

**From:** [Michael Cook](#)  
**To:** [CityCouncilListPublic](#)  
**Subject:** [EXTERNAL] Urgency Ordinance  
**Date:** Tuesday, February 2, 2021 11:25:54 AM

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Mayor Rogers and City Councilmembers,

As an employer, based in Santa Rosa, I do not want employees coming to work while sick, and to support that I was already providing generous paid sick leave, and of course providing additional COVID-specific leave under FFCRA and then the City's policy. I want to thank you for the thoughtful conversation at your January study session, and consideration of the fact that small local businesses like mine have worked very hard to keep our employees safe and healthy, and continue to provide generous leave all while figuring out how to stay in business and maintain those staff positions while under government mandated shut downs. While what I heard as Council's goal at the study session, of alignment of Santa Rosa's new ordinance with the federal tax credit, still places a burden on small businesses like mine at an incredibly challenging time, it is much more manageable because of the tie to the tax credit. What I have read on the agenda for tonight, the ordinance being considered goes beyond that, by retaining the expanded definition of "someone" needing care. Moving forward with this new language will further erode any possibility of my company's ability to remain employing 6 local employees. If you don't match the FFCRA for clarity and access to tax credits you are putting further burden on employers that won't be able to access these tax credits. If you align with FFCRA, this will ensure employers have access to these tax credits. Without those tax credits, many more businesses in Santa Rosa will fade away forever. Please don't put additional burdens on employers that are fighting every day to stay afloat.

Thank you.

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**INTEGRA Planning + Landscape Architecture remains open to serve our clients during this COVID-19 shelter in place order. We are working remotely and ready to assist you. We hope you are safe and well.**



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**Comments from A Better Balance Urging Santa Rosa to Renew and Expand Its COVID-19 Paid Sick Leave Ordinance**

Submitted to the Santa Rosa City Council by  
Jared Make, Vice President of A Better Balance  
January 15, 2021

Thank you for the opportunity to submit written comments regarding Santa Rosa’s efforts to protect workers in the City during the ongoing, worsening COVID-19 pandemic. A Better Balance is working closely with the North Bay Labor Council and other North Bay paid leave partners in support of legislation that will ensure working individuals have access to paid sick leave for COVID-19. We previously partnered with officials and advocates in Sonoma County and San Francisco on their respective emergency leave laws.<sup>1</sup>

As described below, workers in Santa Rosa have an urgent need for COVID-19 emergency paid sick leave, especially as cases—considered widespread by the State—continue to rise across the City, County and region. **Due to the sunset of the COVID-19 paid sick leave requirement in the federal Families First Coronavirus Response Act (FFCRA), we urge Santa Rosa to take immediate steps to renew—and expand upon—the City’s emergency COVID-19 paid sick leave ordinance that expired on December 31, 2020.**

The City of San Jose, which recently expanded COVID-19 paid sick leave, provides a helpful example for Santa Rosa. San Jose’s new ordinance took three key steps: 1) extending COVID-19 sick leave to employees regardless of business size, following the sunset of the FFCRA’s paid sick leave requirement and its replacement with a **federal tax credit for private-sector employers with fewer than 500 employees**; 2) renewing COVID-19 paid sick leave through June 30, 2021; and 3) ensuring retroactive coverage to January 1, 2021, to prevent any gaps in the law for workers this month. For the reasons outlined in the next section, we urge the Santa Rosa City Council to take similar steps to San Jose without delay: **expand sick leave to cover businesses of all sizes, renew paid sick leave through at least June 30, 2021 (or the end of the public health emergency, whichever is later), and provide retroactive coverage to January 1, 2021. Furthermore, we urge the City to require employers to both provide written notice of sick leave rights to their employees and post a notice of employee rights in establishments where individuals are employed (or share the poster through web-based or app-based platforms when individuals telework); to support employers, the City should be directed to provide model notices and posters.**

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<sup>1</sup> A Better Balance is a national legal advocacy organization with four regional offices dedicated to promoting fairness in the workplace and helping workers meet the conflicting demands of work and family. Our organization provides legal and policy support to paid sick time campaigns throughout the nation, and we have worked on nearly all of the paid leave laws that are now or will soon be in effect. In addition to our legal research and drafting of paid leave laws, including model emergency paid sick time legislation, we have significant experience with paid leave implementation and enforcement.



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**As the COVID-19 Crisis in California Persists, Santa Rosa Should Immediately Extend the City’s Emergency Sick Leave Ordinance, Expand Coverage, and Provide Retroactive Benefits**

Santa Rosa’s COVID-19 emergency sick leave ordinance was passed in 2020 to help fill significant gaps in the federal Families First Coronavirus Response Act (FFCRA), including the federal law’s exclusion of those employed for businesses with 500 or more employees.

The FFCRA and Santa Rosa ordinance together provided critical support and protections to workers across the City, with Santa Rosa ensuring that employers of all sizes were held to a similar standard. Unfortunately, the FFCRA’s paid leave provisions—as enacted by Congress in March 2020—were temporary, and they sunset on December 31, 2020. Similarly, Santa Rosa’s ordinance also expired on December 31, 2020, as did California’s narrower statewide COVID-19 emergency sick leave law, AB 1687. Therefore, workers in Santa Rosa have a critical need for Santa Rosa to renew and expand its emergency COVID-19 sick leave law.

At the end of December 2020, Congress enacted another COVID-19 relief package, but it did not extend the FFCRA’s paid leave requirements. Instead, the package extended the FFCRA’s tax credits (for both employers who were covered by the FFCRA—with fewer than 500 employees—and self-employed individuals) until March 31, 2021; while tax credits remain available, the COVID-19 relief measure did not extend employees’ right to take paid leave from work under the law. **Although employers with fewer than 500 employees are no longer required by federal law to provide paid leave for the COVID-19 purposes in the FFCRA, they can get a tax credit to cover costs if they do provide paid leave for those covered purposes.**

Given the fact that the FFCRA’s paid sick leave requirement for businesses with fewer than 500 employees has sunset—with the exception of the tax credit for covered employers who provide paid leave for COVID-19 purposes—it is imperative that Santa Rosa step in to protect workers and public health in the City. Moreover, there is an urgent need to guarantee paid sick leave for COVID-19 to employees regardless of business size, given the absence of any federal COVID-19 paid sick leave requirement and the expiration of both California’s AB-1867 and Santa Rosa’s emergency sick leave ordinance.

The City of San Jose provides a helpful example for Santa Rosa regarding the steps that can be taken to protect workers given changes in state and federal law. San Jose’s City Council recently extended and expanded the city’s COVID-19 paid leave law, and they took three key steps that we urge Santa Rosa to adopt as well:

- 1) **Coverage Regardless of Employer Size:** San Jose’s ordinance now covers employers regardless of business size, a clear response to the sunsetting of the FFCRA’s COVID-19 paid sick leave requirement for employers with fewer than 500 employees.
- 2) **Extending Coverage to At Least June 30, 2021, Given the Ongoing Pandemic:** San Jose extended its COVID-19 sick leave ordinance to June 30, 2021. We urge Santa Rosa to extend its COVID-19 sick leave ordinance to June 30, 2021, or the termination of the declared COVID-19 public health emergency, whichever is later; and



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3) **Retroactive Coverage to January 1, 2021**: San Jose also took the important step of providing COVID-19 paid sick leave retroactive to January 1, 2021, to eliminate any gaps in coverage prior to its enactment. With paid sick leave surging across California, and cases and hospitalizations rising this month throughout Sonoma County and the North Bay, we urge the City Council to provide retroactive protection to workers in the City who have needed—or currently need—to take sick leave for COVID-19 and have not received COVID-19 emergency paid sick leave under city, state, or federal law since December. Without retroactive coverage, workers who took unpaid leave from work for covered COVID-19 purposes after December 31, 2020 will very likely have no right to receive pay for such leave until an extension of Santa Rosa’s ordinance takes effect. Therefore, retroactive coverage is essential to ensure that workers who have taken sick leave for COVID-19 purposes in January 2021—during a month of widespread and growing COVID-19 cases—are entitled to pay.

As the City Council continues to consider its next steps on COVID-19 paid sick leave, we urge the City to renew and expand its COVID-19 sick leave law and adopt the three components from San Jose’s ordinance described above.

**To Ensure Workers Learn of Their Sick Leave Rights, Any City Sick Leave Ordinance Should Require Written Notice to Employees and Posting of Employee Rights, with the City Providing Employers With Model Notices and Posters**

We urge the City to ensure that any new COVID-19 paid sick leave law include both strong written notice and posting requirements, to ensure that workers learn of—and understand—their rights to sick leave. Employers should be required to provide written notice to employees of their sick leave rights in English, Spanish, and any language spoken by at least 10% of the employer’s employees—a standard that is common throughout sick leave laws and other labor protections, such as Santa Rosa’s Minimum Wage Law. Workers are most likely to learn of their workplace rights at work, and written notice is the most effective way to ensure workers receive notice and understand their rights.

Furthermore, employers should be required to post a notice of employee rights in at least English and Spanish in establishments where individuals are employed or, for workers who telework, in an app- or web-based platform. To support employers and help them meet their notice and posting obligations, the City should also be directed to provide model notices and model posters to employers, as well as to provide translation into Spanish and other languages as determined by the City.

**In The Uncertain Event That the State or Federal Government Passes New COVID-19 Sick Leave Legislation, The Ordinance Can Affirm That Local Paid Sick Leave Would Run Concurrently**

It remains uncertain whether COVID-19 paid sick leave requirements will be renewed at the state or federal level, and if so, how long any such renewals would take to move through the political process. As a result, there is an urgent need for Santa Rosa to take action given the widespread nature of the pandemic and the ongoing threat to worker health, safety, and well-being. However, Santa Rosa’s ordinance can make it clear that the local requirement runs concurrently with any future, overlapping



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state or federal COVID-19 sick leave law and employers would only have to comply with the local requirement to the extent it exceeds a state or federal floor. For example, legislation could state: "To the extent that federal or state law requires employers to provide paid leave or paid sick time related to COVID-19, employers may substitute leave under the federal or state law for its obligations under this ordinance to the extent they coincide and the relevant federal or state law permits such concurrent use of paid leave; provided, however, that employers shall be required to provide additional paid sick leave under this Act to the extent that the requirements of this Act exceed the requirements of those laws." Similar language has been included in many COVID-19 sick leave laws.

### *Conclusion*

In conclusion, if the Santa Rosa City Council extends and expands upon its prior COVID-19 paid sick leave ordinance, the City will reduce contagion in the workplace and community, level the playing field for workers and businesses, and provide essential protections to workers who are struggling to stay safe and financially secure during the pandemic. Please do not hesitate to reach out to A Better Balance at [jmake@abetterbalance.org](mailto:jmake@abetterbalance.org) if you have any questions or if additional information or research can be helpful. Thank you so much for your consideration and work on this important issue.

January 26, 2021

The Honorable Chris Rogers Mayor, Santa Rosa City  
Council City of Santa Rosa  
City Hall  
100 Santa Rosa Ave  
Santa Rosa, CA  
95404

Subject: Item 3.2: Temporary Paid Sick Leave Amending and Extending

Dear Mayor Rogers and Members of the Santa Rosa City Council:

I am writing on behalf of Sonoma County's hospitals about the proposed extension of the City of Santa Rosa's emergency paid sick leave ordinance.

When the ordinance was passed in July, local hospitals expressed concern to an additional regulation that would be duplicative of already generous benefits in place for employees at a time when our state was going through its worst COVID surge (to date). We are now in the throes of a surge that dwarfs this past summer's, while struggling with extreme healthcare staffing shortages.

It important to note that we are in a different place than we were when the City's original ordinance was passed, a time where a decision had to be made without time for research. We now know that hospitals have made countless accommodations for employees, have supplied and do supply paid leave to maintain the safety of staff and the community, and are dealing with unprecedented levels of regulatory changes (sometimes hourly). Other cities have exempted healthcare workers from their leave ordinances for this very reason.

I am hopeful that you would agree that this is not a time to add unnecessary and duplicative regulations such as an extension. We respectfully ask you to consider the burden this will place on hospitals: hospitals who have steadfastly cared for our community through wildfire, earthquake, power outages, ever-growing financial strain, and now nearly a year of pandemic-related closures and new regulations. Through all the struggles our community has faced, local hospitals have met those challenges with unflinching care and support for patients *and* staff. Hospitals have already independently extended additional COVID leave and care benefits.

As you know, hospitals have taken unprecedented actions in response to the COVID-19 pandemic, and this trial is far from over. The health and safety of employees is of paramount importance as we strive to continue to provide excellent care to patients. As our hospitals continue to lead through this punishing pandemic and confusing vaccine rollout, we ask you for your help by not placing additional administrative burden on hospitals.

Should you have any questions, please do not hesitate to contact me at 415-259-8609.

Sincerely,



Meghan Hardin, FACHE  
Regional Vice President, North Bay