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County of El Dorado

Legislation Details (With Text)

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Title:	Chief Administrative Office recommending the Board rescind Board Resolution 054-2020 (March 17, 2020) related to the coronavirus pandemic and the County's response to it. FUNDING: N/A		
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Date	Ver.	Action By	Action	Result
4/6/2021	1	Board of Supervisors	Approved	Pass

Chief Administrative Office recommending the Board rescind Board Resolution 054-2020 (March 17, 2020) related to the coronavirus pandemic and the County's response to it.

FUNDING: N/A

DISCUSSION / BACKGROUND

On March 17, 2020, amid the health emergency arising from the nascent coronavirus pandemic, the Board of Supervisors adopted Resolution 054-2020, which addressed the County's response to the pandemic in four ways:

1) The Board declared an emergency pursuant to Government Code Section 3504.5, necessitating the immediate adoption of a resolution in response to the emergency prior to meet-and-confer with affected bargaining units.
2) The Resolution enacted temporary modifications to rules regarding County employee leave accruals, specifically by temporarily allowing County employees to accrue negative balances of up to 80 hours of leave.
3) The Resolution directed the Director of Human Resources to meet and confer with the County's bargaining units to develop guidelines for the recovery of negative sick leave and vacation leave balances advanced to employees.
4) The Resolution authorized the Chief Administrative Officer to make exceptions to Board of Supervisors policies as necessary to support the County's response to the emergency or to provide for the continued operation of the County government. The Resolution specified that such exceptions were to be reported to the Board of Supervisors within 30 days, and that this authority would continue until terminated by the Board of Supervisors.

Since the adoption of Resolution 054-2020, the Chief Administrative Officer has exercised his

temporary authority to make exceptions to Board policy only twice:

1) On April 7, 2020, the CAO relaxed certain conditions attached to telework, including the need for fire extinguishers, carbon monoxide detectors and ergonomically designed furniture in the employee's remote workspace.
2) On June 11, 2020, the CAO waived the minimum requirements to promote employees to two Deputy Probation Officer classifications. Due to the pandemic, CORE training programs normally required for promotion were postponed indefinitely, and the California Board of State and Community Corrections determined the COVID-19 pandemic to be a mitigating circumstance, and that agencies would not be out of compliance with training standards.

As the effects of the coronavirus pandemic are diminishing, and because the CAO has made exceptions to Board policies so rarely, it is appropriate for the Board to return to itself its policy-oversight authority.

Regarding the remaining portions of the Resolution, Section 1 is no longer necessary given the ongoing nature of the emergency. And Sections 2 and 3 were rendered moot by recent state legislation addressing COVID-19-related employee leave.

On March 19, 2021, Governor Gavin Newsom signed into law Senate Bill 95 (SB 95), which imposed significant new obligations on employers related to the provision of paid leave to employees for reasons related to COVID-19 (referred to in the legislation as COVID-19 Supplemental Paid Sick Leave). The urgency legislation went into effect March 29, 2021. Significantly, SB 95's provisions regarding entitlement to COVID-19-related leave are retroactive to January 1, 2021, and effective through September 30, 2021.

Employers must extend COVID-19 Supplemental Paid Sick Leave to any employee who is unable to work or telework due to one of several qualifying reasons:

1. The employee is subject to a quarantine or isolation period related to COVID-19.
2. The employee has been advised by a 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. The employee is caring for a family member who is subject to a quarantine or isolation order or guidelines described above, or who has been advised to self-quarantine by a health care provider.
5. The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19 on the premises.
6. The employee is attending an appointment to receive a vaccine for protection against contracting COVID-19.
7. The employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework.

The improving nature of the pandemic has reduced the need for employee leave provided by duplicative programs or sources, so the Chief Administrative Office, after consultation with

Department Heads, believes the County's allowance of negative leave balances is no longer necessary.

ALTERNATIVES
The Board can leave intact the entirety of Resolution 054-2020, thereby continuing to allow negative leave accruals.

PRIOR BOARD ACTION
Legistar 20-0419 (March 17, 2020): Adoption of Resolution 054-2020.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
N/A

CAO RECOMMENDATION / COMMENTS
Chief Administrative Office recommends rescinding Resolution 054-2020.

FINANCIAL IMPACT
N/A

CLERK OF THE BOARD FOLLOW UP ACTIONS
Reference BOS Resolution 054-2020.

STRATEGIC PLAN COMPONENT
Good Governance

CONTACT
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