



County of San Mateo

Inter-Departmental Correspondence

Department: HUMAN RESOURCES

File #: 21-136

Board Meeting Date: 2/23/2021

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Rocio Kiryczun, Human Resources Director
Michelle Kuka, Employee Relations Manager

Subject: Resolution Authorizing an Amendment to the County's COVID-19 Emergency Sick Leave and Expanded Family and Medical Leave Policy

RECOMMENDATION:

Adopt a resolution authorizing an amendment to the County's COVID-19 Emergency Sick Leave and Expanded Family and Medical Leave Policy in order to extend the date of its application to May 1, 2021.

BACKGROUND:

Due to the COVID-19 Public Health Emergency, the Federal Families First Coronavirus Response Act (FFCRA) created mandatory paid leave for certain employees in the form of Emergency Paid Sick Leave and Emergency Family Medical Leave. The FFCRA provided up to 2 weeks of paid sick leave to employees for COVID-19 related reasons and paid FMLA leave for school and child care closures related to COVID-19 from April 1, 2020 through December 31, 2020.

The County Board of Supervisors previously ratified a County policy providing County employees with Emergency Paid Sick Leave and Emergency Family Medical Leave pursuant to the FFCRA.

In some areas, the County's policy went beyond the minimum requirements of the FFCRA. For instance, under specified circumstances the County's policy provides for sick leave hours and pay beyond the minimums required by the FFCRA.

However, like FFCRA Emergency Paid Sick Leave and Emergency Family Leave, the County's policy was initially only effective from April 1, 2020 to December 31, 2020. Recognizing that employees might require additional leave in 2021 and in the absence of Federal legislation extending application of the law, the County extended the application of its own policy to February 23, 2021.

DISCUSSION:

As of the date of this memorandum, the Federal Government has not passed any legislation extending the period of application of the FFCRA Emergency Paid Sick Leave or Emergency Family and Medical Leave. However, the Biden administration has released its proposal for an emergency legislative package that would include COVID-19 related sick and family leave. Until any such legislation is passed, County employees may still require leave due to specified COVID-19 related reasons such as school and child care closures, quarantine orders, experiencing of COVID-19 symptoms, contracting COVID-19 or caring for someone in the same situation.

As a result, the Human Resources Department is recommending an amendment extending the County's COVID-19 Emergency Sick Leave and Expanded Family and Medical Leave Policy to May 1, 2021. This will allow employees to utilize any unused COVID-19 Emergency Sick Leave and Expanded Family and Medical Leave when needed through May 1, 2021. It will also allow the County additional time to evaluate the current circumstances as well as any potential federal legislation that might be passed. May 1, 2021 coincides with the end of a pay period.

These recommendations are in alignment with the County's goals of responding to the COVID-19 Emergency while maintaining fiscal sustainability, equity and competitiveness with the Bay Area workforce market.

A copy containing the proposed amendment to the policy has been included for the Board's reference.

County Counsel has reviewed and approved the resolution as to form.

Financial Impact on County's Retirement System

Government Code Section 31515.5 requires the County to provide the estimated financial impact that proposed benefit changes or salary increases would have on the funding status of SamCERA's retirement fund, the County's retirement system. There are no salary increases and the County's actuary has previously determined that the increased amounts of paid leave will not increase the unfunded liability.

FISCAL IMPACT:

There is no additional fiscal impact for extending the policy. The cost estimates are already accounted for in department budgets.