



Legislation Details (With Text)

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**Title:** \*\*\* Approve a Resolution providing 2021 COVID-19 Supplemental Leave time to City employees effective January 1, 2021. (Subject to Mayor's Veto)

**Sponsors:** Personnel Services Department

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**Attachments:** 1. Resolution Providing 2021 Supplemental COVID-19 Leave for City Employees, 2. Summary of Employees Who Utilized Emergency Paid Sick Leave by Department

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**REPORT TO THE CITY COUNCIL**

**March 4, 2021**

**FROM:** JEFF CARDELL, Director  
Personnel Services Department

**SUBJECT**  
\*\*\* Approve a Resolution providing 2021 COVID-19 Supplemental Leave time to City employees effective January 1, 2021. (Subject to Mayor's Veto)

**RECOMMENDATION**

Staff recommends approval of this Resolution providing 2021 Supplemental COVID-19 Leave (2021 COVID-19 Leave) because it will enable employees under mandatory quarantine, or who need leave for other COVID-19 related reasons, or who experience COVID-19 vaccine-related side effects, to take leave from work without having to expend their own leave time, or else having to take leave without pay.

**EXECUTIVE SUMMARY**

The proposed Resolution will allow City employees to use any remaining, unused Emergency Paid Sick Leave, previously provided by federal law, for 2021 COVID-19 Leave, for qualifying reasons from January 1, 2021, through March 31, 2021. The proposed Resolution also allows City employees to use the proposed leave for COVID-19 vaccine-related side effects. Employees having exhausted their maximum supplemental leave will be eligible for up to three additional working days of paid

leave if the employee experiences COVID-19 vaccine-related side effects that prevent them from working.

## **BACKGROUND**

The Families First Coronavirus Response Act (FFCRA) provided up to eighty (80) hours of paid, or partially paid, Emergency Paid Sick Leave time for employees needing to take leave from work for COVID-19 related reasons from April 1, 2020, through December 31, 2020. These provisions of the FFCRA sunset on December 31, 2020, and to date have not been extended.

FFCRA provided this leave could be used for the employee's own illness or quarantine, or the illness or quarantine of a family member. Employees could also use this leave if a dependent child's school or place of care was closed due to COVID-19. Under the FFCRA, Emergency Paid Sick Leave was paid by the employer, and the allotment of hours was above and beyond any normally accruing paid time off. FFCRA did not include COVID-19 vaccination-related side effects as a qualifying reason for the leave because vaccination was unavailable at the time. Now that the vaccine is available, inclusion of potential vaccine-related side effects as a qualifying reason for supplemental leave usage is consistent with the intent to provide COVID-19 related leave.

While some City employees exhausted the eighty (80) hour allotment, many City employees did not. The City continues to enforce all applicable State, County, and City orders, requiring employees to self-screen for COVID-19 symptoms and exposure, and requires employees to quarantine at home for the length of time required under applicable orders. Mandatory quarantine time varies from as little as ten days to much longer, depending on the situation. While some employees are able to telework, many employees are either unable to telework due to the nature of their job, or due to caretaking responsibilities for children or other dependents for COVID-19 related reasons, or because the employee themselves are too ill to work. Where employees choose to be vaccinated, they may either be excluded from the workplace due to vaccine-related side effects manifesting as COVID-19 symptoms, or may be too ill to work, or both.

Due to the lapse of the FFCRA leave as of December 31, 2021, City employees required to quarantine, who are unable to provide meaningful telework, are currently required to use their own leave time, or else required to go on a leave without pay status. This is particularly true for employees who may be unable to telework; either because of the nature of their position or because the employee cannot work at all due to illness or caretaking responsibilities.

The same is true for employees with children where the school or the place of care is closed due to COVID-19. Employees may need to miss portions of the week in order to supervise their children, and currently must do so using their own leave, or on a leave without pay status.

Even where an ill employee would otherwise qualify, most City employees are ineligible for State Disability Insurance and therefore have no means of collecting pay for worktime missed due to mandatory quarantine once they have exhausted their leave banks. The Long Term Disability policy provided by the City does not cover short term absences, such as the applicable quarantine period. Therefore, some City employees go without a paycheck if required to quarantine, or if they need to supervise their children who are out of school.

Creation of 2021 COVID-19 Leave will enable employees to be paid while they are out for qualifying, COVID-19 related reasons.

## **ENVIRONMENTAL FINDINGS**

This is not a “project” for the purpose of CEQA pursuant to CEQA Guidelines Section 15378.

## **LOCAL PREFERENCE**

The City’s Local Preference Ordinance (FMC 4-108) does not apply - this is not a purchase of services, materials, supplies or equipment, or a competitive bidding solicitation.

## **FISCAL IMPACT**

The provision of Supplemental COVID Leave through March 31, 2021, does not require additional appropriations. The cost of providing the supplemental benefit will be absorbed within allocated salary expenses within each Department by the General, Enterprise or Internal Service Funds consistent with how COVID Leave was provided from April 1 to December 31 under the Families First Coronavirus Response Act.

Attachments:

Resolution: Providing 2021 COVID-19 Supplemental Leave for City Employees  
Summary of Employees Who Utilized Emergency Paid Sick Leave by Department