



# TEMPORARY SICK LEAVE REQUIREMENTS

## COVID RELATED URGENCY ORDINANCE

**CITY COUNCIL | JUNE 30, 2020**

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# BACKGROUND

## **Federal Emergency Paid Sick Leave Act – COVID-19**

- Part of the Families First Coronavirus Response Act (FFCRA)
- Mandates certain employers (generally employers with <500 employees) to provide paid sick leave time for COVID related reasons if the employee:
  1. Is subject to a Federal, State or local quarantine or isolation order
  2. Has been advised to self-quarantine by a health care provider
  3. Is experiencing COVID-19 symptoms and is seeking medical diagnosis
  4. Is caring for an individual subject to an order described in (1) or (2)
  5. Is caring for a child whose school or place of care is closed due to COVID-19



# BACKGROUND, cont.

## **Time**

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

## **Compensation**

- Employee caring for self: highest rate at either regular rate or applicable minimum wage up to \$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



# ANALYSIS



# ANALYSIS



## **Adopted in May (*expires December 31, 2020*)**

- Applies to all employers, including those subject to the Federal Act, except as follows:
  - Exempts government employers
  - Exempts “small” employers ( $\leq 50$  employees)
  - Allows for optional coverage for health care providers and emergency responders (like the Federal Act)



# ANALYSIS



## **Adopted in April (*expire December 31, 2020*)**

- Applies only to employers **not** subject to the Federal Act
- SF/LA: no lower cap for caring for others or childcare reasons (schools/childcare closed due to COVID)
- Exempts government employers
- Varied applicability to health care providers and emergency responders



# ANALYSIS – SANTA ROSA

**Proposed Period: July 7 through December 31, 2020**

## **Covered Employers**

- Applies to all employers, including those subject to the Federal Act, except as follows:
  - Exempts government employers
  - Employers with <50 employees experiencing severe economic hardship do not need to provide childcare benefit (same as Federal Act)
- Health care providers and emergency responders are included



# ANALYSIS – SANTA ROSA, cont.



## **Sick Leave Hours**

- Fulltime Employees: 80 hours
- Part-time Employees: sick leave hours equal to the number of hours worked on average over a 2-week period

## **Compensation**

- Regular rate of pay up to \$511/day up to \$5,110 max





# ANALYSIS – SANTA ROSA, cont.



## **Compensation Applies if the Employee:**

1. Is subject to a Federal, State or local quarantine or isolation order
2. Has been advised to self-quarantine by a health care provider
3. Is experiencing COVID-19 symptoms and is seeking medical diagnosis
4. Is caring for an individual subject to an order described in (1) or (2)
5. Is caring for a child whose school or place of care is closed due to COVID-19

**OFFSET:** if employer has provided leave equivalent to this ordinance in part or full, it can be used to offset this requirement



# ANALYSIS – SANTA ROSA, cont.



## **Enforcement**

- Employee claiming a violation may bring an action in CA Superior Court against employer and may be awarded:
  - Reinstatement if employee was discharged in violation of this ordinance
  - Any benefit provided by this ordinance
  - Other legal or equitable relief the court may deem appropriate
  - Reasonable attorneys' fees and costs if employee prevails



# INPUT & OUTREACH

## **Input**

- Draft ordinance to expand Federal Act submitted by North Bay Jobs with Justice and other Labor organizations

## **Outreach**

- A summary of the ordinance elements was provided to business organizations for distribution among members, including Santa Rosa Metro Chamber, Downtown Action Organization, Sonoma County Alliance, Los Cien, Hispanic Chamber of Commerce, North Bay Black Chamber of Commerce

## **Data**

- Timing did not allow for the diligent pursuit of direct feedback or independent research by staff



# SUMMARY

1. **Applies to all employers**, including those already subject to the Federal Law
2. **Removes the discretion** to exclude healthcare providers and emergency workers
3. **Applies only the higher cap** of \$510 per day (\$5,110 max);  
**Eliminates the lower cap** of \$200 per day (\$2,000 max) for childcare and caring for others
4. **Only exemptions** are for government and limited small business



# RECOMMENDATION

It is recommended that the Council add, by urgency ordinance, 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.

