



# COUNTY OF HUMBOLDT

For the meeting of: 3/26/2020

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File #: 20-419

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**To:** Board of Supervisors

**From:** County Administrative Office

**Agenda Section:** Departmental

**SUBJECT:**

County Considerations Relating to Updated Employee Procedures, Policies and Emergency Signing Authority; Memorandum of Understanding with Humboldt County Office of Education in Response to COVID-19

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Adopt the attached Resolution 20-\_\_\_ related to employee procedures, policies and emergency signing authority (Attachment 1); and
2. Approve and Authorize the Sheriff to Execute the attached memorandum of understanding with Humboldt County Office of Education to use the Sequoia Conference Center for emergency operations and a joint information center (Attachment 7); and
3. Direct and authorize the Human Resources Director to develop and implement procedures to track and assign disaster service workers to county functions.

**SOURCE OF FUNDING:**

All county funds

**DISCUSSION:**

On March 16, 2020 your Board adopted Resolution 20-20, which, among other aspects, advanced all county employees 80 hours of sick leave, clarified issues around workplace operations including directing departments to refer to their respective continuity of operations plans during the current local emergency related to COVID-19, and adopted an interim telecommuting policy. Since your Board took the above-described action, staff have identified additional topics that call for additional policy direction.

A few of the significant policy considerations contained in the resolution include:

**1. Essential Functions, Disaster Service Workers**

In response to the declared local emergency and subsequent local and state shelter-in-place orders, county departments have dramatically adjusted the way they deliver services, including temporarily

suspending some services while they focus on functions that cannot be delayed. Currently the majority of staff are either performing a department's critical functions either in a county facility or while working at home, responding to the emergency by either working in or with the Emergency Operations Center and/or Joint Information Center, or awaiting assignment from their supervisor. Staff recommends that employees who do not have an assignment should be placed on paid administrative leave until such time that their supervisor identifies work or they are utilized as a disaster service worker.

Departments have every intention to have county employees work wherever possible during this emergency. However, while on administrative leave, county employees are still to remain designated disaster service workers and department heads, supervisors and Human Resources will look for ways to reassign them. Staff may be reassigned to the Office of Emergency Services for unfilled needs, or to some other essential function.

## **2. Overtime**

There are provisions in the county's overarching salary resolution (Resolution 82-170, Attachment 3) and the HDSO Law Enforcement Management Unit (LEM) MOU (Attachment 2) regarding overtime for county staff, including Management & Confidential (M&C) employees and law enforcement, for cash compensation for overtime in emergencies, as shown below:

*“When the Board of Supervisors declares that a state of local emergency exists or the Governor declares that a state of emergency exists within the County of Humboldt, authorization for cash compensation for the pay period in which the overtime is worked shall be given by the department head for all employees assigned to duties specifically related to the emergency.”*

Under normal circumstances M&C and LEM employees are not eligible for overtime. However, those employees who are assigned to duties specifically related to the emergency, such as being assigned to the EOC and/or Joint Information Center, will earn cash compensation for the amount of overtime worked during the emergency. As this will likely be an extended emergency, the amount of overtime eligible for cash compensation will be more than typical emergencies. The parameters for activities that are eligible for overtime are attached (Attachment 4 - OT Parameters).

Your Board may choose to modify the salary resolution as it relates to M&C in order to more appropriately address the COVID-19 local emergency. Your Board may not alter the MOU with LEM at this time.

The salary resolution specifically excludes department heads from being eligible for overtime.

## **3. Signature Authority for Department Heads**

During this emergency departments will need to execute contracts in order to procure items and services, receive funding, to coordinate services, and for other activities related to the emergency. Often, departments receive state standard agreements that may not be modified to accommodate local ordinances and would go before your Board as a consent item. The attached resolution allows

department heads, or designees thereof, to execute agreements related to a declared emergency with the requirement that such agreements must be ratified by the Board of Supervisors at the next available Board meeting.

Your Board should also be aware of how other current policies affect county employees. The items below do not require action by your Board:

### **Voluntary Furloughs**

Three bargaining units (American Federation of State, County & Municipal Employees, Humboldt Deputy Sheriff's Organization, and Management & Confidential) have provisions in their respective memorandums of understanding that allows for voluntary furloughs. Employees who cannot or do not want to work during this time, at the discretion of their supervisor, may elect for voluntary furlough. Employees may request a voluntary unpaid furlough using the following guidelines:

1. The leave (furlough) would be granted only after prior approval of the appointing authority.
2. Leave is not to exceed 520 hours per year for a 40 hour per week employee.
3. Leave is not to be used in lieu of medical leave.
4. Credits toward sick leave, vacation, and holiday eligibility could accrue as if the employee were in paid status.
5. Leave time shall count toward time in service for step advancement, completion of probation, and seniority for purposes of layoff.
6. Leave shall be granted without requiring the employee to use other accumulated leave time first.
7. Leave shall be granted only to those employees who are in paid status the entire workday before and the entire workday after the lave day(s).
8. Leave shall not be available to employees on other leave without pay.

Department heads are also eligible for voluntary furlough. In these cases the furlough time shall still count toward time in service for step advancement, completion of probation, and seniority for the purposes of layoff.

### **Extra Help**

Your Board's action from March 16 advanced 80 hours of sick time to all county employees, including extra help staff. These staff may continue to work during the local emergency at the discretion of their supervisor. However, if they do not have a work assignment they may choose to use the advanced sick time to ensure they are paid for up to 80 additional hours. Once their assignment is complete and they have no other employment with the county there will be no county compensation available for extra help staff. These staff would likely be eligible for benefits from the state, which typically involve receiving two-thirds of typical income for a limited duration. Retired annuitants are not eligible for sick leave.

### **FINANCIAL IMPACT:**

**Essential Functions, Disaster Service Workers**

It is difficult to determine at this point the number of staff who are on paid administrative leave at the moment as a result of the COVID emergency. However, for illustrative purposes only, if 10% of all county staff (or roughly 200 employees) were to be placed on paid administrative leave for 1 month, the total costs of salaries and benefits would be roughly \$1.8 million, and of that amount \$619,000 or more could be the responsibility of the General Fund. This would not have an impact on the county's budget, however, as these costs have already been included in the FY 2019-20 budget.

**Overtime**

There are 212 M&C employees and 13 LEM in the county. While the overtime provisions allowing these bargaining units to claim overtime are not new, departments have not budgeted for extended overtime for these groups. The Office of Emergency Services is tracking employee time and costs for staff assigned to emergency response, and the county will seek reimbursement for these costs from CalOES and the federal government. Reimbursement for staff costs is typically paid at 75% from the federal government and 18% from the state. Both the Governor and President have declared emergencies for this incident, which makes reimbursement more likely.

**Signature Authority for Department Heads**

This action will allow departments to more easily sign revenue agreements with state and federal agencies and will have a positive effect on the budget.

**Voluntary Furloughs**

Any amount of voluntary furlough by staff would have a positive effect on the budget. However, as noted above, staff who are placed on voluntary furlough still accrue sick leave and other benefit time as if the employee were in paid status.

**Extra Help**

Extra Help employees accrue sick time at a rate of 3 days per year after working for 90 days as a condition of their employment. Therefore, advancing 80 hours of sick time to these employees, which is beyond what they typically are allowed, has a total net cost of roughly \$143,000. This is an unexpected cost for departments, though there is no supplemental budget being requested at this time. Some of these costs will be sought for reimbursement via the state and federal government.

**STRATEGIC FRAMEWORK:**

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

**OTHER AGENCY INVOLVEMENT:**

State of California; Federal Government; M&C and LEM bargaining units

**ALTERNATIVES TO STAFF RECOMMENDATIONS:**

Board discretion to modify any policy recommendations and amend the terms of the proposed resolution.

**ATTACHMENTS:**

1. Resolution 20-\_\_\_
2. HDSO LEM MOU
3. Salary Resolution
4. OT Parameters
5. M&C and LEM Classifications
6. DSW Form
7. Memorandum of Understanding with Humboldt County Office of Education

**PREVIOUS ACTION/REFERRAL:**

Board Order No.: C-1

Meeting of: March 16, 2020

File No.: 20-384