

ORDINANCE NO. ..
BOARD OF SUPERVISORS, COUNTY OF SONOMA,
STATE OF CALIFORNIA

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**URGENCY ORDINANCE AMENDING THE COUNTY’S URGENCY COVID-19 PAID
SICK LEAVE ORDINANCE (ORDINANCE NO. 6320) TO EXTEND THE
ORDINANCE’S EXPIRATION TO JUNE 30, 2021**

The Board of Supervisors of the County of Sonoma, State of California,
ORDAINS as follows:

SECTION 1. Declaration of Emergency

On March 3, 2020, the Sonoma County Director of Emergency Services issued a proclamation of local emergency in Sonoma County, and the Sonoma County Health Officer declared a local health emergency, due to the introduction in the County of the novel coronavirus, “COVID-19.”

On March 4, 2020, Governor Newsom proclaimed a State of Emergency related to COVID-19 throughout the State of California. On March 13, 2020, the President issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak.”

On March 17, 2020, the County Health Officer issued Order No. C19-03, directing the County to Shelter-in-Place to mitigate the spread of COVID-19, except as set forth in the Order to provide or receive certain essential services, engage in certain essential activities, and work for essential businesses and governmental services. Order No. C-19-03 was issued on evidence of increasing occurrence of COVID-19 within the community and the Bay Area, and the need to slow the rate of transmission to protect the most vulnerable and prevent the health care system from being overwhelmed. Since then, subsequent amendments to the Order and new orders have been issued by the County Health Officer, as well as the Governor.

On July 1, 2020, due to the increasing spread of COVID-19, the State Public Health Officer issued Guidance on Closure of Sections in Response to COVID-19, instructing counties that have been on the State’s “County Monitoring List” for three consecutive days or more to close indoor operations for certain sectors that promote the mixing of populations beyond households and make adherence to physical distancing with face coverings difficult, in order to further mitigate the spread of the virus. Subsequent Orders have since been issued as well. To date, the County of Sonoma remains in the purple tier.

Due to the continuing public health emergency related to COVID-19 and the actions required to respond to the emergency, many workers across the County

are and will be unable to work (including telework) due to illness, exposure to others with the coronavirus, business closures, and family and household caregiving obligations related to closures of schools and care facilities, and an inability to secure caregiving assistance. Additionally, due to a continued downturn in economic conditions and in order not to experience a loss of wages, many workers may decide to come into work notwithstanding that they exhibit symptoms of COVID-19 or have contracted COVID-19. These conditions pose a significant threat to the health, safety, and economic well-being of those who live or work in the County.

SECTION 2. Findings and Purpose

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (“FFCRA”), which provides emergency paid sick leave to certain employees who are unable to work or telework due to the COVID-19 crisis. The FFCRA exempted employers with 500 or more employees. The mandatory provisions of the FFCRA expired December 31, 2020, although covered employers who voluntarily elect to provide the leave benefits are entitled to a tax credit through March 21, 2021. President Biden recently announced in the American Rescue Plan a COVID sick leave benefits package that is similar to the FFCRA that would afford all employees regardless of employer size with over fourteen weeks of paid COVID-19 sick and family and medical leave benefits through September 30, 2021. Federal tax benefits would be available to certain employers under the proposal.

On April 16, 2020, Governor Newsom signed Executive Order N-51-20, which extended paid sick leave benefits for food sector workers impacted by COVID-19.

On August 18, 2020, the Board enacted Ordinance No. 6320, which addressed the emergency paid leave coverage gap created by the FFCRA and Executive Order N-51-20, by extending emergency paid leave to employees working in the unincorporated areas of the County who are employed by businesses with 500 or more employees on a local or national basis. Ordinance No. 6320 was tied to the expiration of the FFCRA, and thus expired on December 31, 2020, unless the Board of Supervisors takes action to extend the Ordinance.

On September 9, 2020, Governor Newsom signed Assembly Bill 1867, which requires private employers with 500 or more employees to provide COVID-19 related supplemental paid sick leave to their employees. AB 1867 similarly expired December 31, 2020.

New Cal/OSHA COVID-19 related benefit protections became effective November 30, 2020. The Cal/OSHA protections require that employers provide paid time off to employees who are excluded from the workplace due to COVID-19 reasons and who are otherwise able and available to work. In enacting this Ordinance to amend Ordinance No. 6320, the Board makes the following findings:

- (1) On June 8, 2020, the National Bureau of Economic Research officially declared a recession, noting that the U.S. economy had fallen into a broad contraction not confined to one sector;
- (2) Workers in Sonoma County continue to face significant employment and economic insecurity;
- (3) The Centers for Disease Control (“CDC”) reports that as of December 31, 2020, the total number of U.S. COVID-19 cases has surpassed 19 million, with over 337,000 deaths nationwide. The daily case count in both the United States as well as the County has been growing with alarming speed;
- (4) On November 16, 2020, as COVID-19 cases sharply increased across the country and California, Governor Newsom and state public health officials announced immediate actions to slow the spread of the virus, effectively “pulling an emergency brake” in the Blueprint for a Safer Economy, resulting in 94.1 percent of California’s population in the most restrictive tier, effective November 17, 2020. As stated by the Governor, “The spread of COVID-19, if left unchecked, could quickly overwhelm our health care system and lead to catastrophic outcomes.”
- (5) The American College of Occupational and Environmental Medicine has stated that paid sick leave is recommended to reduce the chances that a worker will come to work with COVID-19, and the CDC’s Interim Guidance for Businesses and Employers recommended that in order to maintain healthy business operations, employers should implement flexible sick leave policies that are consistent with public health guidance;
- (6) In the absence of paid sick leave, many workers facing employment and economic insecurity will make the difficult decision to work when they should be quarantining or isolating themselves at home, posing a significant public health risk;
- (7) In the absence of paid sick leave, many workers will have no option other than to send their children to childcare providers or school when those children should be quarantining or isolating themselves at home, thereby posing a significant public health risk; and
- (8) Given the current and anticipated growth in the number of COVID-19 cases heading into 2021, employees’ need for supplemental paid sick leave will extend past the December 31, 2020 expiration date for County Ordinance No. 6320, and there will be a need for paid sick leave benefits until such time as Federal and/or State legislation is passed.

By extending the deadline for the County's Ordinance No. 6320, this measure will address the County's local health emergency in several regards:

- (1) The Local Health Officer's Orders were issued to ensure that the maximum number of people stay at home to slow the spread of COVID-19 to the extent possible. This Ordinance is intended to extend the deadline for covered employees to utilize the supplemental paid sick leave provided in Ordinance No. 6320, in order to assist employees working in the unincorporated areas of the County so that they will be financially better able to stay home and isolate if exposed to COVID-19, if they are exhibiting symptoms related to COVID-19, or they are caring for an individual affected by COVID-19. By extending the deadline for employees to access accrued but unused supplemental paid sick leave during the current crisis, this Ordinance will reduce the likelihood that infected employees will report to work, or that any of their infected family members or household members will be out in the community during such period of infection, and will therefore decrease the spread of COVID-19 through interactions with fellow employees or members of the public;
- (2) With the closure of schools by school districts across the Bay Area, as well as limitations of other facilities providing education, childcare, elder care, or other family and household caregiving support, workers in the County are facing significant caregiving impacts. By extending the deadline for employees to access accrued but unused supplemental paid sick leave benefits, this Ordinance makes it more likely that those employees will be able to care for their family and household members and ensure those family and household members stay home, thereby minimizing the spread of COVID-19 in the community;
- (3) This Ordinance will also address the current financial crisis of those employees working in the unincorporated areas of the County who are struggling to make ends meet due to widespread closures, lack of access to childcare and elder care, and other workplace disruptions, which are likely to continue to affect employees into 2021, and which would cause such employees to otherwise choose between receiving a paycheck or minimizing the risk of the spread of COVID-19; and
- (4) Due to the significant and extensive impact of COVID-19 on workers in the County, the likelihood of the economic downturn extending into 2021, and the current unknown timeframe for production and widespread distribution of an effective vaccine, this Ordinance will provide protection to employees through June 30, 2021.

SECTION 3. Authority of the Urgency Ordinance.

The California Constitution, Article XI, Section 7 vests the County with authority to

“make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.” Further, this Ordinance is approved pursuant to Sections 25123(d) and 25131 of the California Government Code, allowing for ordinances for the immediate preservation of the public peace, health, or safety, as well as Section 8634 of the Government Code, which authorizes ordinances necessary during a local emergency to provide for the protection of life and property. This ordinance is enacted for the immediate preservation of the public peace, health, or safety, and as an urgency ordinance enacted pursuant to Sections 25123(d) and 25131 of the California Government Code. The ordinance shall be effective immediately upon its introduction and passage by a 4/5 vote.

SECTION 4. Extension of Ordinance No. 6320.

The expiration date referenced in Section III of Ordinance No. 6320 is hereby amended and restated to read as follows:

This Ordinance shall expire on June 30, 2021, unless the Board of Supervisors takes an action to further extend this Ordinance.

The expiration date referenced in Section V1(c)(iii) of Ordinance No. 6320 is hereby amended and restated to read as follows:

The paid sick leave hours shall expire on June 30, 2021, unless the Board of Supervisors takes an action to further extend this Ordinance.

This Ordinance will be published once before the expiration of 15 days after its passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma, introduced and passed on the 26th day of January, on regular roll call of the members of said Board by the following vote:

Supervisors:

Gorin: Rabbitt: Coursey: Gore: Hopkins:

Ayes:

Noes:

Absent:

Abstain:

WHEREUPON, the Chair declared the above and foregoing Ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Sheryl Bratton,
Clerk of the Board of Supervisors

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