



STAFF REPORT

DATE: March 23, 2020

TO: Sacramento Regional Transit Board of Directors

FROM: Shelly Valenton, VP, Integrated Services and Strategic Initiatives

SUBJ: ADVANCING SICK LEAVE FOR EMPLOYEES AFFLICTED WITH COVID-19

RECOMMENDATION

Adopt Attached Resolution

RESULT OF RECOMMENDED ACTION

Employees afflicted or affected by COVID-19 who do not have sufficient accrued sick leave to cover time off due to illness may be advanced up to 7 days of sick leave, which they will “pay back” with future sick leave accruals, as the time is accrued or upon termination from SacRT. Additionally, the Board is being asked to authorize the use of sick leave accruals for reasons other than illness. If the Board approves this action, employees will be eligible to take sick leave to cover absences due to child care issues or because the employee is in self-isolation related to COVID-19.

FISCAL IMPACT

Minimal, since employees will be required to refund SacRT for the advance with future sick leave accruals. And with regard to liberal use of sick leave accruals, the employees will be using accruals which are already accounted for as a financial liability.

DISCUSSION

The spread of COVID-19 has become a world pandemic. The Centers for Disease Control have advised that social distancing is key to mitigating the spread of the virus. Social distancing includes requiring those who are afflicted with COVID-19 to quarantine themselves in their homes to help minimize the spread. While SacRT has a very generous sick-leave accrual policy, allowing employees to accrue up to 96 hours a year, SacRT is aware that there are employees who, due to their or a dependent’s serious health condition, may have low sick leave balances. In addition, SacRT employs a limited number of contract employees in its Security Operations Center who only receive 24 hours of sick leave on an annual basis. To ensure that employees who do not have sufficient sick leave, including the SOC employees, in their sick leave bank to cover a multi-day absence due to their being afflicted with COVID-19, staff is recommending that the Board authorize the General Manager/CEO to provide such employees an advance on their future sick leave accruals of up to 56 hours, which is the equivalent of 7 eight hour days, and establish a policy for administering the program. The employees will be required to “pay back” the advance through future accruals. If

the employee leaves SacRT's employ and the employee has not repaid the hours that were advanced, the employee will be required to repay any of the advanced amounts that remain outstanding.

On March 12, 2020, Governor Gavin Newsom issued Executive Order No. N-25-20 which, among other things, authorized the Employment Development Department to waive the waiting period for the receipt of State Disability Insurance (SDI) benefits for individuals who have applied for SDI benefits due to COVID-19. In order to avail themselves of this sick leave advance program, Staff recommends that the policy require that employees apply for SDI benefits to help cover the time off work. If the employee files for Paid Family Medical Leave (PFL), SDI, or Unemployment Insurance (UI) and receives full PFL, SDI, or UI, plus 8 hours in each day missed of an accrual, the employee must repay SacRT for the overage. SacRT staff will work with affected employees to integrate sick leave with SDI benefits.

SacRT has Collective Bargaining Agreements (CBA) with the Amalgamated Transit Union, Local 256, the International Brotherhood of Electrical Workers, Local 1245 and the American Federation of State, County, and Municipal Employees (AFSCME) and it has a Personnel Policy Manual that applies to all employees. The CBAs and the PPM all address the accrual and use of sick leave. Based on all documents, sick leave accruals may generally only be used if the employee or a qualified dependent are sick. Staff recommends that the Board authorize employees to use sick leave accruals for reasons other than illness if the reason is related to the COVID-19 outbreak. Thus, employees would be able to code time off taken as sick if they are taking the time off due to child care needs related to school closures or because they are in a high risk group that has been advised to self-isolate.

As the crises grows, the situation is changing minute by minute. By the time the Board considers the action requested, the landscape may have changed. However, on March 16, 2020 the United States House of Representatives approved H.R. 6201 (the Act) which, if approved by the Senate and signed by the President, will among other things, require public agencies to provide their employees with 14 days of paid sick leave. As approved by the House, public sector employers would be required to provide employees with 14 days of sick leave after an employee has been off for 14 days due to COVID-19. The Act allows employees to receive the 14 days of leave for their own illness or the illness of a qualified dependent, due to child care issues or if they are required to shelter in place due to exposure to COVID-19. The statute allows employers to require that employees use their sick leave and vacation accruals on the books to cover the 14 day waiting period, which staff recommends be incorporated into the program. Employees who do not have sufficient accruals on the books may avail themselves of the sick leave advance program to cover at least a portion of the 14 day waiting period.

RESOLUTION NO. 20-03-0020

Adopted by the Board of Directors of the Sacramento Regional Transit District on this date:

March 23, 2020

ADVANCING SICK LEAVE FOR EMPLOYEES AFFLICTED WITH COVID-19

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency in California due to the threat of COVID-19; and

WHEREAS, on March 12, 2020, the Governor of California issued Executive Order N-25-20 authorizing a number of measures aimed at mitigating the spread of COVID-19, through Social Distancing; and

WHEREAS, quarantining oneself at home when diagnosed with COVID-19 is recommended by both the Centers for Disease Control and the Department of Health Services for Sacramento County to help mitigate the spread of the virus; and

WHEREAS, Sacramento Regional Transit District wants to ensure that its employees stay home if they are diagnosed with COVID-19 and understands that if employees are not being compensated during that time, they may be reluctant to stay home; and

WHEREAS, while SacRT provides a generous sick leave on an annual basis, it understands that some employees may not have sufficient accrued sick leave to cover an extended leave that may be needed to fully recover from COVID-19; and

WHEREAS, SacRT also has a group of contract employees who work in SacRT's Security Operations Center (SOC) who only accrue 24 hours of sick leave on an annual basis.; and

WHEREAS, on March 16, 2020, the United States House of Representatives approved H.R. 6201 Families First Coronavirus Response Act, which requires public agency employers to provide employees with 14 days of paid sick leave for time taken off related to COVID-19, after an initial 14 day waiting period.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL TRANSIT DISTRICT AS FOLLOWS:

THAT, the Board hereby authorizes and directs the General Manager/CEO to establish a policy that allows employees, including Security Operations Center contract employees, afflicted with or otherwise affected by COVID-19 to be provided an advance of up to 56 hours of sick leave, if the employee has insufficient sick leave accruals to cover any time taken off due to being afflicted with COVID-19, conditioned upon the employee repaying the advance with future sick leave accruals, and if the employee leaves SacRT's employ before repaying the accruals they repay SacRT at termination, and the employee applying for State Disability Insurance.

THAT, notwithstanding the provisions of the Collective Bargaining Agreements between SacRT and the Amalgamated Transit Union, Local 256, the International Brotherhood of Electrical Workers, Local 1245, and the American Federation of State, County, and Municipal Employees, AFL-CIO, or the Personnel Policy Manual, that employees who need to take time off work because they are afflicted or otherwise affected by COVID-19, even if they or an eligible dependent are not ill, may use sick leave accruals to cover that time off.

THAT, subject to approval of the Families First Coronavirus Response Act (the Act) by the United States Senate and execution by the President of the United States, the Board hereby authorizes the General Manager/CEO to implement the provisions of the Act and require that employees take any available sick leave, vacation leave or floating holiday accruals during the 14 day waiting period before the provisions of the Act take effect.

STEVE HANSEN, Chair

A T T E S T:

HENRY LI, Secretary

By: _____
Cindy Brooks, Assistant Secretary