



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** HUMAN RESOURCES

**File #:** 22-726

Board Meeting Date: 9/27/2022

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

**To:** Honorable Board of Supervisors

**From:** Rocio Kiryczun, Human Resources Director  
Michelle Kuka, Deputy Director, Human Resources

**Subject:** Resolution Authorizing an Amendment to the County's COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave

### **RECOMMENDATION:**

Adopt a resolution authorizing an amendment to the County's COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave Policy to align with pending state legislation and to extend the availability of the County's COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave to April 1, 2023.

### **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. California has, at times, passed laws extending COVID-19 related sick leave. While at other times, it has allowed those laws to lapse for several months and then later passed a new law that once again requires employer provided COVID-19 sick leave.

This Board has repeatedly approved and extended a County COVID-19 Emergency Sick Leave policy so that County employees have had continuous access to COVID-19 related sick leave throughout the pandemic. The County policy has been substantially in line with federal and state laws. However, in some areas, the County policy went beyond the minimum requirements of the sick leave mandates, such as providing additional hours or extending the County policy past the expiration of state and federal laws.

In February of 2022, California enacted another COVID-19 sick leave law, SB 114, which provided COVID-19 related sick leave until September 30, 2022. The County revised and extended its existing policy to align with the new law, including an expiration date to the policy of September 30, 2022. However, recently the California legislature passed Assembly Bill 152 ("AB 152"), which would make very minor modifications to SB 114 and extend the application of its COVID-19 related sick leave requirements to December 31, 2022. The minor modifications include provisions allowing employers to require additional periodic COVID-19 tests for employees using the leave for certain

reasons. AB 152 is currently awaiting the Governor's signature.

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

**DISCUSSION:**

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

These changes will align the County's policy with the revisions in the proposed state law and allow County employees to continue to utilize COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave through April 1, 2023. Human Resources is recommending an extension of the policy even if the Governor ultimately does not sign AB152, and recommending an extension beyond the timeline required by AB 152 because it is anticipated that employees will continue to need COVID-19 related sick leave into the new year.

Approximately 90% of the workforce has Emergency Sick Leave Hours and 92% of the workforce has Supplemental COVID-19 Emergency Sick Leave Hours available.

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 Attorney's Office 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:**

There are no additional fiscal impacts for extending the policy until April 1, 2023; however, the estimated fiscal impact to provide the additional hours of leave in alignment with SB 114 was approximately \$4.1 million. The County might be able to obtain reimbursements for some portion of the leaves through federal or state funding or reimbursements.