 31, 2021, the Board of Supervisors approved the County of Santa Barbara Employee COVID-19 Vaccination and Testing Policy in response to the COVID-19 pandemic. In order to begin employee testing under the Policy, the Human Resources Director preliminarily executed the agreements in Attachments A and B, pending formal authority from the Board of Supervisors. Recommended actions 1) and 2) approve, authorize, and ratify actions taken by the Human Resources Director to implement the policy.

On February 19, 2022, Governor Newsom signed Senate Bill 114 (SB 114), which requires California employers to provide a bank of Supplemental Paid Sick Leave hours (SPSL) for use by employees for reasons related to COVID-19, retroactive to January 1, 2022. Recommended action 3) satisfies the County’s obligation to implement SB 114, although the County is not limiting employees to the daily pay caps of the State legislation.

Background:

On August 31, 2021, the Board of Supervisors approved the County of Santa Barbara Employee COVID-19 Vaccination and Testing Policy in response to the COVID-19 pandemic. The policy mandated, effective October 1, 2021 or immediately upon hire thereafter, that all County workers who were not fully vaccinated be required to undergo diagnostic screening testing at least once weekly with either PCR testing or antigen testing and provide proof of each test result. The Agreements in Attachments A and B were executed so that County employees could utilize the State’s Valencia Branch Laboratory and Aptitude’s Clinical Laboratories in Santa Barbara County for expedited COVID-19 testing. The recommended actions approve, ratify, and authorize the Director of Human Resources to execute these Agreements with CDPH and Aptitude Laboratories for testing as part of the County’s COVID-19 response and mitigation efforts and to ensure a safe working environment for County employees and the public they serve.

On February 19, 2022, Governor Newsom signed Senate Bill 114 (SB 114) into law. SB 114 requires employers to provide a bank of up to 80 total hours of Supplemental Paid Sick Leave (SPSL), prorated for part-time and extra help staff, for use effective January 1, 2022 through September 30, 2022, by employees who are unable to work or telework for qualifying reasons related to COVID-19. These reasons include:

- Being subject to a quarantine or isolation period related to COVID-19,
- Experiencing symptoms and seeking a medical diagnosis related to symptoms of COVID-19,
- Caring for family members who need to quarantine or isolate because of COVID-19,
- Caring for a son/daughter whose school or place of day care is closed/unavailable because of COVID-19 on the premises,
- Vaccine or booster appointments or post vaccination/booster symptoms by employees or members of their families, and
- Testing positive or caring for family members who have tested positive.

In addition, although the law permits employers to cap the daily benefit paid under SPSL qualifying leave at \$511 per day, because that daily cap would inequitably impact employees working nontraditional schedules, such as Fire Fighters on 24 hour shifts, and because of the administrative burden of enacting the cap within the time constraints for implementation required by the law, County protocols for SB 114 SPSL will allow employees to receive their normal compensation for any eligible absences. SB 114 also requires separate designation of the use of SPSL hours on wage statements.

Should employees separate before using any SPSL leave available to them, there will be no cash value associated with the hours, and the hours will not be added to service credit for purposes of retirement. Employees must submit an attestation that they meet the qualifying criteria at the time they request to use SPSL leave (Attachment D).

Fiscal and Facilities Impacts:

Budgeted: Partially

Fiscal Analysis:

CDPH and Aptitude will be responsible for the costs for laboratory testing and collected samples at the Valencia Branch Laboratory (Color) and the Goleta Branch Laboratory (Aptitude). The parties will otherwise bear their own costs in providing services under each Agreement. Specifically, the County is responsible for costs for administering collection, labeling, handling, packaging, and transportation of the specimens. This cost is estimated to be approximately \$126,000 for Fiscal Year 2021-22. Funding for Countywide administration of the testing program is available under the American Rescue Plan Act of 2021(ARPA), but other County departments must absorb any administrative costs within their existing budget allocations.

The recommended actions also provide up to 80 hours of legally mandated paid time off for qualifying reasons related to COVID-19, but provide for employees to receive their normal rate of pay for any hours used, rather than enforcing the legally permissible cap of \$511 per day. There is no increased County cost of implementing SB 114 in this manner because funds are currently available for all the hours employees are budgeted to work; however, 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 or added to service credit for purposes of retirement, employees using SPSL will be paid for time off without reducing their existing leave balances to the extent they use this paid time off in lieu of other accrued time-off such as vacation or sick leave.

Attachments:

- A. CDPH Valencia Branch Laboratory MOU for COVID-19 Testing
- B. Aptitude Clinical Laboratories COVID-19 Testing Services Master Agreement
- C. Resolution authorizing and ratifying action taken by the County to grant SPSL paid leave hours
- D. Attestation form for SPSL paid time off leave related to COVID-19.

Authored by: Yvonne Torres, Assistant Human Resources Director

CC: Mona Miyasato, County Executive Officer
Rachel Van Mullen, County Counsel
Betsy Schaffer, Auditor Controller