

CITY OF YUBA CITY
STAFF REPORT

Date: February 1, 2022
To: Honorable Mayor & Members of the City Council
From: Human Resources Department
Presentation By: Natalie Springer, Human Resources Director

Summary

Subject: City Employee Policies in Response to the COVID-19 Pandemic
Recommendation: Adopt a Resolution approving supplemental emergency paid leave in response to the COVID-19 Pandemic
Fiscal Impact: Unknown but estimated at \$70,000 for salary and benefits

Council's Strategic Goals:

Public Safety
Business Friendly

Purpose:

To approve temporary emergency paid leave benefit in response to the COVID-19 pandemic.

Background:

On March 19, 2020, Executive Order N-33-20 was signed by Governor Newsom ordering Californians to stay at home to slow the spread of COVID-19. Beginning April 1, 2020, the City began providing paid leave in accordance with the Families First Coronavirus Response Act (the "FFCRA"). Passed in March 2020 in response to the COVID-19 pandemic, the FFCRA created two kinds of emergency paid leaves for eligible employees generally described as follows: 80 hours of Emergency Paid Sick Leave ("EPSL," for employees who were sick/seeking a diagnosis or caring for family members) and up to 12 weeks Emergency Family Medical Leave Act leave ("EFMLA," for parents whose children's schools or care facilities had been closed due to the pandemic). These provisions were in effect as of April 1, 2020 and expired December 31, 2020. California adopted AB1867 in October to provide supplemental paid sick leave for emergency responders that had been excluded under the FFCRA. Both the FFCRA paid leaves and the companion state paid leave mandate expired December 31, 2020.

In response to the expiration of FFCRA, Yuba City City Council authorized the Yuba City Emergency Pandemic Leave (YCEPL) for employees who did not exhaust EFMLA and EPSL or the companion state leave for emergency responders. YCEPL was retroactive to January 1, 2021 through March 31, 2021 and was modeled after FFCRA.

On March 19, 2021, California approved 2021 COVID-19 Supplemental Paid Sick Leave (SPSL or SB95). 2021 COVID-19 SPSL required employers with 26 or more employees to provide their workers

up to 80 hours or SPSTL from January 1, 2021 to September 30, 2021.

While the paid leave programs have expired, employee need for such leaves has not, particularly in light of the recent surge of illnesses and new cases due to the Omicron variant of COVID-19.

Analysis:

The purpose of the federal, state, City paid pandemic leave mandates was to minimize the spread of COVID-19 in the workplace and to provide paid leave for employees experiencing COVID-19 close contact, diagnosis, or positive test result. The current proposal is to fill the gap left by the lack of state or federal program to assist employees who are experiencing non-work related COVID-19 close contact, diagnosis, or positive test result. Ultimately, the goals of these proposals are to prevent the spread of COVID-19 and minimize its impacts on City employees and operations.

Staff is proposing new temporary paid leave benefits.

A) Yuba City Emergency Pandemic Leave” (“YCEPL”) benefit, available to employees as set forth below.

Sick Leave Purposes– through June 30, 2022, employees receive up to 40 hours of YCEPL (prorated for part-time employees), paid at their sick leave rate of pay, if they are unable to work or telework for the following reasons:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation requirement related to COVID-19.
- (2) The employee has been advised by an identified health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) Employee is seeking a COVID-19 test or waiting upon COVID-19 test results.
- (5) Employee is caring for an immediate family member (parent, spouse, child) or individual living in the employee’s home who is subject to Federal, State, or local quarantine or isolation requirement related to COVID-19 or has been advised by an identified health care provider to self-quarantine due to concerns related to COVID-19.

Additional terms and conditions that apply to YCEPL include the following:

- a. YCEPL is an independent leave benefit from any other paid City leave accrued (e.g. sick leave, vacation leave, etc.). YCEPL as described above has no cash value, may only be used by eligible employees for the identified reasons, and does not accrue or carryover past the YCEPL expiration date of June 30, 2022 unless such expiration date is extended by City Council action.
- b. YCEPL will run concurrently with other unpaid leave entitlement programs (e.g. FMLA, CFRA) when the need for leave qualifies under applicable criteria. If federal or state paid leave programs should be adopted after approval of YCEPL, YCEPL will run concurrently with such new benefit mandates except as otherwise required by law.
- c. All temporary leave benefits proposed under this Staff recommendation would expire at close of business June 30, 2022 unless extended by City Council action.
- d. To utilize this time, documentation of eligibility must be provided to Human Resources. Acceptable documentation includes:
 - *A provider’s note confirming dates of testing or diagnosis of COVID-19;
 - *A photograph or other documentation of testing (sample date, test result, etc.); or
 - *Contact tracing documentation maintained by Human Resources based on a known/reported exposure.
- e. To address a time gap in benefit, this YCEPL will be retroactively available to October 1, 2021 for only those employees who previously submitted qualifying documentation, on file with Human Resources, of their positive test, diagnosis or quarantine requirement.

Fiscal Impact:

Unknown but estimated at \$70,000 for salary and benefits

Alternatives:

Do not approve employee policies and provide staff direction.

Recommendation:

Adopt a Resolution approving the proposed temporary paid leave benefits due to the COVID-19 pandemic.

Attachments:

1. 2-1-22 YCEPL Resolution

Prepared By:

Natalie Springer
Human Resources Director

Submitted By:

Diana Langley
City Manager

ATTACHMENT 1

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY AMENDING EMPLOYEE POLICIES IN RESPONSE TO THE COVID-19 PANDEMIC

WHEREAS, the City recognizes the need to amend employee policies in response to the COVID-19 pandemic; and

WHEREAS, the all Federal and State programs for COVID-19 employee leave have expired; and

WHEREAS, the City Council now wishes to approve a temporary City program to support employees during the COVID-19 pandemic,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Yuba City as follows:

Approve the amended temporary employee leave policies in response to the COVID-19 pandemic, specifically:

A) Yuba City Emergency Pandemic Leave" ("YCEPL") benefit, available to employees as set forth below.

Sick Leave Purposes– through June 30, 2022, employees receive up to 40 hours of YCEPL (prorated for part-time employees), paid at their sick leave rate of pay, if they are unable to work or telework for the following reasons:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation requirement related to COVID-19.
- (2) The employee has been advised by an identified health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) Employee is seeking a COVID-19 test or waiting upon COVID-19 test results.
- (5) Employee is caring for an immediate family member (parent, spouse, child) or individual living in the employee's home who is subject to Federal, State, or local quarantine or isolation requirement related to COVID-19 or has been advised by an identified health care provider to self-quarantine due to concerns related to COVID-19.

Additional terms and conditions that apply to YCEPL include the following:

- a. YCEPL is an independent leave benefit from any other paid City leave accrued (e.g. sick leave, vacation leave, etc.). YCEPL as described above has no cash value, may only be used by eligible employees for the identified reasons, and does not accrue or carryover past the YCEPL expiration date of June 30, 2022 unless such expiration date is extended by City Council action.
- b. YCEPL will run concurrently with other unpaid leave entitlement programs (e.g. FMLA, CFRA) when the need for leave qualifies under applicable criteria. If federal or state paid leave programs should be adopted after approval of YCEPL, YCEPL will run concurrently with such new benefit mandates except as otherwise required by law.
- c. All temporary leave benefits proposed under this Staff recommendation would expire at close of business June 30, 2022 unless extended by City Council action.

- d. To utilize this time, documentation of eligibility must be provided to Human Resources. Acceptable documentation includes:
 - A provider's note confirming dates of testing or diagnosis of COVID-19;
 - A photograph or other documentation of testing (sample date, test result, etc.); or
 - Contact tracing documentation maintained by Human Resources based on a known/reported exposure.
- e. To address a time gap in benefit, this YCEPL will be retroactively available to October 1, 2021 for only those employees who previously submitted qualifying documentation, on file with Human Resources, of their positive test, diagnosis or quarantine requirement.

The foregoing Resolution of the City Council of the City of Yuba City was duly introduced, passed and adopted at a regular meeting thereof held on the 1st day of February, 2021.

AYES:

NOES:

ABSENT:

Dave Shaw, Mayor

ATTEST:

Ciara Wakefield, Deputy City Clerk

Approved as to form:

Stacey Sheston
BB&K, Special Counsel