



COUNTY OF HUMBOLDT

For the meeting of: 4/26/2022

File #: 22-500

To: Board of Supervisors

From: Human Resources

Agenda Section: Consent

SUBJECT:

Implementation of Senate Bill (SB) 114 Supplemental Paid Sick Leave and Authorization to Implement Future State and Federally Mandated Benefits Related to COVID-19

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt a Resolution Implementing the California Supplemental Paid Sick Leave (SPSL) retroactive to Jan. 1, 2022, and Delegating Authority to the Human Resources Director to Implement Future State and Federally Mandated Benefits Related to COVID-19, After Review with the Employee Policy Group and Employee Representation Groups as Required by the Meyers-Miliias-Brown Act.

SOURCE OF FUNDING:

All county funds.

DISCUSSION:

On Feb. 9, 2022, SB 114 was signed into law. SB 114 requires employers with 26 or more employees to provide Supplemental Paid Sick Leave (SPSL) for matters related to COVID-19. Through enacted Labor Code 248.6, SPSL is retroactive to Jan. 1, 2022 and extends protections through Sept. 30, 2022. There is no waiting period for eligibility for the new SPSL hours and new employees are eligible upon starting employment.

By way of background, on May 11, 2021, the Board of Supervisors adopted Resolution No. 21-46 that implemented the requirements of SB95 effective from Jan. 1, 2021 through Oct. 30, 2021. The current legislation differs from SB95 in that rather than one 80-hour bank, employees may utilize two separate leave banks of “up to 40-hours” as follows:

- Leave bank of up to 40 hours if the employee tests positive for or is caring for a family member who tests positive for COVID-19.
- Leave bank of up to 40 hours for all other covered reasons (see below).

The current legislation has expanded upon the reasons that employees can use their new leave banks, as compared to the restricted uses in SB 95. Employees may use the new SPSL banks when they are unable to work or telework in the following circumstances:

- Employee tests positive for or is caring for a family member who tests positive for COVID-19.
- Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- Employee has been advised by a health care provider to self-quarantine related to COVID-19.
- Employee or family member is obtaining COVID-19 vaccination or booster, or is recovering from an injury, disability, illness, or condition related to such immunization.
- Employee or family member is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- Is caring for a family member, as defined in subdivision (c) of Section 245.5 (parent; stepparent; legal guardian; spouse or registered domestic partner; person who stood in loco parentis while employee was a child; grandparent; grandchild or sibling) who is subject to quarantine or isolation order, advised to self-quarantine by health care provider due to COVID-19.
- Employee is caring for a child whose school or place of care is closed or partially closed (or childcare provider is unavailable) for reasons related to COVID-19, and no other suitable person is available to care for the child during the period of such leave.

Since May 2021, to minimize departmental impact on retroactive requests for reimbursed hours, all SPSL requests are managed, tracked, and audited by the Auditor-Controller's Office.

The Human Resources Department recommends your Board approves the implementation of SPSL for county employees retroactive to Jan. 1, 2022 with a sunset date of Sept. 30, 2022. In a continued effort to minimize departmental impact on retroactive requests for reimbursed hours, all requests will be managed, tracked, and audited by the Auditor-Controller's Office.

Further, the Human Resources Department anticipates that additional state and federal changes relating to COVID-19 related sick leave may be forthcoming, which may in turn require the county to further amend its existing policies related to the use and accounting of COVID-19 related sick leave. In an effort to minimize disruption to county employees and to ensure that county employees are able to utilize COVID-19 related sick leave as intended by state and federal law, the Human Resources Department is also requesting the delegation of authority to the Human Resources Director to directly implement any future state and federally mandated benefits related to COVID-19, after review with the existing Employee Policy Group (consisting of County Counsel, the County Administrative Officer, Humboldt County Sheriff, and Human Resources Director) and after review with employee representative groups as required by the Meyers-Milias-Brown Act.

FINANCIAL IMPACT:

Implementation of the new California SPSL does not have an immediate financial effect on the county as the cost for increased benefit time typically comes in the form of lost productivity when an employee takes time off work. However, as reflected in the May 2021 item before your Board seeking

initial approval for the SB 95, giving all county employees 80 hours (or two separate 40-hour banks) of SPSL has a potential financial impact of \$5.59 million across all county funds and as much as \$1.8 million for the General Fund. However, it remains unlikely that each employee will use all 80 hours of SPSL, and any hours unspent after Sept. 30, 2022, will be removed. SPSL remains ineligible to be utilized at separation or retirement as a cash payment or to purchase service credits.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing community-appropriate levels of service and investing in county employees.

OTHER AGENCY INVOLVEMENT:

CDPH and Cal OSHA.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to implement the SB 114 Supplemental Paid Sick Leave. However, this is not recommended because the bill mandates these banks be available to employees and the failure to implement would place the county out-of-compliance with existing legal requirements

ATTACHMENTS:

Attachment 1: Senate Bill 114.

Attachment 2: Resolution implementing the SB 114 Supplemental Paid Sick Leave (SPSL) leave banks.

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-1

Meeting of: May 11, 2021

File No.: 21-558