



**COVID RELATED
TEMPORARY SICK LEAVE
STUDY SESSION**

CITY COUNCIL | JANUARY 12, 2021

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Community Development & Engagement Portfolio

BACKGROUND: Emergency Paid Sick Leave Act

Time Period of Act

- April 1 – December 31, 2020

Coverage

- Employers with up to 500 employees to provide paid sick leave for employees who:
 1. Are subject to a Federal, State or local quarantine or isolation order
 2. Have been advised to self-quarantine by a health care provider
 3. Are experiencing COVID-19 symptoms and is seeking medical diagnosis
 4. Are caring for an individual subject to an order described in (1) or (2)
 5. Are caring for a child whose school or place of care is closed due to COVID-19



BACKGROUND: Emergency Paid Sick Leave Act

Benefit

- 80 hours of paid leave
pro rata for part time employees

Compensation

- Employee caring for self:
\$511/day up to \$5,110 max
- Employee caring for someone else, including child:
highest rate at either 2/3 regular rate or 2/3 applicable minimum wage up
to \$200/day up to \$2,000 max



BACKGROUND: SR Ordinance ORD-2020-006

Time Period of Ordinance: July 7 – December 31, 2020

Local Provisions

- Applicable for employers covered by EPSLA, and:
 1. Employers with 500 or more employees
 2. Employers of healthcare providers and emergency responders
 3. Removes the \$2,000 cap and 2/3 of salary limitation for child care and/or caring for another person for COVID reasons; creates one benefits cap of \$510/day/employee up to \$5,110
 4. Allows employers an offset for COVID related leave already given
 5. Would be enforced by an employee bringing an action in Superior Court

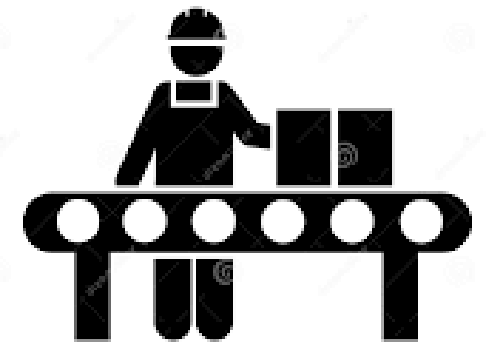
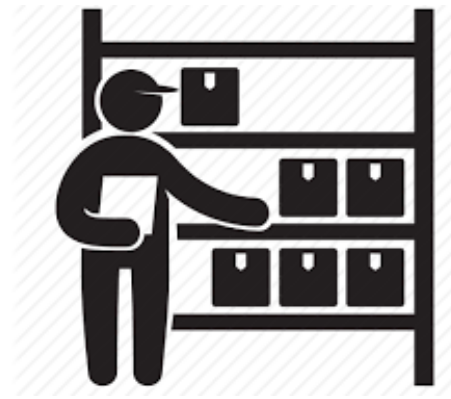


DATA

Employee Use: unknown

Employer
Compliance: unknown

Employer
Impacts: unknown



STATE & FEDERAL LAWS: Expired 12/31/20



Families First Coronavirus Response Act:

- Emergency Paid Family and Medical Leave
- Emergency Paid Sick Leave



- CA Supplemental Paid Sick Leave (AB 1867)
 - Signed 9/9/2020
 - Expired 12/31/2020
 - Provided supplemental paid sick leave to certain employees not covered by FFCRA



STATE & FEDERAL LAWS: Ongoing & New



- EPSLA Tax Credit
 - For FFCRA covered employers
 - Available through 3/31/21



- CA Paid Family Leave
- CA Paid Sick Leave
- Cal/OSHA Emergency Regulations
 - Keeps employees in paid status
 - Work related COVID exposure
 - No time cap



RE-ADOPTION ANALYSIS: ORD-2020-006

Expiration Date: at discretion of Council

Continues Local Provisions Only:

1. Employers with 500 or more employees
2. Employers of healthcare providers and emergency responders
3. One benefits cap of \$510/day/employee up to \$5,110
4. Employer offset allowed for COVID related leave already given
5. Enforced by an employee bringing an action in Superior Court



EXPANSION ANALYSIS: ORD-2020-006

Considerations for Inclusion:

1. Expiration date
2. Employers with less than 500 employees
3. Employers of healthcare providers and emergency responders
4. City of Santa Rosa
5. Hardship exemption for businesses with less than 50 employees
6. New leave bank for employees
7. Continued elimination of lower pay cap
8. Federal tax credit only applicable for EPSLA covered employees



COUNCIL MEETING REQUIREMENTS

Urgency Ordinance:

- 5 affirmative votes required
- 1 week lead time prior to meeting date
(for staff to craft the ordinance)
- Takes effect immediately if it is an ordinance for the immediate preservation of public peace, health or safety, and contains a declaration of the facts constituting the urgency.



OTHER JURISDICTIONS



INPUT & OUTREACH

Outreach

- Study session announcement email sent to business organizations including Santa Rosa Metro Chamber, Downtown Action Organization, Sonoma County Alliance, Los Cien, Hispanic Chamber of Commerce, Sonoma County Go Local, North Coast Builder's Exchange, Western Builders Association



RECOMMENDATION

It is recommended that the Council consider whether to re-adopt and/or expand Ordinance ORD-2020-006 which added Chapter 10-47 to the Santa Rosa City Code to establish temporary sick leave requirements related to COVID-19 for certain private employers, and had a sunset date of December 31, 2020.

