



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** HUMAN RESOURCES

**File #:** 22-120

Board Meeting Date: 2/22/2022

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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 to align with new state law and to extend the availability of the County's COVID-19 Emergency Sick Leave to September 30, 2022.

### **BACKGROUND:**

Due to the COVID-19 public health emergency, prior federal and state laws have required most employers to provide mandatory paid sick leave for employees.

This Board has repeatedly approved and extended a County COVID-19 Emergency Sick Leave policy to be substantially in line with federal and state laws. In some areas, County policy went beyond the minimum requirements of the sick leave mandates. For example, in September 2021 and January 2022, this Board approved extensions of the County's COVID-19 Emergency Sick Leave Policy beyond the time period required by state law. The current expiration date of the County's COVID-19 Emergency Sick Leave Policy is July 9, 2022.

County employees continue to require leave due to COVID-19 and the County experienced an increase of employee absences during the Omicron surge.

### **DISCUSSION:**

On February 9, 2022, California enacted a new statewide law, SB 114, reinstating the requirement that most employers provide up to two weeks of paid COVID-19 sick leave for employees who are unable to work or telework from January 1, 2022 through September 30, 2022. The new law makes revisions to the reasons for which an employee may take COVID-19 related sick leave, and provides for additional hours of leave retroactive to January 1, 2022.

The Human Resources Department is recommending that the Board amend the County's COVID-19 Emergency Sick Leave Policy in several respects. A copy of the proposed amended policy has been included for the Board's reference.

Some of the more significant changes to the policy include:

- Extension of the policy to allow employees to use hours through September 30, 2022.
- Restoration of all full-time employees' COVID-19 Emergency Sick Leave balances to a minimum of 40 hours, retroactive to January 1, 2022, with pro-rated balances for part-time employees and 40 hours granted to new full-time employees;
- Removal of a prior provision in the policy that allowed employees to request an additional 40 hours of COVID-19 Emergency Sick Leave if the employee had COVID-19 and replacement of that provision with up to 40 hours of a new category of supplemental COVID-19 Emergency Sick Leave that can be used if the employee tests positive for COVID-19 or is caring for a family member who tested positive; a pro-rated amount will be provided for part time employees;
- Adjustment of the qualifying reasons for which employees may use COVID-19 Emergency Sick Leave.

These changes will align the County's policy with the new state law and allow County employees to continue to utilize COVID-19 Emergency Sick Leave through September 30, 2022.

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

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 increased amounts of paid COVID-19 related sick leave will not increase the unfunded liability.

### **FISCAL IMPACT:**

The fiscal impact is approximately \$4.1 million to provide the additional hours of leave in alignment with SB 114. Consistent with the County's Mid-Year budget update the Fiscal Year 2021-22 budget carries enough appropriation to cover these costs. In addition, the County might be able to obtain reimbursements for some portion of the leaves through federal or state funding or reimbursements.