



# San Bernardino County

## Legislation Text

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**File #: 3963, Agenda Item #: 53**

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**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
SITTING AS THE GOVERNING BORD OF THE FOLLOWING:  
COUNTY OF SAN BERNARDINO  
BOARD GOVERNED COUNTY SERVICE AREAS  
SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT  
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS  
OF THE FOLLOWING:  
BIG BEAR VALLEY RECREATION AND PARK DISTRICT  
BLOOMINGTON RECREATION AND PARK DISTRICT  
IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY  
INLAND COUNTIES EMERGENCY MEDICAL AGENCY  
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT  
AND RECORD OF ACTION**

**April 6, 2021**

**FROM**

**DIANE RUNDLES, Director, Human Resources Department**

**SUBJECT**

Actions Related to COVID-19 Pandemic for Emergency Paid Leave Extension

**RECOMMENDATION(S)**

Acting as the governing body of the County of San Bernardino, Board Governed County Service Areas, San Bernardino County Flood Control District, Big Bear Valley Recreation and Park District, Bloomington Recreation and Park District, In-Home Supportive Services Public Authority, Inland Counties Emergency Medical Agency, and the San Bernardino County Fire Protection District, extend paid emergency family medical leave for certain reasons related to COVID-19.

(Presenter: Diane Rundles, Director, 387-5570)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Promote the Countywide Vision.**

**Improve County Government Operations.**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**Pursue County Goals and Objectives by Working with Other Agencies.**

**FINANCIAL IMPACT**

In general, additional paid leave related to COVID-19 does not result in new costs to San Bernardino County

(County) unless the employee on leave is required to be backfilled with additional staff to maintain continuity of services. The number of employees required to be backfilled are unknown at this time and therefore additional costs associated with this action are not fully determined. The action could potentially require the use of additional Discretionary General Funding if County departments are unable to cover the cost of backfilling employees within their existing budget authority or if eligible reimbursement from the County's Federal Coronavirus Aid Relief, and Economic Security (CARES) Act Funds or other federal resources are not available. The use of Discretionary General Funding and budget adjustments are not required at this time but would be included in a future quarterly budget report, if determined necessary.

### **BACKGROUND INFORMATION**

On March 4, 2020, the State of California declared a state of emergency as a result of the COVID-19 pandemic due to the rising number of confirmed cases and anticipated complications for those infected, including potential deaths. On March 10, 2020, the County Public Health Officer declared a local health emergency to help ensure County government and the public were prepared for the possibility that COVID-19 would appear within the County. On March 10, 2020 (Item No. 75), the County proclaimed the existence of a local emergency within San Bernardino County resulting from COVID-19.

On March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was signed into law, requiring that effective April 1, 2020, the County provide certain employees with paid sick leave and emergency family medical leave for specified reasons related to COVID-19 through December 31, 2020.

The leave provisions of the FFCRA expired on December 31, 2020. On December 27, 2020, the Consolidated Appropriations Act was passed, allowing any employer who voluntarily extends the provisions of the FFCRA to continue to receive tax credits until March 31, 2021.

On February 9, 2021 (Item No. 77), the Board approved to extend the emergency paid sick leave and family medical leave benefits under the terms of the FFCRA from January 1, 2021, through February 28, 2021, and authorized the County to extend the leaves through March 31, 2021, at its discretion. Since the extension was approved, approximately 150-200 employees used emergency paid sick leave and family medical leave in each pay period and the County has received approximately 350 requests for the retroactive usage of the emergency leave benefits.

On March 11, 2021, the American Rescue Plan Act of 2021 was signed into law, extending the tax credits until September 30, 2021, to any employer who voluntarily provides the FFCRA leaves, and expanding the available payroll tax credit to local governments.

The unprecedented COVID-19 pandemic has continued to result in concerns related to employees who have, or are near, exhaustion of their available accrued paid leave balances. Therefore, the County proposes to extend the emergency paid family medical leave benefits that were previously available to County employees under the terms of the FFCRA through July 2, 2021 with the potential to extend the leaves through September 30, 2021, as determined by the County. The leaves will be available to those employees who had not previously exhausted these leaves.

The County recommends extending only emergency paid family medical leave benefits with the same terms as those approved by the Board of Supervisors on February 9, 2021. Paid sick leave will continue to be provided pursuant to the recent SB 95 California Supplemental Paid Sick Leave signed into law on March 19, 2021 which mandates that employers provide eligible employees with supplemental paid sick leave, similar to the emergency paid sick leave provisions of FFCRA, effective March 29, 2021 retroactively to January 1, 2021 through September 30, 2021.

The County notified the unions whose members may be impacted by these proposed actions and the unions either expressed support or had no objection to the recommendation.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Cynthia O'Neill, Principal Assistant County Counsel, 387-5455) on March 26, 2021; County Finance (Jessica Trillo, Administrative Analyst, 387-4222) on March 22, 2021; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on March 25, 2021.