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Human Resource Services

June 30, 2020

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612-4305

SUBJECT: ADOPT SALARY ORDINANCE AMENDMENTS TO: 1) UPDATE SUBSECTION 3-21.98 OF ARTICLE 3; AND
2) ADD SUBSECTIONS 3-21.99, 3-21.100 AND 3-21.101 TO ARTICLE 3, AND ADOPT ADMINISTRATIVE
CODE AMENDMENTS TO CHAPTER 3.20 (SICK LEAVE), SECTIONS 3.20.010 & 3.20.110

Dear Board Members:

RECOMMENDATIONS:

- A. Adopt Salary Ordinance amendments to:
 - i. update Article 3, Section 3-21, Subsection 3-21.98 to: a) extend use of the awarded administrative leave (“COVAL Leave”) from two (2) to three (3) years from the date COVAL leave is awarded (June 14, 2020 through June 13, 2023) and b) extend the COVID-19 Paid Administrative Leave (“PAL”) for employees who have been available to work but unable to work on-site due to the Shelter In Place Order and for whom the County has been unable to provide telework or a Disaster Service Work (“DSW”) assignment, retroactive from April 8, 2020 through May 30, 2020;
 - ii. add Article 3, Section 3-21, Subsection 3-21.99 to allow eligible employees who have exhausted their leave accruals to one (1) request to receive Advanced Sick Leave (“ASL”) up to an equivalent of two (2) weeks, for use if said employee needs to remain off work due to any COVID-19-related reason, retroactive from June 15, 2020 through December 31, 2020;
 - iii. add Article 3, Section 3-21, Subsection 3-21.100 to temporarily suspend the vacation hard cap and limitation on unused vacation leave balances for all eligible employees as stated in each respective Memoranda of Understanding and allow 80-hours accrual above the vacation hard cap, retroactive from June 15, 2020 through December 31, 2021; and
 - iv. add Article 3, Section 3-21, Subsection 3-21.101 to establish a COVID-19 Leave Donation Bank whereby employees may donate up to 40-hours of sick leave, in increments of a minimum of one (1) day, provided the employee also donates the equivalent hours of vacation or compensatory time off, for use by eligible employees who have exhausted all leave accruals and are unable to work due to COVID-19 medical reasons (self-quarantine/isolation; care for family member who is in quarantine/isolation), retroactive to June 15, 2020.

- B. Adopt Administrative Code amendments to Chapter 3.20 (SICK LEAVE):
 - i. amend Section 3.20.010 (Sick leave defined.) to clarify the definition of sick leave; and
 - ii. amend Section 3.20.110 (Family sick leave.) to temporarily suspend the 9-day limitation, retroactive from June 15, 2020 through December 31, 2020.

DISCUSSION/SUMMARY:

On March 24, 2020, your Board took unprecedented action by authorizing PAL for employees who are unable to work and impacted when the County joined six (6) other Bay Area public health jurisdictions in issuing a Shelter In Place Order (“Order”) by the Health Officers for their respective jurisdictions for the time period covering March 17, 2020 through April 7, 2020, in order to slow the spread of COVID-19. However, there were employees who were available to work but were unable to work on-site due to the subsequent Shelter In Place Orders and the County was unable to provide telework or a DSW assignment. Therefore, staff recommends extending PAL to said employees retroactive from April 8, 2020 through May 30, 2020. Moreover, your Board approved awarding COVAL leave on a date as determined by the County, including stipulation that any unused COVAL leave will not be paid and will be forfeited at the end of two (2) years from the award date or when the employee terminates from County employment, whichever is sooner. Staff recommends updating said provision to allow employees to use the COVAL leave up to three (3) years from the award date (June 14, 2020 through June 13, 2023) given that many employees, particularly safety employees, would not be able to use their COVAL leave within the originally proposed two (2) year timeframe.

Further, in a continuous effort to support our employees through the ongoing COVID-19 public health emergency, staff recommends structuring several benefits for eligible employees that provide flexibility to the use of leave. Specifically, staff recommends to allow eligible employees who have exhausted all their leave accruals one (1) request to receive ASL, up to an equivalent of two (2) weeks of said leave hours based upon the employee’s biweekly standard hours, if the employee needs to remain off work due to any COVID-19-related reason (quarantine/isolation for self, caring for ill family member who is under quarantine/isolation, care of child due to school/place of childcare closures, age 65+, and individuals who have a compromised immune system), retroactive from June 15, 2020 through December 31, 2020. Any employee who receives ASL shall be required to repay the County for the ASL by accruing at one-half (1/2) the employee’s normal accrual rate until the ASL hours are repaid in full. Employees who separate (terminate) from County employment prior to reimbursing the County for all the used ASL hours in full shall remain liable for repayment of the unpaid used ASL hours. Failure by the employee to reimburse the County in full upon termination of employment will result in collection proceedings. Temporary assignment pool employees, service-as-needed employees, retired annuitants and employees in non-benefits eligible classifications are not eligible for said ASL.

In addition, staff recommends to allow an additional 80-hours vacation accrual above the maximum vacation accrual hard cap, stipulated in each respective Memoranda of Understanding, for all eligible employees, retroactive from June 15, 2020 through December 31, 2021. Staff also recommends that this subsection shall sunset effective December 31, 2021 and shall be deleted from the Salary Ordinance upon the sunset date.

Further, staff recommends to establish a COVID-19 Leave Donation Bank whereby employees may donate up to 40-hours of sick leave, in increments of a minimum of one (1) day, provided the employee also donates the equivalent hours of vacation or compensatory time off, designated for use by eligible employees who have exhausted all leave accruals and are unable to work due to COVID-19 medical reasons (self-quarantine/isolation; care for family member who is in quarantine/isolation), retroactive to June 15, 2020.

Lastly, we recommend amending Chapter 3.20 – SICK LEAVE, Sections 3.20.010 (Sick leave defined.) and 3.20.110 (Family sick leave.) of the Administrative Code to clarify the definition of sick leave, and retroactive to June 15, 2020 to temporarily suspend the nine (9) day limitation through December 31, 2020, respectively, in order to ensure that employees are able to maximize the utilization of the family sick leave benefits during COVID-19. We also recommend that these subsections shall sunset effective December 31, 2020 and shall be deleted from the Administrative Code upon the sunset date.

Staff have discussed these enhanced benefits with all employee organizations, and they have expressed their commitment to partner with the County to ensure fiscal sustainability during and post-COVID-19.

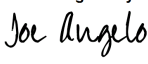
FINANCING:

Funds are available in the 2019-2020 Approved Budget and will be included in future years’ requested budgets to cover the costs resulting from the applicable actions.

VISION 2026 GOAL:

The Salary Ordinance amendments meet the 10x goal pathways of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,

DocuSigned by:

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Joe Angelo, Director
Human Resource Services

c: CAO
Auditor-Controller
County Counsel
All Agency/Department Heads

By 
Kristy van Herick, Asst. County Counsel

O-2020-42

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2019 – 2020
COUNTY OF ALAMEDA SALARY ORDINANCE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Article 3, Section 3-21, Subsection 3-21.98 of the County of Alameda Salary Ordinance is hereby amended as follows:

3-21.98 - Effective March 17, 2020, County employees who are unable to work during the period covering March 17, 2020 through April 7, 2020 (Order Period), the period covered by the County Health Officer's March 16, 2020 COVID-19 Shelter In Place Order, and whose absence is due to COVID-19 or other reasons, including use of employees' own leave to supplement wage replacement benefits (~~SD~~State Disability Insurance, ~~PFL~~Paid Family Leave, ~~TTD~~Temporary Total Disability), shall be granted paid administrative leave ("PAL") within the Order Period. Employees who are on a) extended and continuous unpaid absences prior to February 1, 2020; b) 4850 and/or Workers' Compensation medical appointment; c) retired annuitants; or d) temporary assignment pool (TAP)/service-as-needed (SAN) employees with assignments ending within the Order Period, are not entitled to said ~~paid administrative leave~~PAL.

Additionally, those employees as determined by Department/Agency Heads who are required and able to work during the Order Period shall be awarded administrative leave (COVAL leave) for each hour worked, up to a maximum of 128 hours, or a prorated maximum for employees who work less than a 40-hour regular work week. Effective June 14, 2020, employees may request to use their Awarded administrative COVAL leave will be made available on a date determined by the County. Any unused ~~administrative COVAL~~ leave authorized under this subsection will not be paid out and will be forfeited at the end of the ~~two (2)~~three (3) years from the award date (June 14, 2020 through June 13, 2023), or when the employee terminates from County employment, whichever is sooner. Retired Annuitants are not entitled to said ~~awarded administrative COVAL~~ leave. This sub-paragraph shall sunset effective June 13, 2023 and shall be deleted from the Salary Ordinance upon the sunset date.

Moreover, effective April 8, 2020, County employees who are unable to work on-site due to the March 16, 2020 or subsequent Shelter In Place (Stay At Home) Orders issued by the County Interim Health Officer, are available and able to work but telework is not available and are not provided alternate work, including Disaster Service Work, shall be granted PAL through May 30, 2020. Employees who are a) on extended and continuous unpaid absences prior to February 1, 2020; b) on 4850 and/or Workers' Compensation medical appointment; c) retired annuitants; or d) TAP/SAN employees with assignments ending within April 8, 2020 through May 30, 2020, are not entitled to said PAL.

SECTION II

Article 3, Section 3-21, Subsection 3-21.99 of the County of Alameda Salary Ordinance is hereby added as follows:

Effective June 15, 2020 through December 31, 2020, an eligible employee who has exhausted all leave accruals ~~are~~ is allowed one (1) request to receive Advanced Sick Leave ("ASL") up to an equivalent of two (2) weeks of said leave hours based upon the employee's biweekly standard hours, if the employee needs to remain off work due to any

COVID-19-related reason, through December 31, 2020. Any employee who receives ASL shall be required to repay the County for the ASL by accruing at one-half (1/2) the employee's normal accrual rate until the ASL hours are repaid in full. An eEmployees who separatess (terminatess) from County employment prior to reimbursing the County for all the used ASL hours in full shall remain liable for repayment of the unpaid used ASL hours. Failure by the employee to reimburse the County in full upon termination of employment will result in collection proceedings. Temporary assignment pool employees, service-as-needed employees, retired annuitants and employees in non-benefits eligible classifications are not eligible for said ASL.

SECTION III

Article 3, Section 3-21, Subsection 3-21.100 of the County of Alameda Salary Ordinance is hereby added as follows:

Effective June 15, 2020, the County shall allow an additional 80-hours vacation accrual above the maximum vacation accrual hard cap, stipulated in each respective Memoranda of Understanding, for all eligible employees, through December 31, 2021. This subsection shall sunset effective December 31, 2021 and shall be deleted from the Salary Ordinance upon the sunset date.

SECTION IV

Article 3, Section 3-21, Subsection 3-21.101 of the County of Alameda Salary Ordinance is hereby added as follows:

Effective June 15, 2020, each employees may donate up to 40-hours of sick leave, in increments of a minimum of one (1) day, provided the employee also donates the equivalent hours of vacation or compensatory time off, to the COVID-19 Leave Donation Bank designated for use by eligible employees who have exhausted all leave accruals and are unable to work due to COVID-19 medical reasons (self-quarantine/isolation; care for family member who is in quarantine/isolation).

SECTION V

This ordinance shall take effect immediately, and before the expiration of fifteen days after its passage, shall be published once with the names of the members voting for and against it in the Inter-City Express, a newspaper published in the County of Alameda.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this **14th** day of **July, 2020**, to with:

AYES: Supervisors Carson, Chan, Haggerty & Miley – 4

NOES: None

EXCUSED: President Valle – 1



PRESIDENT, BOARD OF SUPERVISORS

File No: 30502
Agenda No: 40
Document No: O-2020-42



I certify that the foregoing is a correct copy of a Ordinance adopted by the Board of Supervisors, Alameda County, State of California

ATTEST:
Clerk, Board of Supervisors

By: R Bailey
Deputy

By 
Kristy van Herick, Asst. County Counsel

O-2020-43

AN ORDINANCE AMENDING
CERTAIN PROVISIONS OF THE 2019 - 2020
COUNTY OF ALAMEDA ADMINISTRATIVE CODE

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Chapter 3.20 – SICK LEAVE, Section 3.20.010 – Sick Leave defined., of the County of Alameda Administrative Code is hereby amended as follows:

Administrative Code 3.20.010 - Sick leave defined. As used in this section, sick leave means leave of absence of an employee because of any of the following:

A. Illness or injury which renders ~~him-them~~ incapable of performing ~~his-their~~ work or duties for the ~~county~~County;

B. ~~His-Their~~ exposure to contagious disease; ~~and~~

C. Routine medical or dental appointments of the employee-; ~~and~~

D. Sheltering at home because either employee is available but unable to work on-site due to a Shelter In Place Order or employee is high-risk for illness from COVID-19, and employee is unable to telework for the County. This subsection shall sunset effective December 31, 2020 and shall be deleted from the Administrative Code upon the sunset date.

SECTION II

Chapter 3.20 – SICK LEAVE, Section 3.20.110 – Family sick leave., of the County of Alameda Administrative Code is hereby amended as follows:

Administrative Code 3.20.110 - Family sick leave.

Effective July 1, 2015, unless otherwise defined in a valid memorandum of understanding, all regular, provisional or temporary full-time employees are eligible to use, in each calendar year, up to nine days of accumulated sick leave, pursuant to Section 3.20.060 by this code. to attend to immediate family members who are ill or injured, including emergency or routine medical/dental appointments and/or to obtain or attempt to obtain any relief to help ensure the health, safety, or welfare of themselves or their child(ren) when the employee is a victim of domestic violence, sexual assault or stalking. For the purpose of this subsection "immediate family" means, parent (biological, adoptive, foster-parent, step-parent, grand-parent or legal guardian of an employee or the employee's spouse or domestic partner (upon submission of a written affidavit for domestic partnership as defined in Appendix E or a notarized declaration of domestic partnership [Form DP-1] filed with the California Secretary of State) or a person who stood in loco parentis when the employee was a minor child), a spouse, (husband, wife, domestic partner (upon submission of a written affidavit for domestic partnership as defined in Appendix E or a notarized declaration of domestic partnership [Form DP-1] filed with the California Secretary of State)), child (biological, adopted, foster-child, step-child, grand-child, legal ward or child to whom the employee stands in loco parentis) or a sibling.

Effective June 15, 2020, the County shall temporarily suspend the nine (9) day limitation, and allow eligible employees to use all their accrued sick leave, if the employee is using sick leave to attend to an immediate

family member who is under quarantine/isolation for COVID-19-related reasons or to care for their child -due to COVID-19-related school/place of childcare closures through December 31, 2020. This subsection shall sunset effective December 31, 2020 and shall be deleted from the Administrative Code upon the sunset date.

THE FOREGOING was **PASSED** and **ADOPTED** by a majority vote of the Alameda County Board of Supervisors this 14th day of **July, 2020**, to with:

AYES: Supervisors Carson, Chan, Haggerty & Miley – 4

NOES: None

EXCUSED: President Valle – 1



PRESIDENT, BOARD OF SUPERVISORS

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Clerk, Board of Supervisors

By: R. Bailey
Deputy