



# County of San Mateo

## Inter-Departmental Correspondence

---

**Department:** BOARD OF SUPERVISORS  
DISTRICT 5  
**File #:** 23-439

Board Meeting Date: 6/13/2023

---

**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Supervisor David J. Canepa, District 5  
**Subject:** Resolution Authorizing Expanded Leave for County Employee Crime Victims

**RECOMMENDATION:**

Adopt a resolution authorizing paid leave for San Mateo County employees who qualify for leave pursuant to the County's Leave for Crime Victims Policy.

**BACKGROUND:**

The County has a number of employee leave policies, including an existing policy providing unpaid leave to employees who are victims of certain crimes. Generally, benefits and payments during leave are set forth by Federal and State laws, Board ordinances, resolutions, County policies, and memoranda of agreements with unions.

Being the victim of a serious crime can be a traumatic event. Victims may need to seek medical services or counseling, take action to increase their physical or mental safety, or attend legal proceedings. These activities may require an employee to miss work.

Recognizing these needs, the County has a Leave for Crime Victims Policy modeled after state law. The County's policy allows victims of stalking, domestic violence, sexual assault, a crime that caused physical injury, or a crime that caused mental injury with a threat of physical injury, as well as employees whose immediate family member is deceased as the direct result of any crime, to take unpaid time off to engage in the types of activities described above.

**DISCUSSION:**

It is recommended that the County provide up to 40 hours of qualifying paid leave within a 12-month period for employees who qualify for leave pursuant to the County's Leave for Crime Victims Policy. This will provide additional support for County employees who have been victimized by serious crimes and who may be reluctant to take steps to recover from the criminal acts if they would have to deplete existing leave banks or do not have sufficient paid leave available. Providing protected, paid leave will help ensure that crime victims are able to seek care for any injuries, take action to improve

their future safety, and participate in judicial proceedings related to the crime.

It is also recommended that the County expand the application of the policy to employees who are victims of human trafficking. Human trafficking victims are not currently directly covered by the state law crime victim leave provisions or by the existing County policy. Explicitly including victims of human trafficking as part of the County policy ensures that those victims are aware that they qualify for this leave.

In addition, it is recommended the County expand the leave program to allow an employee who is a victim or an immediate family member of a victim of a felony crime that is violent, serious, or involves felony theft or embezzlement, to use paid leave to attend court proceedings related to that crime, even if they are not a required witness. Violent felonies (defined in Penal Code § 667.5(c)) include crimes like rape, robbery, extortion, first degree burglary, and any felony involving use of a firearm; serious felonies (defined in Penal Code § 1192.7(c)) also include crimes like attempted murder, assault with intent to commit rape or robbery, and any felony involving use of a dangerous or deadly weapon. Immediate family members, consistent with other County policies, include spouse, domestic partner, parent, child, sibling, and grandparent relationships. This will support the criminal justice system and allow victims to better monitor the progress of criminal cases, supporting the crime victim's rights under the California Constitution.

These recommendations are in alignment with the County's goals of providing competitive leaves and benefits for employees while maintaining fiscal sustainability, equity and competitiveness with the Bay Area workforce market. It will also support the County's goals of protecting crime victims' constitutional rights. The proposed expanded Leave for Crime Victims Policy applies to all County employees. The County provided the policy to all labor organizations prior to presentation to this Board.

County Attorney's Office has reviewed and approved the resolution as to form.

### **Financial Impact on County's Retirement System**

Government Code sections 31515.5 and 23026 require 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 determined that the increased amounts of paid leave will not increase the unfunded liability.

### **FISCAL IMPACT:**

The cost of this program depends on the number of County employees who are victimized by specified crimes and who wish to use leave to recover. The County cannot predict how many employees may need this additional paid leave, but the number is expected to be low. Costs will be absorbed by departments of participating employees.