



COUNTY OF HUMBOLDT

Legislation Details (With Text)

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Title: Emergency Response Pay Premium Sunset Date and Rate of Pay Under the Emergency Family and Medical Leave Expansion Act

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Attachment A - ERPP Sunset Resolution (003).pdf, 3. Attachment B - FMLA Resolution.pdf, 4. Resolution 20-37, 5. Resolution 20-38

Date	Ver.	Action By	Action	Result
5/5/2020	1	Board of Supervisors	approved as amended	Pass

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Departmental

SUBJECT:

Emergency Response Pay Premium Sunset Date and Rate of Pay Under the Emergency Family and Medical Leave Expansion Act

RECOMMENDATION(S):

That the Board of Supervisors:

1. Adopt a Resolution Setting a Sunset Date for the Emergency Response Pay Premium (ERPP) effective upon the date the Governor moves the State of California from Stage 1 to Stage 2 under the pandemic road map, and/or when the Governor provides local modification of the state's Stay-at-Home Order, whichever occurs first; and
2. Adopt a Resolution Updating the Rate of Employee Pay Under the Emergency Family and Medical Leave Expansion Act.

SOURCE OF FUNDING:

All County Funds

DISCUSSION:

On April 14 your Board approved Resolution No. 20-27 which provided a 5% ERPP for county staff working directly on emergency response in the Emergency Operations Center, Joint Information Center (or providing direct services thereto), deployed to field operations that interact with members of

the public, custodial operations, or transportation related to the emergency. This resolution also provided for all caps on vacation accruals to be lifted, and the applicable time limits for use or lose accrued holiday pay, administrative leave, or wellness benefits, as well as 160 hours of sick leave for all county employees.

On Tuesday, April 28 Governor Gavin Newsom shared his pandemic roadmap, detailing the resilience roadmap stages. Stage 1, the current stage the county/state is in, allows for safety and preparedness and making the essential workforce environment as safe as possible. Stage 2, would allow for creating opportunities for lower risk sectors to adapt and re-open, this includes school and child care facilities. The Governor has indicated that moving the state from Stage 1 to Stage 2 could happen in a matter of “weeks.” In addition, Humboldt County has successfully addressed many of the state’s 6 indicators for modifying the state’s Stay-at-Home-Order. This includes additional testing capacity at the new mobile testing site, 100-bed alternative care site, and increased contact tracing. Therefore, staff recommends adoption of a Resolution (Attachment A) ending the ERPP once the Governor moves the State of California from Stage 1 to Stage 2 under the pandemic road map, and/or when the Governor provides local modification of the state’s Stay-at-Home Order, whichever occurs first.

Another section of Resolution No. 20-27 referenced the Emergency Family and Medical Leave Expansion Act (“Act”). The Act entitles employees (that have been employed for at least 30 days) to up to 12 weeks of job protection for the following reasons:

- An employee is unable to work because:
 - They need to care for a son or daughter under the age of 18 due to a school closure.
 - They need to care for a son or daughter because childcare is unavailable due to the current public health emergency.

In order to implement two-thirds pay within our current payroll system, an hours code had to be developed to integrate the new pay rate structures under the Act. Employees will be able to use any other benefit time to make up the remaining one-third of pay.

FINANCIAL IMPACT:

Total cost for ERPP for the first pay period it became effective is \$18,825. This represents 492 employees or 14,312 hours, across 37 budget units and multiple funds. The ERPP became effective on April 14, and therefore this number only reflects approximately 5 days of a two-week pay period. It is also likely that timecard corrections are being processed for this initial period as not all staff may have been aware of the ERPP. There is presently no commitment from the California Office for Emergency Services that this expense is reimbursable through disaster reimbursement channels.

The county’s payroll system can now process the statutory two-thirds base rate of pay and integrate one-third of accrued benefit time for employees that have a need to utilize up to an additional 10 weeks of paid expanded family and medical leave due to an inability to work due to childcare needs related to COVID-19.

STRATEGIC FRAMEWORK:

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

OTHER AGENCY INVOLVEMENT:

Not applicable.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Board discretion.

ATTACHMENTS:

Attachment A - Resolution Setting a Sunset Date for ERPP

Attachment B - Resolution revising FMLA

PREVIOUS ACTION/REFERRAL:

Board Order No.: H-3

Meeting of: 4/14/20

File No.: N/A