



To: Commissioners, First 5 Ventura County

From: Lauren Arzu, Director of Human Resources & Operations (On behalf of the Administration/Finance Committee)

Date: April 22, 2021

Re: Recommendation to Approve Policies and Procedures Related to COVID-19 Paid Sick Leave and Paid Family Leave

Background

In April 2020, and January 2021, the Commission approved policies and procedures to comply with the Families First Coronavirus Response Act (FFCRA) including the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The Act's paid leave requirements are **in addition** to an employees' preexisting leave entitlements. In March 2021, two laws were passed that offer a new round of paid leave entitlements - the federal American Rescue Plan (ARP) Act and California's SB 95, 2021 COVID-19 Supplemental Paid Sick Leave (CSPSL).

CSPSL offers 10 days of Paid Sick Leaves between January 1, 2021 and September 30, 2021. The ARP restarts the 10 day Paid Sick Leave allowance for COVID-19 as of April 1, 2021 through September 30, 2021. In addition to the eligible leave categories under the FFCRA policy, a new category was added to allow time off for employees that may need time to recover from the COVID-19 vaccine. The ARP also increases the maximum benefit to \$12,000 for qualified family leave and removes the two-week waiting period.

The ARP is voluntary, and the CSPSL is mandatory for employers with 25 or more employees, but both are important opportunities to support the health and well-being of our employees and demonstrate leadership as a family friendly employer during the pandemic.

The Commission's current COVID-19 paid leave benefits concluded March 31, 2021. The proposed new policy (see attached) resets benefits for the period of April 1, 2021 through September 30, 2021, aligning with ARP requirements. Between the two paid leave benefit policy periods, the Commission ensures compliance with the CSPSL. This proposed benefit was reviewed and approved by the Administration Finance Committee.

Recommendation

The staff recommendation is to provide new paid leave benefits for COVID-19 from April 1, 2021 through September 30, 2021 and approve the attached Policy and Procedures to comply with the ARP Act and CSPSL.



Policy & Procedures for COVID-19 Supplemental Paid Sick Leave and Extended Paid Family Leave

BACKGROUND

The American Rescue Plan Act (ARP or Act) included the Emergency Paid Sick Leave Act, which allows public employers and private employers with fewer than 500 employees to provide their employees with paid sick leave, and the Emergency Family and Medical Leave Expansion Act, which expanded family and medical leave for specified child care and vaccine reasons related to COVID-19. These provisions will apply from April 1, 2021 through September 30, 2021. According to the Department of Labor, the Act's paid leave requirements are in addition to an employees' preexisting leave entitlements.

POLICY:

PAID SICK LEAVE

In accordance with the requirements of the Emergency Paid Sick Leave Act, First 5 Ventura County (F5VC) will provide to all employees:

Two weeks (up to 80 hours*) of emergency paid sick leave at the employee's regular rate of pay if the employee is unable to work (and unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is experiencing symptoms related to receiving the COVID-19 vaccine;
5. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
6. is caring for a child (under 18 years of age) whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
7. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

*A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

EXPANDED FAMILY AND MEDICAL LEAVE

In accordance with the requirements of the Emergency Family and Medical Leave Expansion Act, First 5 Ventura County (F5VC) will provide to employees who have been employed* for at least 30 days:

- Up to 12 weeks of family and medical leave where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, or any of reasons provided in the FFCRA, or recovering from immunization.
 - The employee is entitled to be paid at two-thirds the employee's regular rate of pay, up to \$200 per day and \$12,000 in the aggregate.
- The expansion of family and medical leave rights only adds another covered basis for leave; it does not entitle any employee to more than 12 weeks of covered leave per year.

- The 30-day period for eligibility for leave for covered child care reasons is 30 calendar days immediately prior to the day leave would begin*.

F5VC may require an employee to submit documentation to support leave requests. To the extent permissible by the Act, F5VC may allow intermittent use of paid sick leave or expanded paid family leave. An employee may elect to substitute or supplement any pre-existing accrued vacation leave, personal leave, or medical or sick leave for partial paid leave up to their normal earnings. F5VC will continue to provide health care coverage for enrolled employees during the period of leave.

Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

F5VC will not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the ARP and files a complaint or institutes a proceeding under or related to the ARP.

PROCEDURES:

Employees that are unable to work or telework due to COVID-19 as defined in the Policy above may request leave. For the purposes of this COVID paid sick leave and expanded paid family leave, the following definitions apply:

- Child means a “son or daughter” is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.
- Individual means an individual who, as a result of being subject to a quarantine or isolation order, is unable to care for him or herself and depends on you for care and if providing care prevents you from working and from teleworking. Such an individual includes an immediate family member or someone who regularly resides in your home. You may also take paid sick leave to care for someone if your relationship creates an expectation that you would care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine. You may only take paid sick leave to care for an individual who genuinely needs your care. You may not take paid sick leave to care for someone with whom you have no relationship. Nor can you take paid sick leave to care for someone who does not expect or depend on your care during his or her quarantine or self-quarantine.

To request leave:

1. Complete the “2021 Request for COVID Leave Form” and submit to your Supervisor.
2. Along with your request form, provide documentation that supports your need for leave, e.g., local executive orders, school/child care closure notice.
3. When completing your timesheet, use the following codes:
 - a. C03 for COVID-03 for COVID-related paid sick leave
 - b. C15 for COVID-15 for expanded paid family leave

*NfL staff who transferred from ICFS to F5VC have satisfied the 30-day employment period.