



County Executive Office

Memorandum

January 5, 2022

To: Clerk of the Board of Supervisors
From: Frank Kim, County Executive Officer
Subject: Exception to Rule 21

Digitally signed by Frank Kim
DN: cn=Frank Kim, o=County
of Orange, ou=CEO,
email=frank.kim@ocgov.com
, c=US
Date: 2022.01.06 12:53:27
-08'00'

RECEIVED
2022 JAN -6 PM 1:53
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISOR

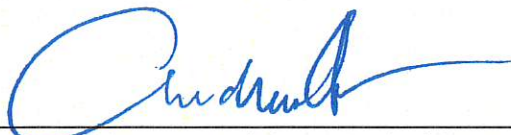
S33C

The County Executive Office is requesting a Supplemental Agenda Staff Report for the January 11, 2022, Board Hearing.

Agency: County Executive Office
Subject: Approve Compensation Relief for COVID-19 Related Absences
Districts: All Districts

Reason for supplemental: The County Executive Office is requesting this Supplemental item be placed on the January 11, 2022, Board agenda in order to avoid delayed compensation relief during COVID-19 related absences. The Agenda Staff Report and attachments were finalized after the filing deadline to the Clerk of the Board.

Concur:



Andrew Do, Chairman of the Board of Supervisors

cc: Board of Supervisors
County Executive Office
County Counsel



AGENDA STAFF REPORT

MEETING DATE: 1/11/22

LEGAL ENTITY TAKING ACTION: Board of Supervisors

BOARD OF SUPERVISORS DISTRICT(S): All Districts


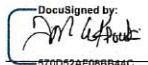
SUBMITTING AGENCY/DEPARTMENT: County Executive Office

DEPARTMENT HEAD REVIEW: DocuSigned by: Colette Farnes
Department Head Signature

DEPARTMENT CONTACT PERSON(S): Colette Farnes (714) 834-2836
Susan Rohde (714) 834-7330

RECEIVED
 2022 JAN -6 PM 2:12
 CLERK OF THE BOARD
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 BOARD OF SUPERVISORS

SUBJECT: Approve Compensation Relief for COVID-19 Related Absences

<p>CEO CONCUR</p>  <p>Digitally signed by Frank Kim DN: cn=Frank Kim, o=County of Orange, ou=CEO, email=frank.kim@ocgov.com, c=US Date: 2022.01.06 12:53:45 -08'00'</p> <p>CEO Signature</p>	<p>COUNTY COUNSEL REVIEW</p> <p>Approved as to Form</p> <p>Action</p>  <p>DocuSigned by: [Signature] 570D52AF08B644C</p> <p>County Counsel Signature</p>	<p>CLERK OF THE BOARD</p> <p>Discussion</p> <p>3 Votes Board Majority</p>
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Budgeted: Yes **Current Year Cost:** See Financial Impact Section **Annual Cost:** See Financial Impact Section

Staffing Impact: No **# of Positions:** N/A **Sole Source:** N/A

Current Fiscal Year Revenue: N/A

Funding Source: See Financial Impact Section **County Audit in last 3 years:** No

Prior Board Action: 12/15/2020 #S37N

RECOMMENDED ACTION(S):

1. Authorize the County Executive Officer, or Designee, to administer a 2022 Emergency Paid Sick Leave Program effective December 31, 2021 to April 7, 2022, that provides employees up to 40 hours of paid sick leave for qualifying COVID-related absences.
2. Authorize the County Executive Officer the discretion to provide up to 40 additional hours of paid sick leave for qualifying COVID-related absences and to extend the program to June 30, 2022, in a manner consistent with the Board of Supervisors-approved parameters.
3. Authorize the County Executive Officer, or Designee, after review by County Counsel and notification to the Board of Supervisors, to administer future state and/or federal statutorily required leave programs in a manner consistent with the parameters approved by the Board of Supervisors on March 31, 2020.

SUMMARY:

Approval and adoption of emergency leave practices will provide employees with compensation relief during COVID-19-related absences.

BACKGROUND INFORMATION:

The COVID-19 pandemic has continued to disrupt school, business and government operations. On March 13, 2020, the County Executive Office issued a notice that employees who have exhausted all leave balances would be advanced up to 80 hours of Advanced Sick Leave if they needed to stay home to care for a child whose school closed (and could not telework). The ability to utilize Advanced Sick Leave is ongoing.

On March 18, 2020, the President of the United States signed HR 6201 into law, otherwise known as the Families First Coronavirus Response Act (FFCRA), with an effective date of April 1, 2020 through December 31, 2020. This law provided emergency paid sick leave and expanded paid leave under the Family and Medical Leave Act (FMLA) for COVID-19-related absences.

To ensure that the County complied with FFCRA, on March 31, 2020, your Honorable Board of Supervisors (Board) approved the implementation of the statutorily required leaves. On December 15, 2020, the Board extended employees' ability to use Emergency Paid Sick Leave (EPSL) and Health Care Providers and Emergency Responders COVID-19 Leave. All statutorily required state and federal leave protections under the FFCRA and California Senate Bill 95 (SB 95) expired on December 31, 2020 and September 30, 2021, respectively.

To ensure that the County maximizes the health and safety of its employees and the public they serve, the following recommendations are before the Board for your consideration:

Emergency Paid Sick Leave (EPSL)

Eligible Full-Time Regular and Limited-Term employees shall be allowed to receive up to 40 hours of EPSL paid sick leave at their regular rate of pay for any qualifying leave. Administration of this EPSL shall be consistent with parameters established by SB 95.

Extra-Help, Part-Time and other employees as defined by law will receive an amount of EPSL hours tied to their regular work schedule, as previously administered by the County in 2020-2021. Such employees will also receive their regular rate of pay for any EPSL qualifying leave.

The Board approved the recommendation that the County would not apply the financial caps provided by the FFCRA for EPSL due to the complexity of administering the caps. Per statutory requirement, any EPSL granted to employees was in addition to any existing leave balances, including Advanced Sick Leave.

Health Care Providers and Emergency Responders COVID-19 Leave

County employees who are health care providers and emergency responders, as those terms are defined by the Department of Labor and any relevant regulations, may be allowed to use 40 hours of EPSL sick leave at their regular rate of pay, under the terms and conditions that other County employees receive EPSL, except that use of such leave is subject to Department Head approval to ensure that critical health and public safety needs are met.

Additional Emergency Leave Recommendations

New employees shall be eligible to use EPSL leave and/or Advanced Sick Leave under the terms and conditions that other County employees receive EPSL and Advanced Sick Leave.

For all employees, the ability to use EPSL is in addition to any existing leave balances, including Advanced Sick Leave. These leave hours have no cash value and unused balances of these hours shall not be paid out upon separation.

Use of EPSL balances may be retroactively applied from December 31, 2021 through January 11, 2022.

Board approval is requested to allow the County Executive Officer to authorize 40 additional hours (to a maximum of 80 hours) and the authority to extend the administration of this program through June 30, 2022 in a manner consistent with the Board of Supervisors-approved parameters, if warranted by the continued impact of the COVID pandemic. Additionally, Board authority is requested to allow the County Executive Officer discretion to administer future state and/or federal statutorily required leave programs, if any, in a manner consistent with the parameters approved for the implementation of the FFCRA.

The County will continue to encourage telecommuting instead of the use of leave balances for employees with each department determining the feasibility of employee telecommuting while ensuring vital services continue to be provided.

FINANCIAL IMPACT:

The financial impact is unknown at this time as Human Resources cannot forecast the number of employees who may utilize the benefit. The use of this Emergency Leave time will be paid by each department. Funding would be eligible from the Board approved allocation of American Rescue Plan Act funding for Employee Paid Sick Leave.

STAFFING IMPACT:

N/A

ATTACHMENT(S):

Attachment A – Response to COVID-19 Related School Closures dated March 13, 2020

Attachment B – H.R. 6201 (Families First Coronavirus Response Act)

Attachment C – Senate Bill 95 (COVID-19 Supplemental Paid Sick Leave)