



## STAFF REPORT

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**DATE:** January 25, 2021  
**TO:** Sacramento Regional Transit Board of Directors  
**FROM:** Shelly Valenton, VP, Integrated Services and Strategic Initiatives  
**SUBJ:** EXTENDING THE EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT PROGRAM THROUGH MARCH 31, 2021

### RECOMMENDATION

Adopt the Attached Resolution.

### RESULT OF RECOMMENDED ACTION

Effective April 2, 2020, the Federal Government implemented the Families First Coronavirus Relief Act (FFCRA) and required certain employers to provide up to 80 hours of Emergency Paid Sick Leave (EPSL) and Emergency Family and Medical Leave Expansion Act (EFMLEA) to employees who met one or more of the 5 criteria related to COVID-19. The FFCRA also afforded employees additional leave of 10 workweeks under the EFMLEA due to school closure or distance learning or childcare provider unavailability or closure. Additionally, on March 23, 2020, the Board adopted a Resolution authorizing advancing sick leave credits to employees who do not have adequate accrued sick leave to cover time off related to those criteria.

The FFCRA mandate expired on December 31, 2020 and Congress did not extend the mandate, but only the tax credit allowing employers to continue offering FFCRA leave on a voluntary basis. The tax credit incentive only affects private sector employers subject to paying business income taxes leaving public sector employers such as SacRT to determine whether to extend the leaves at their own discretion. On December 14, 2020, the Board authorized the extension of EPSL through March 31, 2020. To help ease the burden on SacRT employees who are faced with the challenges of childcare during the pandemic, staff is recommending that the Board also authorize continued availability of EFMLEA through March 31, 2021.

Following previous guidelines from the Federal Government for EFMLEA, if EFMLEA were extended, SacRT would be required to compensate employees at 2/3rds of employee's normal rate of pay, up to \$200 per day, for the time off work. Employees may use accrued personal leave credits to supplement that amount and receive their normal pay. Staff is recommending that the Board authorize employees who have not exhausted their EFMLEA entitlement to continue to be able to use EFMLEA for up to 10 workweeks from January 1, 2021 through March 31, 2021, following the previous guidelines.

## FISCAL IMPACT

The fiscal impact of extending EFMLEA for an additional three months will depend on the number of employees who request to use such time. To date, 97 employees have used EFMLEA. Only those employees who have not used the balance of leave under their EFMLEA entitlement will be eligible to take the extended EFMLEA leave during the extended period and only up to 10 workweeks.

Because current budget allocations assume employees will receive full pay each work week, there is no direct fiscal impact for paying these employees the reduced amount for EFMLEA plus their supplemental leave. Depending on the number of people who avail themselves of the extension, there is a potential fiscal impact as a result of overtime expense to cover the work of those employees on EFMLEA. Such cost would be covered by the approved FY 20-21 Operating Budget.

## DISCUSSION

As the spread of COVID-19 continues to increase, schools remain closed for in-person classroom learning and childcare providers are also closed or unavailable, our employees continue to struggle to balance work and provide care to their children. Since the FFCRA mandate expired on December 31, 2020 and the Federal Government did not mandate the extension of EPSL and EFMLEA, staff recommends that the Board authorize a continuation of EFMLEA from January 1, 2021 through March 31, 2021. This will provide employees who are required to provide childcare on or after January 1, 2021 the same initial paid leave that employees who needed the leave prior to that date have received or employees who had not exhausted their EFMLEA leave as of December 31, 2020.

Staff recommends the Board approve the attached Resolution.

RESOLUTION NO. 21-01-0004

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

January 25, 2021

**EXTENDING THE EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT PROGRAM THROUGH MARCH 31, 2021**

**WHEREAS**, under the Families First Coronavirus Relief Act implemented by the Federal Government on April 2, 2020, employers like SacRT were required to provide up to 10 workweeks of Emergency Family Medical Leave Expansion Act (“EFMLEA”) leave to employees who qualify for COVID related leave due to school and childcare closures; and

**WHEREAS**, a number of SacRT employees have taken at least a portion of their EFMLEA entitlements; and

**WHEREAS**, the Federally mandated EFMLEA program expired on December 31, 2020, the Federal Government did not extend the mandate, leaving the decision to continue to provide the benefits at the discretion of the employer; and

**WHEREAS**, the COVID-19 Pandemic continues to significantly affect the Sacramento region, including a significant number of SacRT employees and their families; and

**WHEREAS**, as the number of employees affected by COVID-19 continues to climb, SacRT wants to ensure that employees can continue to avail themselves of the leave previously provided under the FFCRA.

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

**THAT**, the Board hereby authorizes the General Manager/CEO to continue the benefits provided under EFMLEA from January 1, 2021 through March 31, 2021, on the terms and conditions set forth in the FFCRA.

**THAT**, SacRT employees who have not exhausted all of the 10 workweeks of their EFMLEA entitlement and who meet all other eligibility requirements will be entitled to take any unused time remaining on their 10-workweek entitlement, up to 10 workweeks of EFMLEA during the period of the extension.

**THAT**, if the State or Federal Governments enact any other COVID-19 leave entitlement programs before March 31, 2021, the extension of the EFMLEA program authorized hereunder will be repealed immediately and this Resolution will have no further effect or validity.

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STEVE MILLER, Chair

A T T E S T:

HENRY LI, Secretary

By: \_\_\_\_\_  
Cindy Brooks, Assistant Secretary