



---

---

# CITY OF POMONA COUNCIL REPORT

---

---

February 1, 2021

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Linda Matthews, Human Resources/Risk Management Director

**SUBJECT: ADOPTION OF RESOLUTION CONFIRMING EMERGENCY  
EXECUTIVE ORDER 2021-01 EXTENDING CERTAIN LEAVE  
PROVISIONS FOR CITY EMPLOYEES FOR COVID-19 RELATED  
QUANRANTINE AND ILLNESS**

---

## **RECOMMENDATION:**

It is recommended that the City Council adopt the following resolution:

**RESOLUTION NO. 2021-13 - A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF POMONA, CALIFORNIA CONFIRMING THE  
EMERGENCY EXECUTIVE ORDER 2021-01 EXTENDING CERTAIN  
LEAVE PROVISIONS FOR CITY EMPLOYEES FOR COVID-19  
RELATED QUARANTINE AND ILLNESS FROM JANUARY 1, 2021  
THROUGH MARCH 31, 2021**

**EXECUTIVE SUMMARY:** Adoption of the attached resolution will confirm an Emergency Executive Order extending certain federal and state emergency paid sick leave provisions that expired December 31, 2020. Specifically, it extends up to two weeks of emergency paid sick leave, not to exceed a cap of \$5,110, for City employees who become ill with COVID-19 or are required to quarantine due to a close contact with someone who is ill with COVID-19 from January 1, 2021 through March 31, 2021. In addition, the Emergency Executive Order also authorized employees to advance up to 80 hours of sick leave once all other leave accruals are exhausted.

**FISCAL IMPACT:** It is estimated that 80 employees may be eligible to take the emergency paid sick leave between January 1 and March 31, 2021, the value of which would be approximately \$120,000 for all funds based upon the average cost of the leave per employee taken to date. Any sick leave advanced is anticipated to be paid back to the City out of future accruals earned. No budget appropriation changes are required as this benefit is in the form of leave.

## **DISCUSSION:**

On March 18, the Federal government passed the Families First Coronavirus Relief Act (FFCRA). The FFCRA included a requirement to provide up to two weeks of emergency paid sick leave, with a cap of \$5,110 for employees who become ill with COVID-19 or are required to quarantine as a result of exposure to someone with COVID-19. In accordance with the law, the City implemented the FFCRA policy effective April 1, 2020 through December 31, 2020. The law authorized “emergency responders” to be exempted from the provisions of FFCRA. The City analyzed these provisions and made the determination to exclude the following emergency responders from these provisions: Group A (Executive) employees and employees in the Police Department, Water Resources Department, and Solid Waste and Signal and Lighting Divisions up through the Public Works Director. On September 9, 2020 the State of California mandated that these provisions be extended to emergency responders. Accordingly, the City extended the emergency paid sick leave provisions to emergency responders previously excluded under the policy. The leave expired December 31, 2020.

Although the federal government did not extend the mandated leave, it did continue to offer a tax credit to private businesses through March 31, 2021 as an incentive to encourage organizations to continue to offer the additional leave. At the time the leave expired on December 31, 2020, Los Angeles County was, and still is, experiencing a significant surge in COVID-19 cases and as a result has been under a temporary Safer at Home Order. As of January 19, 2021, over 90 City employees have tested positive for COVID-19, 60 of these employees since December 1, 2020. The federal government did not pass the final version of the most recent Consolidated Appropriations Act, 2021 (Emergency Coronavirus Relief Package) until late December, at which point City staff finally confirmed that the leave benefits were not extended. As such, the City Manager was faced with having to make an emergency decision whether to extend the leave benefits. After close review, including consultation with City Council in Closed Session on January 4, 2021, the City Manager determined the leave should be extended through March 31, 2021 in an effort to preserve the health and safety of City employees and, by extension, the City as a whole. The leave is part of an overall program to ensure City employees remain out of the workplace in the event of an exposure to or illness with COVID-19. It was prudent to continue the program during one of the worse periods of the pandemic to date.

In addition to extending the emergency paid sick leave, the Emergency Executive Order also authorizes an employee to be advanced 80 hours of sick leave if all other leave accruals are exhausted. The employee will be required to pay back the sick leave out of future accruals.

This action is consistent with mandates from Los Angeles County Department of Public Health to ensure employees to stay out of the workplace when ill. In addition, the City has implemented social distancing practices, requiring employees to stay six feet apart when at all possible, wearing masks, frequent use of hand sanitizers and hand washing, and telecommuting in an effort to preserve City staffing and minimize the impact of absences on City operations.

Council Ordinance 3180 authorizes the City Manager in his capacity as the Executive Director of Emergency Services to take emergency actions to preserve health and safety, subject to confirmation by the City Council at the next available Council meeting. It is recommended that

the City Council adopt the attached resolution to confirm the Emergency Executive Order as described herein.

Prepared by: Linda Matthews, Human Resources/Risk Management Director

**ATTACHMENT(S):**

Attachment No. 1 – Resolution No. 2021-13

Exhibit A – Emergency Executive Order No. 2021-01