



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** HUMAN RESOURCES

**File #:** 21-665

Board Meeting Date: 9/14/2021

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**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 Policy

**RECOMMENDATION:**

Adopt a resolution authorizing an amendment to the County's COVID-19 Emergency Sick Leave Policy in order to extend the date of its application to December 31, 2021.

**BACKGROUND:**

On March 19, 2021, California enacted a statewide law, SB 95, requiring most employers to provide up to two weeks of paid COVID-19 sick leave for employees who are unable to work or telework. The law provided for COVID-19 related sick leave from January 1, 2021 to September 30, 2021.

Your Board approved a policy substantially in line with the new state law. However, in some areas, the County's policy went beyond the minimum requirements of the California sick leave mandate. For instance, under specified circumstances the County's policy provides for sick leave hours and pay beyond the minimums required by the State.

Like the state law, the County's COVID-19 Emergency Sick Leave Policy is currently set to expire on September 30, 2021.

**DISCUSSION:**

As of the date of this memorandum, there is no federal or California legislation extending the period of application of COVID-19 related sick leave. However, the COVID-19 pandemic continues, and County employees may still require leave due to specified COVID-19 related reasons such as obtaining a vaccination, 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 policy to December 31, 2021, which will allow employees to utilize any unused COVID-19 Emergency Sick Leave when needed. The extension will also allow the County additional time to evaluate the current circumstances as well as any potential federal or state legislation that might be passed in late 2021.

The County's COVID-19 Emergency Expanded Family and Medical Leave for School and Child Care Closures will also expire on September 30, 2021. However, since schools have reopened this fall, extension of that form of leave is not recommended at this time.

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 redlined 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.