



COUNTY OF HUMBOLDT

Legislation Text

File #: 21-558, Version: 1

To: Board of Supervisors

From: County Administrative Office

Agenda Section: Departmental

SUBJECT:
County Considerations After Proposed June 15 Reopening

RECOMMENDATION(S):
That the Board of Supervisors:

1. Consider directing departments to return to in-person work activities after June 15, following applicable safety guidance, as determined by the Humboldt County Health Officer, Human Resources, Department of Health & Human Services - Public Health and the County Administrative Office;
2. Consider holding in-person Board meetings in the Board of Supervisors Chambers beginning the first meeting after June 15, following safety guidelines detailed in Recommendation 1;
3. Create and appoint two Board members to an ad hoc to identify telework opportunities and issues and/or develop a permanent telework policy;
4. Adopt a Resolution Approving the California Supplement Paid Sick Leave (SPSL) effective January 1, 2021, to include a grace period and sunset date of October 30, 2021; and
5. Direct Human Resources to establish a new bank of leave hours for each county employee in accordance with Senate Bill (SB) 95.

SOURCE OF FUNDING:
All county funds

DISCUSSION:
Governor Gavin Newsom on April 6, 2021, announced that the State of California is planning to fully reopen on June 15, 2021 (Attachment 1). This is due to California surpassing administering more than 20 million vaccine doses and hospitalizations continuing to decline. Reopening the state, or moving beyond the Governor's Blueprint for a Safer Economy (Attachment 2), means that all industries across the state can return to usual operations with common-sense risk reduction measures such as masking and vaccinations. Specifically, this reopening will occur if two criteria are met:

1. Equitable vaccine availability: If vaccine supply is sufficient for Californians 16 years or older who wish to be inoculated;

AND

2. Consistently low burden of disease: Hospitalizations are stable and low, and specifically, hospitalizations among fully vaccinated individuals are low.

At this point, the county must make some critical decisions on how it will operate after the June 15 date approaches. Assuming the above criteria are met and the economy reopens, it is reasonable to assume that county residents and those doing business with the county will expect public services offered at the county to reopen as well. However, the overall direction on what reopening the county government looks like is a policy decision for your Board, and pursuant to Government Code Section 24260 it is your Board's prerogative to establish the days and hours of work and office operation for all county offices. Following are three critical elements staff are seeking your direction on:

1. Employees returning to in-person work activities after June 15

Since the onset of the Governor's Shelter-in-Place Order, many county employees have either worked exclusively remotely or some combination of remote work and carrying out their duties at their normal workplace. The remote working arrangements have helped the county abide by health officials' safety guidance; however, it has also had an effect on service delivery. In the state's "Beyond the Blueprint" document, it notes that some of its strategies to transitioning to fully reopening include:

- Allowing increased capacity or numbers of persons allowed, including indoors, with proof of testing or vaccination; and
- Workplaces promote policies that reduce risk, including improved indoor ventilation, and mask wearing in indoor and other high-risk settings as well as remote work when possible without impacting business operations.

The California Department of Public Health and California Department of Industrial Relations (Cal-OSHA) maintains guidance documents on office workspaces (Attachment 3), and other areas that may apply to county functions. These guidance documents cover topics including: workplace specific plans, topics for worker training, individual control measures and screening, cleaning and disinfecting protocols, and physical distancing guidelines.

Recommendation: With this in mind, staff recommends that your Board consider directing departments to bring employees back to work while following applicable safety guidance, as determined by the Humboldt County Health Officer, Human Resources, Department of Health & Human Services - Public Health and the County Administrative Office.

2. Returning Board of Supervisors meetings to Board Chambers

The Governor's Executive Order N-29-20 local legislative bodies are authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. As such, since April 14, 2020, the Board has held its meetings via teleconference and closed Board Chambers. Since that time, staff have made several modifications to Board Chambers including, installing plexiglass COVID-19 guards on the dais, staff and audio/visual tables, installed accessible desks, podium and check-in table, and equipped the room with two portable air filters.

There are two pieces of legislation that your Board should consider for this discussion as the State appears to be interested in modifying the Ralph M. Brown act public meeting attendance requirements.

AB 339 - would require until December 31, 2023 all open and public meetings of a city council or county board of supervisors that governs a jurisdiction containing least 250,000 people to include an opportunity for members of the public to attend via telephonic option or internet-based option.

AB 361 - Would provide local agencies with the ability to meet remotely during declared emergencies to ensure the continued delivery of services by codifying portions of the Governor of California's Executive Orders from March 2020 relating to the Ralph M. Brown Act.

Recommendation: Consider returning Board meetings to be held in-person at Board Chambers beginning the first meeting date after June 15, while following applicable safety guidance as detailed above which would still include masking and social distancing among Board members and the public.

3. Ad hoc on telework

The Board on March 16, 2020, adopted Resolution No. 20-20 (Attachment 4) relating to employee procedures, leave accruals and telecommuting in response to COVID-19. This resolution allowed departments to permit employees to work from home for safety and to care for loved ones and children, especially as many schools moved to distance learning. While remote working has had impacts on the county's service delivery, in certain places departments have seen that there is potential for this working style to be implemented effectively. However, many issues need to be considered that require input from your Board in order to adopt an approach to remote work going forward.

Recommendation: Staff recommends that your Board create and appoint two Board members to an ad hoc to identify telework issues and/or develop a permanent telework policy.

4. California Supplemental Paid Sick Leave (SPSL)

On March 19, 2021, Governor Newsom signed new legislation, SB 95 creating a new Labor Code section 248.2, requiring employers to provide up to 80 hours of supplemental paid sick leave (SPSL) for employees to use for specific COVID-19 related reasons. This new Labor Code section 248.2 is retroactive to January 1, 2021. This legislation is intended to continue and expand COVID-19 related sick pay as previously mandated by the Families First Coronavirus Response Act (FFCRA) and Assembly Bill (AB) 1867. The law applies to all California employers with 25 or more employees. Below is information on SPSL benefit eligibility, hours, qualifying reasons, pay and process for requesting SPSL leave.

- Eligibility: No waiting period for eligibility for SPSL hours. New employees are eligible upon starting employment.
- Hours of leave: 80 hours of supplement sick leave (SPSL) shall apply to all regular employees, part-time employees, extra-help employees and retired annuitants.
- Qualifying reasons for SPSL: SPSL hours are available between Jan. 1, 2021 and is recommended to include a grace period and sunset date of Oct. 30, 2021, for employees who are unable to work or telework due to one of the following reasons:

1. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
 2. Employee has been advised by a health care provider to self-quarantine related to COVID-19.
 3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
 4. Employee is seeking or awaiting the results of a COVID-19 test or medical diagnosis, if the employee has been exposed or the employee's employer has requested the test or diagnosis.
 5. Employee is obtaining COVID-19 immunization (vaccination) or recovering from an injury, disability, illness, or condition related to such immunization.
 6. Employee is caring for an individual subject to a federal, state, or local quarantine or isolation order related to COVID-19; or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 7. 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.
 - **NOTE:** The quarantine or isolation period related to COVID-19 is the period defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the workplace.
 - **NOTE:** What does it mean for a child's school or place of care to be closed or unavailable due to COVID-19 on the premises? This means that a child's classroom in school or place of care has been closed after concerns that a person who had been present on the school or daycare premises on or after Jan. 1, 2021, was exposed to, or had contracted, COVID-19. This does not include caring for a child whose school or daycare was closed before Jan. 1, 2021. If the school or daycare was closed on or after Jan. 1, 2021, it must have been due to a closure, or partial closure, making the care unavailable due to COVID-19 on the premises.
- Rate of Pay for COVID-19 Supplemental Paid Sick Leave: Non-exempt employees must be paid the highest of the following for each hour of leave:
 - Regular rate of pay for the workweek in which leave is taken
 - State minimum wage
 - Local minimum wage
 - Average hourly pay for proceeding 90 days (not including overtime pay)
 - **NOTE:** Exempt employees must be paid the same rate of pay as wages

calculated for other paid leave time.

- Requesting use of SPSL: The county may not deny COVID-19 SPSL based on lack of certification from a health care provider. The employee is entitled to utilize SPSL immediately upon oral or written request. Should the county have reason to doubt the employee is using SPSL for a valid purpose, it may be reasonable to ask for documentation prior to paying the SPSL.
 - This bank of hours will be a separate leave bank and will be listed as SB 95 SPSL.
 - Barring any regulatory extension, SB 95 indicates that if the employee does not need to utilize these hours as outlined above, they will expire effective Sept. 30, 2021. In the event an employee is experiencing COVID-19 related absences at that time, it is recommended that the removal of the bank include a grace period and sunset Oct. 30, 2021.

Recommendation: Adopt Resolution No. _____ (Attachment 5) approving the California Supplement Paid Sick Leave (SPSL) effective Jan. 1, 2021, and recommended to include a grace period and sunset date of Oct. 30, 2021. Direct Human Resources to establish a new bank of leave hours for each county employee in accordance with SB 95

FINANCIAL IMPACT:

Most departments have already expended funding to follow industry guidance for office workspaces in order to allow limited in-person operations. However, increased in-person activities may increase the amount of services and supplies purchased by county department to keep up with required cleaning and necessary equipment to abide by CDPH/Cal-OSHA guidance.

Adoption of the resolution (Attachment 5) 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, giving all county employees 80 hours of supplemental paid sick leave (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 is unlikely that each employee will use all 80 hours of SPSL, and any hours unspent after Sept. 30, 2021 (or the grace period up to Oct. 31, 2021), will be removed. SPSL is not eligible to be utilized at retirement as a cash payout 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, Cal-OSHA, all county departments

ALTERNATIVES TO STAFF RECOMMENDATIONS:

Your Board could choose not to direct staff to return to work after June 15. However, this is not recommended as the rest of the state is on track to reopen on that date and members of the public are

likely to expect the county to do the same.

ATTACHMENTS:

1. Governor's Announcement
2. Beyond the Blueprint for a Safer Economy
3. CDPH Guidance for Office Workspaces
4. Resolution 20-20 Regarding Telecommuting
5. Resolution No. _____ Regarding SPSL

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-1, H-3

Meeting of: 3/16/2020, 4/14/20

File No.: 20-384, 20-459