

## Manis, Dina

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**From:** DiMaio, Lisa <Lisa.DiMaio@stjoe.org> on behalf of Hedden, Tyler L <Tyler.Hedden@stjoe.org>  
**Sent:** Monday, July 6, 2020 5:16 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Please amend proposed emergency paid sick leave ordinance  
**Attachments:** City of Santa Rosa DRAFT Paid Leave Ordinance.pdf  
**Importance:** High

*\*\* Sent on behalf of Tyler Hedden, Chief Executive for St. Joseph Health Sonoma County \*\**

Dear Mayor Schwedhelm and members of the Santa Rosa City Council –

On behalf of Santa Rosa Memorial Hospital, please see the attached letter from the Hospital Council of Northern and Central California regarding Santa Rosa's proposed sick leave ordinance. Please consider this an endorsement of the Hospital Council's request to include a provision that fully exempts local healthcare providers.

Thank you for your consideration and should you have any questions, please let me know.

Sincerely,


Tyler Hedden, FACHE  
CHIEF EXECUTIVE

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[www.stjosephhealth.org](http://www.stjosephhealth.org)

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St. Joseph Health 

Santa Rosa Memorial • Petaluma Valley

July 3, 2020

The Honorable Tom Schwedhelm  
Mayor, Santa Rosa City Council  
City of Santa Rosa  
100 Santa Rosa Ave  
Santa Rosa, CA 95404

Subject: Hospital request for delay or amendment to proposed Paid Leave Ordinance DRAFT language

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

We are writing again on behalf of Santa Rosa's hospitals concerning the proposed emergency paid sick leave ordinance that is coming before the City Council on July 7<sup>th</sup>. We respectfully ask that you consider a delay or amendment, to consider unintended consequences that could hinder the ability of local hospitals to respond to a statewide surge in Covid-19 cases.

After reviewing the proposed language for the ordinance, which became available yesterday afternoon, we were surprised to see that it did not include an exemption for your local healthcare providers. Our reasons for this are as follows:

- The Families First Coronavirus Response Act, which is the foundation for the local ordinance you are considering, itself calls out, "Under the Act, special rules apply for Health Care Providers and Emergency Responders." See [https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave#\\_ftn2](https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave#_ftn2)
- The staff presentation highlights analysis done on similar ordinances enacted in the following jurisdictions, also with well-meaning intentions:
  - City and County of San Francisco
  - City of San Jose
  - City of Los Angeles
  - City of Oakland

***all of which include exemptions and/or exclusions for healthcare workers.*** There are more California cities that have enacted ordinances and, in each one (Sacramento, Long Beach) healthcare exemptions are also included.

- The Staff Report on the proposed ordinance includes the following, "it was decided to move forward expeditiously with the understanding it would take more time and resources than are currently available to further research and cull data on potential impacts to business." Further, it mentioned that, "A summary of the Act and key points of the draft ordinance was distributed to business groups including the Santa Rosa Chamber of Commerce, Downtown Action Organization, Sonoma County Alliance and Los Cien, as well as other business groups." While we appreciate the need for a compressed timeline, we see no mention of hospitals or other healthcare providers, key local partners that are both heavily impacted by, and most responsible for, addressing the healthcare

aspects of addressing and curbing the Covid-19 pandemic.

- The authority for the URGENCY ORDINANCE that is being proposed is as follows: "Section 8 of the City Charter authorizes adoption of an Interim urgency ordinance, to take effect immediately upon passage, when deemed necessary by the Council to preserve the public peace, health or safety." While we appreciate the desire to protect certain workers, and the constrained resources of City Staff during this time, if outreach to local hospitals had been considered, we can assure you Staff would have heard clear and unanimous evidence that the proposed ordinance will not preserve, but rather threaten, public safety.

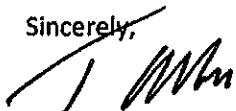
The reasons that the Federal and every other local paid leave action includes healthcare exemptions are clear to us who have the responsibility for responding to this unprecedented pandemic. Our resources are stretched, at best, and our need to respond to surges is complex and challenging. In these unprecedented times, many state and federal agencies have suspended regulation out of a recognition that healthcare providers are operating well outside of normal challenges and boundaries. All recognize that this is not a time to be adding regulation for anything beyond those for such immediate needs involving infection control such as masking and PPE.

Hospitals have long maintained generous compensation and benefits to retain our valuable workforce, including robust paid time off and sick leave policies to provide financial support. If a hospital or clinic employee is ill, we have and will encourage them to stay home and recuperate, which is the desired practice at the very heart of the Families First Coronavirus Response Act. When and where Covid-19 will surge is still unpredictable and preserving the free movement of staff is key. Your local hospitals may need to move staff in to or out of the area to respond to a surge in Santa Rosa or elsewhere so that they can treat or limit the spread of Covid-19 in Santa Rosa. Having one jurisdiction with unique paid leave policies, which is what will occur here with the proposed ordinance, will complicate that effort at a critical time when unnecessary complication needs to be reduced whenever and wherever possible. Further, three bills are currently before the State Legislature on this very issue, which could potentially add to the complexity of synching their regulations with those in the proposed ordinance.

We appreciate the City's efforts to protect essential workers and, that said, respectfully ask that you delay action or amend the proposed language to include the impact on Santa Rosa's hospitals. We would be happy to convene hospital leaders for a meeting with Members of the City Council or the City Attorney to detail local impacts. If you do choose to move forward, we ask that you include an exemption for healthcare workers similar to what was adopted by the City of Oakland, and is amenable to all Santa Rosa hospitals, which is included at the end of this letter. We have also provided that language earlier this week to the City Attorney's office in a previous letter that was emailed.

Thank you for considering our request, which will help us in our shared fight against the spread of Covid-19. We would hope you would not pass an ordinance, even in justified haste, without considering the perspective of those most impacted.

Sincerely,



T Abraham  
Regional Vice President  
Hospital Council Northern & Central California



Bryan Bucklew  
President & CEO  
Hospital Council Northern & Central California

Cc:

Dick Dowd, Council Member  
Victoria Fleming, Vice Mayor  
Ernesto Olivares, Council Member  
Chris Rogers, Council Member  
John Sawyer, Council Member  
Jack Tibbets, Council Member  
Sue A. Gallagher, City Attorney

City of Oakland exemption language:

**5.94.090 - Exemptions.**

- A. Employers of Employees who are health care providers or emergency responders, as defined by 29 CFR 826.30(c), may elect exemption from the requirements of this Chapter. Such an election made by an Employer shall comply with the regulations referenced in Section 5111(1) of the Federal Act.
- a. Any Employer who elects an exemption under this Section shall retain information describing the Employee classifications exempted, from which locations, and from which provisions of this Chapter such Employee classifications are exempted for three (3) years from the date the exemption was elected.
  - b. Any Employer who elects an exemption under this Section shall document which Employee classifications are not exempt and ensure that Employees in non-exempt classifications are provided adequate notice of their right to Emergency Paid Sick Leave consistent with Section 5.94.140 of this Chapter.

## Manis, Dina

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**From:** Katie Hansen <khansen@calrest.org>  
**Sent:** Monday, July 6, 2020 6:11 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] CRA Emergency Paid Sick Leave Letter  
**Attachments:** Santa Rosa Emergency Paid Sick Leave Letter.pdf

Good Evening Mayor and City Councilmembers,

Oh behalf of the California Restaurant Association, I would like to respectfully submit our letter of opposition to the proposed Emergency Paid Sick Leave ordinance docketed for the July 7, 2020 City Council meeting.

Governor Gavin Newsom issued an Executive Order on April 16, 2020 requiring food sector industry employers with 500 or more employees to provide two weeks of paid sick leave to employees impacted by the COVID-19 pandemic. The purpose of this Executive Order was to fill in the gap left by federal relief that had provided similar paid leave benefits for employers with fewer than 500 employees.

Restaurants in Santa Rosa with more than 500 employees are already required to provide two weeks of paid sick leave to employees impacted by the COVID-19 pandemic. The proposed emergency ordinance is a duplicative measure and restaurants should be excluded from the ordinance as they are already covered by the Governor's Executive Order.

Please feel free to let me know if you have any questions.

Thank you,  
Katie Hansen

Katie Hansen  
Senior Legislative Director  
California Restaurant Association  
621 Capitol Mall, Suite 2000  
Sacramento, CA 95814  
T: 800.765.4842/ 916.431.2773  
F: 916.447.6182  
E: [khansen@calrest.org](mailto:khansen@calrest.org)  
[www.calrest.org](http://www.calrest.org)

**We're here for you.**

**Visit our [website](http://www.calrest.org) for all you need to know about COVID-19.**



**While all information released by the California Restaurant Association (CRA) is intended to provide accurate information on the subject covered, the CRA does not provide legal advice and any information provided by the CRA shall not constitute legal advice. You are encouraged to consult your attorney, accountant, or other appropriate professional, as needed.**

Confidentiality note:

This electronic message transmission contains information from the California Restaurant Association which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

If you have received this electronic transmission in error, please immediately notify us by telephone at 800.765.4842.



July 6, 2020

Mayor Tom Schwedhelm and City Councilmembers  
City of Santa Rosa  
100 Santa Rosa Avenue  
Santa Rosa, CA 95404

Re: Emergency Paid Sick Leave Ordinance

Dear Mayor Schwedhelm and City Councilmembers,

To address the COVID-19 public health threat- aggressive, necessary steps to protect the public health and safety have been taken. Unfortunately, the trade-off for these protective public health measures has been a near decimation of the restaurant community due to the government ordered closure of most restaurant operations.

Now, with the prospect of even more government mandated shutdowns of operations in the near future- we must oppose the additional economic pressures being proposed.

We simply cannot handle the proposed mandate for additional, localized emergency paid sick leave. The federal government and California already have requirements for emergency paid sick leave programs in place. Creating any new additional program at the local level would be a costly burden for restaurants already struggling with economic survival in the face of the government mandated closure of most restaurant operations.

Congress passed, and the President signed into law the Emergency Paid Sick Leave Act which creates new emergency paid sick leave obligations for Santa Rosa employers in response to the coronavirus.

The Act applies to employers with fewer than 500 employees and an employee is immediately eligible for this leave. Full time employees are provided with 80 hours of paid leave and part time employees a two-week average of paid sick leave, on top of any other existing paid leave program, to quarantine or seek a diagnosis or preventative care for COVID-19. If the employee is absent to care for a sick family member or a child unable to attend school, they are compensated at two-thirds of the rate they would otherwise receive. Employers will receive a 100% tax credit for all wages that are paid.

Governor Gavin Newsom issued an Executive Order on April 16, 2020 requiring food sector industry employers with 500 or more employees to provide two weeks of paid sick leave to employees impacted by the COVID-19 pandemic. The purpose of this Executive Order was to fill in the gap left by federal relief that had provided similar paid leave benefits for employers with fewer than 500 employees.

These two policies combined- address the restaurant workforce and paid sick leave issue in the midst of the COVID-19 public health crisis.

Additional layers of law in this area for restaurants should be avoided as there are public health protective policies on the books. We ask that the restaurant community be removed from this policy consideration.

In June, restaurants in Sonoma County were finally allowed to reopen their indoor dining rooms, but the financial devastation remains. As restaurants are slowly rebuilding their businesses, we would like to work with you on ways we can collectively take equally aggressive steps to address the economic harm caused by these measures. At a bare minimum, we ask for a "do no harm" approach to allow restaurants the ability to recover from this public health and economic crisis.

For these reasons, we must express our opposition to the proposed emergency ordinance. Please feel free to contact me with any questions at (916) 431-2773 or [khansen@calrest.org](mailto:khansen@calrest.org).

Sincerely,



Katie Hansen  
Senior Legislative Director  
California Restaurant Association





**Manis, Dina**

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**Sent:** Monday, July 6, 2020 6:11 PM  
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Please feel free to let me know if you have any questions.

Thank you,  
Katie Hansen

Katie Hansen  
Senior Legislative Director  
California Restaurant Association  
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Sacramento, CA 95814  
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**We're here for you.**  
**Visit our website for all you need to know about COVID-19.**



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**Manis, Dina**

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**From:** rita minkin <rita.minkin@comcast.net>  
**Sent:** Monday, July 6, 2020 6:50 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Item 14.1 on the agenda- Report on Temporary Sick Leave Requirements

Please help protect the health of our community by passing this ordinance

The CARES act didn't go far enough- it exempted some key groups of employees

- a. Here are groups that should be included:
- b. Employees of businesses 500 or more employees, which includes franchises located within Santa Rosa City limits if the owner/employer has more than 500 employees nationally.
- c. Healthcare workers which removes discretion from employer as provided

Rita Minkin

354 Raven Ct,  
Healdsburg, Ca 95448  
Healdsburg

## Manis, Dina

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**From:** Kim Caldewey <kim-swim@hotmail.com>  
**Sent:** Monday, July 6, 2020 8:41 PM  
**To:** Schwedhelm, Tom; Fleming, Victoria; Tibbetts, Jack; Rogers, Chris; Olivares, Ernesto; Sawyer, John; Dowd, Richard; \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Paid Sick Leave for All!

Good evening,

For 20 years I have worked for the County Public Health Division of the Dept of Health Services.

Economic prosperity is a right for all, and is a key factor in preventing chronic illnesses such as hypertension, diabetes and heart disease. Connecting the dots from food scarcity, inadequate/unstable housing, exposure to environmental hazards, lack of health insurance and the toxic stress of worry to poor health outcomes and increased risk of severe consequences of COVID-19 is based on local and national data.

Sonoma County residents are sickening at the highest ever rate from COVID-19, with Latinos disproportionately affected, at a rate of 1 to 4 for whites and Latinos respectively.

Paid sick leave is the least we can offer to workers who have remained on their jobs while the most fortunate were able to stay home, stay safe and stay employed. Others have lost their jobs and their health insurance. We can't stop the spread of the pandemic if we can't pay workers to stay home when they need to isolate or quarantine.

I urge each of you to vigorously support paid sick leave for all workers in Santa Rosa. It's the responsible thing to do.

Sincerely,

Kim Caldewey, MPH  
Physician Assistant

Kim Caldewey

## Manis, Dina

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**From:** Larry Ligouri <lligouri@nuhw.org>  
**Sent:** Tuesday, July 7, 2020 1:09 PM  
**To:** Schwedhelm, Tom; Fleming, Victoria; Rogers, Chris; Tibbetts, Jack; Sawyer, John; Olivares, Ernesto; Dowd, Richard; \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Support Paid Sick Time for All Workers!



Mayor Schwedhelm  
Vice Mayor Fleming  
Councilmember Rogers  
Councilmember Tibbetts  
Councilmember Sawyer  
Councilmember Olivares  
Councilmember Dowd

Greetings, hope this finds you all staying safe and healthy!

As a 30-year resident of Santa Rosa and representative of more than 750 frontline healthcare workers at Santa Rosa Memorial Hospital, I strongly urge you to support paid sick leave for all workers.

Regardless of what you may be hearing from hospital management, here are the facts:

- Santa Rosa Memorial Hospital has reported more than \$200 million in operating profits over the last three years, with \$72.8 million in FY 2019 alone
- Providence, which operates Memorial, is sitting on nearly \$12 billion in cash reserves, per the NYT, and has already received \$509 million in government bailout funds
- The average operating profit margin for a non-profit hospital is around 2%, and Santa Rosa Memorial was at 11.62% for FY 2019

Employers like Providence still refuse to provide paid sick leave for all of their workers, even though they're putting their own health and families safety on the line to continue caring for our community. When caregivers have to decide between staying home without pay to care for themselves or their loved ones and going to work to meet their basic needs, that hurts all of us - patients, caregivers and community health.

Whether it's devastating wildfires, mandatory evacuations or a global pandemic, our members proudly care for this community and our elected leaders need to care for them since employers driven by corporate greed won't.

I wish I had more time to include personal stories of how our caregivers are struggling without this basic protection, but I'm more than happy to discuss further or arrange a meeting if you'd like to talk with some of them directly.

I urge you to stand with the caregivers that care for our community and support paid sick leave for all workers. Thank you!

LL

**LARRY LIGOURI**

Union Representative | Organizer  
National Union of Healthcare Workers  
lligouri@nuhw.org | (707) 484-4105  
pronouns: he | him | his

*"You cannot oppress the people who are not afraid anymore." ~ Cesar Chavez*

## Manis, Dina

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**From:** christine hoex <choex@sbcglobal.net>  
**Sent:** Tuesday, July 7, 2020 1:24 PM  
**To:** Dowd, Richard; Fleming, Victoria; Olivares, Ernesto; Sawyer, John; Schwedhelm, Tom; Tibbetts, Jack; Rogers, Chris  
**Cc:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Paid sick leave.

Dear City Council Members,

At todays council meeting please vote to pass the emergency paid sick leave. We need this to help stem the tide of new cases of covid 19, slow down the rate of infection and get this virus back under control. Every time someone makes a choice to work when they might be infected with Covid19, puts us all at risk. The negative economics of paid sick leave are balanced by the economics of a longer tighter shutdown of business. People who do stay home from work without paid sick leave risk financial setbacks that can lead to loss of housing or other necessities. This comes back to be a burden on city resources. We need emergency paid sick leave now for any workers that are not covered under other plans.

Thank you for considering this, and for all the difficult decisions you make in these challenging times,  
Respectfully,  
Christine Hoex

**Manis, Dina**

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**From:** Pat Sabo <chair@sonomademocrats.org>  
**Sent:** Tuesday, July 7, 2020 3:01 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] temporary paid sick leave

Statement to Santa Rosa City Council  
RE: Support for Paid Sick Leave  
7/7/20 AGENDA ITEM 14.1  
From: Sonoma County Democratic Party

[citycouncil@srcity.org](mailto:citycouncil@srcity.org)

Dear Councilmembers:

The Sonoma County Democratic Party is writing in support of staff recommendations to adopt temporary sick leave.

From the staff report, "It is recommended that the council adopt an urgency ordinance adding Chapter 10-47 to the Santa Rosa City Code to establish temporary sick leave requirements for certain private employers, which will sunset on December 31, 2020.

The SCDP is urging the Santa Rosa City Council vote in support of the "temporary paid sick leave" recommendation.

Signed:

Pat Sabo  
Chair, Sonoma County Democratic Party



**Manis, Dina**

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**From:** Tony White <newanga0@gmail.com>  
**Sent:** Tuesday, July 7, 2020 3:40 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Emergency Ordinance to protect workers

Members of the Santa Rosa City Council,

Let me thank you for your steadfast service during these very difficult and stressful times.

As you are aware, these conditions are particularly difficult for low-income workers, facing eviction and unpaid bills or time to take care of their children and parents.

They should not have to be faced with the options of going to work and being exposed to the virus or taking care of family members. Without this, they might infect their fellow workers or customers or neglect family and self.

In view of this, I encourage your support for **an emergency ordinance that would give workers 10 PAID SICK DAYS for any who are directly or indirectly affected by the COVID-19 pandemic.**

**Thank you,**

**Tony White**

## Manis, Dina

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**From:** Jenni Silverstein <jennisilverstein13@gmail.com>  
**Sent:** Tuesday, July 7, 2020 4:22 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] Paid sick leave

Hello

I am a mental health provider and trauma specialist here in Sonoma County with my office in Santa Rosa. As Covid numbers rapidly grow in this county, it is imperative that the city close the loophole preventing some of our community members from accessing the federally or state mandated paid sick leave programs. No one should have to choose between their livelihood and staying home when ill to prevent Covid spread in the community. Any one person with Covid forced to go to work to keep a roof over their heads and their family fed is a risk to us all. Please act rapidly and responsibly to rectify this matter.

Thank you,  
Jenni Silverstein, LCSW

## Manis, Dina

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**From:** Mary Sandberg <Mary.Sandberg@seiu1021.org>  
**Sent:** Tuesday, July 7, 2020 7:06 PM  
**To:** \_CityCouncilListPublic  
**Subject:** [EXTERNAL] public comment on agenda item 14.1

**Importance:** High

Hi My name is Mary Sandberg, And I would like to comment on item 14.1 on the agenda. Due to significant delay in the meeting, I was not able to stay on the full meeting. I am writing in support of the emergency paid sick leave ordinance.

Because Federal legislation will not cover employers above 500 employees nor will it cover childcare for employers below 50 employees, this leaves 75 percent of the workforce is potentially excluded from a protection that was seen as important to pass. This gaping loophole doesn't make any sense, in terms of how this disease spreads. It doesn't recognize employer size.

Emergency paid sick leave for all is essential for public safety. Workers employed by firms providing essential services (such as grocery, pharmacy, retail, home care, and health care) who work while sick may infect customers, patients, and their fellow workers with the virus or other illnesses;

For example, the CDC reports that one in five food service workers report for work when sick. To prevent this and the continued spread of illness, these workers need access to paid sick time, without fear of retribution for taking the time off when needed. We know from our own county data that part of the reason for spread is clusters of infections happening at worksites.

So this emergency Paid sick is cost-effective. Without this ability to take time away from work without losing pay, it is plain to see that the city will continue to see rising COVID infections, and increasing means of transmission, which hampers our ability to reopen businesses, keep business open, and open new segments of our economy. I look to our elected leaders on this council to protect our community, the public health, and those workers who provide our essential services. What made sense for employers from 50-500, makes sense for all employers.

I urge our city council to address this gaping hole for the safety of the public, the health of workers, and our communities economic vitality. This is simply good public policy in an extraordinary time.

Mary Sandberg