



**To:** Commissioners, First 5 Ventura County

**From:** Lauren Arzu, Director of Human Resources & Operations (on behalf of the Administration and Finance Committee)

**Date:** October 21, 2021

**Re: Recommendation to Extend Policies and Procedures Related to COVID-19 Paid Sick Leave**

---

### **Background**

The Commission has complied with all mandatory and voluntary coronavirus related paid leave entitlements. Staff members have used this leave sparingly. On September 30, 2021, California's 2021 COVID-19 Supplemental Paid Sick Leave (CSPSL) expired.

CSPSL offered 10 days (up to 80 hours) of Paid Sick Leave between January 1, 2021 and September 30, 2021. Staff could use this leave if they were unable to work because they had to quarantine, had symptoms due to the vaccine, or were caring for a child whose school or child care was closed.

Many F5VC staff are working in-person with children who cannot be vaccinated; most of these children are also too young to wear masks. Voluntarily extending the CSPSL is an important opportunity to support the health and well-being of our employees and demonstrate leadership as a family friendly employer during the pandemic. Particularly new employees have little to no sick time accrued, and would be required to take unpaid leave if they tested positive for coronavirus.

The proposed updated policy extends sick leave benefits for the period of September 30, 2021 through June 30, 2022. Existing employees COVID-19 balances would be available through 6/30/2022 and new employees would begin with two weeks of available COVID-19 paid sick leave.

Staff does not recommend extending the Expanded Family and Medical Leave benefit, which only covered employees who needed to care for a child whose school or child care was closed for more than two weeks.

This recommendation has been reviewed and approved by the Administration Finance Committee.

### **Recommendation**

The staff recommendation is to extend paid sick leave benefits for COVID-19 through June 30, 2022 and approve the attached updated Policy and Procedures.



Approved 4/22/2021  
Proposed 10/21/2022

## 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 allow~~ed~~s 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~~applied 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. First 5 Ventura County will voluntarily extend COVID-19 related paid sick leave through June 30, 2022. Employees are not entitled to reimbursement of unused leave upon termination, resignation, retirement, or other separation from employment.

### 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.~~