



Housing Authority of the City of Alameda

PHONE (510) 747-4300
FAX (510) 522-7848
TTY/TRS 711

701 Atlantic Avenue • Alameda, California 94501-2161

To: Honorable Chair and Members of the Board of Commissioners

From: Janet Basta, Director of Human Resources and Operations

Date: April 21, 2021

RE: Approve the Proposed Temporary Policy Addressing COVID-19 Supplemental Paid Sick Leave and Authorize Executive Director or Designee to make any Necessary Changes to the Policy in order to comply with State and Federal law, [including adoption of Emergency Paid Sick Leave \(EPSL\), without returning to the Board for approval.](#)

BACKGROUND

On March 19, 2021, COVID-19 Supplemental Paid Sick Leave (Labor Code Section 248.2) was signed into law and became effective March 29, 2021. All employers, public or private, with more than 25 employees are covered by the new law.

Due the short-term nature of the proposed changes, staff is proposing a standalone temporary policy rather than a revision to the leave section of the Employee Handbook. This proposal has been reviewed by Liebert Cassidy Whitmore. The policy will be shared with all staff upon approval.

DISCUSSION

Covered employees are entitled to up to 80 hours of COVID-19 related sick leave from January 1, 2021 through September 30, 2021. A covered employee may take leave if the employee is unable to work or telework for any of the following reasons:

- **Caring for Yourself:** The employee is subject to quarantine or isolation period related to COVID-19 as defined by an order or guidelines of the California Department of Public Health, the federal Centers for Disease Control and Prevention, or a local health officer with jurisdiction over the workplace, has been advised by a healthcare provider to quarantine, or is experiencing COVID-19 symptoms and seeking a medical diagnosis.
- **Caring for a Family Member:** The covered employee is caring for a family member who is subject to a COVID-19 quarantine or isolation period or has been advised by a healthcare provided to quarantine due to COVID-19, or is caring for a child whose school or place of care is closed or unavailable due to COVID-19 on the premises.
- **Vaccine-Related:** The covered employee is attending a vaccine appointment or cannot work or telework due to vaccine-related symptoms.

Covered employees are those who cannot work or telework due to the qualifying reasons. Under the 2021 COVID-19 Supplemental Paid Sick Leave law, covered employees are entitled to paid



sick leave that is in addition to leave that was provided under previous laws which expired on December 31, 2020.

In February, 2021, the AHA Board approved temporary Coronavirus Provisional Sick Leave (CPSL). By adopting this policy, AHA revokes the COVID-19 Provisional Sick Leave ("CPSL") policy, which provided to eligible employees leave for certain COVID-19 related reasons between January 1, 2021 through March 31, 2021. Any leave granted under this prior CPSL policy will be re-classified as SPSL upon adoption of this new policy consistent with Labor Code § 248.2.

FINANCIAL IMPACT

If employees request SPSL, these leaves will be paid and are in addition to time off employees would otherwise have. Generally, payroll runs at approximately \$212,000 per two-week pay period. If 40% of staff took the full 2 weeks of paid sick leave this could amount to an additional \$84,800 in expenditures; expenditures could be significantly higher if more staff utilize the full amount of leave available.

There may be some avenues to recoup some costs related to providing this leave through tax credits and a Coronavirus Local Fiscal Recovery (CLFR) Fund, provided by the federal American Rescue Plan Act (ARPA). AHA Management is in the process of working with legal to determine what cost savings may be available and what policies and provisions would need to be in place to qualify. The current voluntary federal programs (Expanded Emergency Paid Sick Leave (EPSL) and Emergency FMLA (EFMLA)) have somewhat differing requirements and, in the case of EFMLA, would provide for additional leave of absence entitlements which could be challenging for AHA to manage and may impact services to our client. For these reasons, staff is not recommending their implementation at this time. This is in line with other local government agencies. Additional details, and if needed, updated policies will be brought to the Board for ratification or approval as information becomes available.

RECOMMENDATION

Approve the Proposed Temporary Policy Addressing COVID-19 Supplemental Paid Sick Leave and Authorize Executive Director or Designee to make any Necessary Changes to the Policy in order to comply with State and Federal law, including adoption of Emergency Paid Sick Leave (EPSL), without returning to the Board for approval.

Respectfully submitted,

Janet Basta
Director of Human Resources and Operations

Attachments:

1. COVID-19 Supplemental Paid Sick Leave Policy

