

APPROVED  
BY ORDINANCE 1593  
BOARD OF SUPERVISORS

COUNTY OF SACRAMENTO  
CALIFORNIA

25

SEP 01 2020  
BY Florence Davis  
CLERK OF THE BOARD

For the Agenda of:  
September 1, 2020

To: Board of Supervisors

Through: Navdeep S. Gill, County Executive

From: Bruce Wagstaff, Deputy County Executive, Social Services

Subject: Adopt The Ordinance "Sacramento County Worker Protection, Health, And Safety Act Of 2020" (Waived Full Reading And Continued From August 18, 2020; Item No. 34)

District(s): All

**RECOMMENDED ACTION**

Adopt the Ordinance as introduced "Sacramento County Worker Protection, Health, And Safety Act Of 2020" (Waived Full Reading And Continued From August 18, 2020; Item No. 34)

**BACKGROUND**

No new material is associated with today's item. Please refer to the August 18, 2020 Item No. 34 for the complete set of materials.

**COUNTY OF SACRAMENTO  
CALIFORNIA**

For the Agenda of:  
August 18, 2020  
Timed: 10:45 a.m.

To: Board of Supervisors

Through: Navdeep S. Gill, County Executive

From: Bruce Wagstaff, Deputy County Executive, Social Services

Subject: Request From Supervisor Serna For Board Consideration Of Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020" In The Alternative, The Board Of Supervisors Should Consider This Proposed Ordinance As A Regular Ordinance, Which Would Take Effect Within Thirty (30) Days Of Passage. A Regular Ordinance Requires 3/5 Vote For Approval

District(s): All

**RECOMMENDED ACTION**

At the request of First District Supervisor and Board Chairman Phil Serna, consider proposed urgency ordinance, "Sacramento County Worker Protection, Health, and Safety Act of 2020." The urgency ordinance requires a 4/5 vote for approval.

In the alternative, the Board of Supervisors can consider this proposed Ordinance as a regular ordinance, which would take effect within thirty (30) days of passage. A regular ordinance requires 3/5 vote for approval.

**BACKGROUND**

Supervisor Serna has requested that the Board of Supervisors ("Board") consider the attached urgency ordinance. This board letter summarizes the provisions included in the proposed ordinance and the possible effect on County operations.

**Summary of Ordinance:**

**General Provisions**

The general provisions explain the overall purpose of the "Sacramento County Worker Protection, Health, and Safety Act," setting forth definitions for key terms, conditioning the receipt of financial assistance from the County on compliance with the ordinance, prohibiting retaliation against employees properly exercising their rights under the ordinance, and setting forth the

methods of enforcement and the remedies available to employees. It also provides that the ordinance would have no effect after December 31, 2020.

#### Employer Safety Protocols

This section would require employers to implement specified social distancing, mitigation, and cleaning protocols and practices in their workplaces within the unincorporated County. These protocols and practices would include: the maintenance and implementation of specified cleaning and disinfection protocols; the establishment of a protocol to be implemented if a location is exposed to a person with a probable or confirmed case of COVID-19; the provision of handwashing, sanitizing, and disinfectant supplies; the provision of face coverings and mandated wearing of face coverings, except to the extent employees can maintain the recommended physical distance from others or while using break times to eat or drink; and notifying employees of the required protocols in writing.

#### County Enforcement of Ordinance

The ordinance provides that in Section 2.F. the County may, but is not obligated to, investigate whether the employer was in violation of Section 3.A. "Safety practices and protocols," as alleged by the employee. The ordinance also provides that within 15 days of written notice from the County, the employer must cure any alleged violation of the ordinance that has been substantiated by the County.

The ordinance also provides that in Section 2.G.2. a violation of this ordinance is not subject to criminal sanctions, but is subject to enforcement under Sacramento County Code Chapter 16.18.

#### Supplemental Paid Sick Leave

This section would require employers located within the unincorporated County with 500 or more employees nationally to provide additional paid sick leave for employees that can be used for COVID-19-related reasons.

Under the federal Emergency Paid Sick Leave Act enacted as part of the Families First Coronavirus Response Act (H.R. 6201), many employers were required to provide additional sick leave. However, large (over 500 employee) employers were exempted from providing such leave.

Like the Federal Emergency Paid Sick Leave Act, full-time employees would be entitled to 80 hours of new paid sick leave, and part-time employees would receive sick leave hours based on their average hours worked over each two-week period during the last six months.

Employees could use this sick leave if: (1) they are subject to quarantine or isolation under a federal, state, or local order, or are caring for a family member who is quarantined or isolated due to COVID-19; (2) they are advised by a health care provider to self-quarantine due to COVID-19; (3) they are over the age of 65 or are vulnerable due to a compromised immune system; (4) their office has temporarily ceased operations due to a public health order or other public health official's recommendation; (5) the employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or (6) the employee is caring for a minor child because the child's school or daycare is closed.

Employers who already granted employees additional paid sick leave in response to COVID-19 would receive a credit for such hours against the total required under this new ordinance.

**Effective Date of Ordinance:**

The ordinance is operative from the date of passage by the Board of Supervisors. However, Section 2.I. "Time for implementation" provides that the employer obligations set forth in the ordinance take effect 15 days after the effective date of the ordinance.

**FINANCIAL ANALYSIS**

If the County chooses to enforce the ordinance through its Code Enforcement division, there could be significant costs for enforcement activities, however, net county cost is uncertain based on the availability of Corona Relief Funds (CARES Act) and/or other state and federal assistance that is currently available, or that may become available during the time this ordinance is in effect.

This ordinance could have an unknown, but possibly substantial, economic impact on employers located within the unincorporated County. The cost would depend on the extent to which employers have to implement specified practices over and above their current efforts to protect employees, and if they experience employees who test positive for COVID-19.

Attachment:

ORD – Sacramento County Worker Protection Act of 2020

## **ORDINANCE NO. 1593**

### **AN ORDINANCE RELATING TO WORKER PROTECTION, HEALTH, AND SAFETY KNOWN AS THE “SACRAMENTO COUNTY WORKER PROTECTION, HEALTH, AND SAFETY ACT OF 2020”**

The Board of Supervisors of the County of Sacramento, State of California,  
ordains as follows:

SECTION 1. FINDINGS. The Board of Supervisors of the County of Sacramento  
makes the following findings in support of the immediate adoption and application of this  
urgency ordinance:

- A. COVID-19 is a pandemic threatening the health and safety of the County's residents, as reflected by the various emergencies declared at the local, state, and national levels.
- B. Immediate efforts to limit the spread of the COVID-19 coronavirus are critical to protecting the health and safety of the County's residents.
- C. As employees return to the workplace, it is critical to have a working environment that does not unnecessarily increase for them – and thus their co-workers, customers and the public– their potential exposure to the COVID-19 coronavirus.
- D. This ordinance is necessary to mitigate the spread and effect of the COVID-19 coronavirus, to protect employees in the workplace, to ensure fair employment practices during the economic upheaval from the pandemic, and to reduce the demand on government-funded services. Any delay in its implementation is a threat to the health, safety, and welfare of workers and the public in general.

- E. Among the most effective ways to limit the spread of the COVID-19 coronavirus is to ensure that employees who are feeling sick or who are exposed to or caring for a family member who is suffering from COVID-19 do not go to work.
- F. Efforts to limit the spread of the COVID-19 coronavirus may be undermined if employees go to work sick because they are unable to risk losing income and do not have sick leave available to them.
- G. Any delay in making available paid sick leave benefits could result in the unnecessary spread of the COVID-19 coronavirus by employees to their co-workers or to the public who come in contact with them while they are working.

## SECTION 2. GENERAL PROVISIONS

**A. Definitions.** The following definitions apply in this chapter:

“Emergency Paid Sick Leave Act” or “EPSLA” means the federal Emergency Paid Sick Leave Act enacted as part of the Families First Coronavirus Response Act (H.R. 6201).

“Employee” means a person who works within the unincorporated area of the County of Sacramento for their employer and is an “employee” as defined by California Labor Code section 2750.3.

“Employer” means a person that operates a business in the unincorporated area of the County of Sacramento and who directly or indirectly employs or exercises control over the wages, hours, or working conditions of any employee.

“EPSLA-exempt employer” means an employer that is not required to provide paid sick leave to employees under the Emergency Paid Sick Leave Act, whether by the

terms of Emergency Paid Sick Leave Act or by the employer's exercise of an exemption under that Act.

"Face covering" means a material that covers the nose and mouth, consistent with the definition of a cloth face covering as defined by the California Department of Public Health in its June 18, 2020, Guidance for the Use of Face Coverings, as it may be amended.

"Family member" means any person for whom an employee may use paid sick leave pursuant to California Labor Code section 245.5, subdivision (c).

"Full-time employee" means an employee who works 40 hours or more per week for an employer, or who was classified as full-time by the employer before the effective date of this chapter.

"Part-time employee" means an employee who is not a full-time employee.

"SPSL" means the supplemental paid sick leave described in Section 4 of this ordinance.

"Telework" means work performed from an approved location other than the employer's regular place of business.

**B. Conditions on County financial assistance.**

Any employer who receives financial assistance from the County of Sacramento through any program designed to provide financial assistance to businesses due to COVID-19 shall certify that the employer complies with this ordinance as a condition of receiving funds. An employer that is determined to have violated this chapter shall refund any such financial assistance it has received from the County.

**C. Effect on other rights and guidance.**

This Ordinance is not intended to revoke, repeal, or impair any employee rights,

whether statutory, regulatory, or collectively-bargained. This Ordinance does not substitute for existing safety and health-related regulatory requirements, such as those of Cal/OSHA, the Centers for Disease Control, or any requirements of any Sacramento County health order, local order, gubernatorial executive order, or orders issued by the California Department of Public Health.

**D. No waiver of rights.**

No employer shall request an employee to waive a right under this Ordinance, and any waiver by an employee of any right under this Ordinance is deemed contrary to public policy and is void and unenforceable.

**E. Retaliatory action prohibited.**

No employer shall discharge, discipline, discriminate against, retaliate against, or reduce the compensation of any employee for seeking to exercise the employee's rights under this Ordinance by any lawful means; for participating in proceedings related to this chapter; or for refusing to come to work if that refusal is based on an alleged violation substantiated by the County subsection F, below.

**F. Right to refuse work under certain circumstances.**

An employee may refuse to work for an employer, without pay, for violations of Section 3.A. of this Ordinance, under the following circumstances:

1. The employee reasonably believes the employer is in violation of Section 3.A. and provides notice to the employer of the alleged violation.
2. The County may, but is not obligated to, investigate whether the employer was in violation of Section 3.A., as alleged by the employee. Within 15 days of written notice from the County, the employer shall cure any alleged violation that has been substantiated by the County.



3. If the County after investigation finds the employer was not in violation of Section 3.A., or if the employer provides proof to the County that it has cured any violation that has been substantiated, the employee no longer has the right of refusal as provided in this section.

**G. Enforcement and remedies.**

1. Civil enforcement. Subject to subsection A.2, below, within 1 year of a violation an employee may bring an action in the Superior Court of the State of California against an employer for violations of Section 2.E. "Retaliatory Actions Prohibited" and may be awarded:

- a. All actual damages;
- b. Punitive damages, pursuant to California Civil Code section 3294;
- c. Reinstatement to the position the employee was discharged from in violation of this Ordinance;
- d. Front and back pay for each day the violation continues, which shall be calculated at a rate of compensation not less than the higher of:
  - i. The average regular rate of pay received by the employee during the last three years of their employment in the same occupation classification; or
  - ii. The most recent regular rate received by the employee while employed by the employer;
- e. Reasonable attorneys' fees and costs; and
- f. Other legal or equitable relief the court deems just and appropriate, including injunctive relief.

An employee may commence an action only after the following requirements

have been met:

- i.. The employee provides written notice to the employer of the provision of this Ordinance alleged to have been violated and all facts supporting the alleged violation; and
  - ii. The employer is provided 15 days from receipt of that written notice to cure any alleged violation.
2. County enforcement.
  - a. A violation of this Ordinance is not subject to criminal sanctions, but is subject to enforcement under Sacramento County Code Chapter 16.18.
  - b. The County may file a civil action to recover any employer financial assistance due to the county pursuant to Section 2.B..

#### **H. Sunset.**

1. Except as provided in subsection 2, this Ordinance has no effect after December 31, 2020.
2. An employee may bring an action, or continue to pursue any of the remedies described in Section 2.G., after December 31, 2020 if the alleged violation occurred before January 1, 2021.

#### **I. Time for implementation.**

The employer obligations set forth in this chapter take effect 15 days after the effective date of this chapter.

### **SECTION 3. Employer Safety Practices and Protocols.**

#### **A. Safety practices and protocols.**

An employer shall implement, as applicable, the following physical-distancing, mitigation, and cleaning protocols and practices:

1. Daily cleaning and disinfection of high-touch areas in accordance with guidelines issued by the Centers for Disease Control and Prevention.
2. Maintenance of cleaning protocols established by the employer for all other areas of the employment site.
3. Establish protocols for action upon discovery that the employment site has been exposed to a person who is a probable or confirmed case of COVID-19.
4. Providing employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes.
5. Cleaning of common areas – including break rooms, locker rooms, dining facilities, rest rooms, conference rooms, and training rooms – daily and between shifts.
6. Providing face coverings for employees to wear during their time at the employment site, and mandating their wear while on the site, except to the extent an employee can maintain physical distance of at least six feet from other persons or is using break time to eat or drink, in accordance with the guidance from the Centers for Disease Control and Prevention. Employers shall establish protocols specifically regarding how it will ensure proper physical distancing.
7. Informing all employees of the required protocols and practices in this section, in writing, in English and any language spoken by at least 10% of the employees who are at the work site.

**B. Lesser obligations for certain off-site conditions.**

For employees working at worksites that are not owned, maintained, leased, or controlled by their employer, the employer is not in violation of Section A if the employer has taken steps to contact the entity that owns, maintains, leases, or controls that other worksite to encourage compliance with those provisions.

#### SECTION 4. Supplemental Paid Sick Leave.

##### **A. Covered employers.**

1. This article applies only to EPSLA-exempt employers with 500 or more employees nationally.
2. An EPSLA-exempt employer of an employee who is a health care provider or an emergency responder (as each term is defined in 29 C.F.R. § 826.30(c), as it may be amended) may exclude those employees from the requirements of this article.

##### **B. Employer obligation to provide supplemental paid sick leave.**

1. An employer covered by this article shall provide to each employee the SPSL described in this article.
2. SPSL is in addition to any other paid sick leave, paid time off, or vacation time that an employer currently provides to an employee by statute, policy, or collective bargaining agreement.
3. Nothing in this article limits an employer from providing other or additional paid time off to an employee.

##### **C. Supplemental paid sick leave hours.**

1. Full-time employees. A full-time employee is entitled to 80 hours of SPSL under this chapter.
2. Part-time employees. A part-time employee is entitled to an amount of SPSL hours equal to the number of hours worked on average over a two-week period. In calculating this average, the employer shall use the number of hours worked by the employee for each week the employee worked during the six months immediately preceding the effective date of this chapter, multiplied by two.

3. Employer offsets.

a. If an employer has granted additional paid sick leave (beyond any paid sick leave, paid time off, or vacation time afforded an employee by statute, policy, or collective bargaining agreement) since March 19, 2020 specifically for use for COVID-19-related matters, the employer may use those leave hours as a credit against the number of SPSL hours required by this section.

b. If an employee is entitled to leave hours pursuant to the Governor's Executive Order N-51-20, the employer may use those leave hours as a credit against the number of SPSL hours required by this section.

**D. Scope of benefit.**

1. The SPSL described in this article is subject to the requirements of this section.

2. SPSL use. An employee who is unable to work or telework may use SPSL due to the following:

a. The employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19, or is caring for a family member who is quarantined or isolated due to COVID-19.

b. The employee is advised by a health care provider to self-quarantine due to COVID-19 or is caring for a family member who is so advised by a health-care provider.

c. The employee chooses to take off work because the employee is over the age of 65 years or is considered vulnerable due to a compromised immune system.

d. The employee is off work because the employer it works for temporarily ceases operation due to a public health order or other public official's recommendation.

e. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

f. The employee is caring for a minor child because a school or daycare is closed due to COVID-19.

3. Rate of SPSL pay; maximum monetary benefit.

a. Except as provided in subsections a and b, below, an employer shall pay an employee for properly-used SPSL at the employee's regular rate of pay.

b. Notwithstanding subsection a, above, the maximum amount an employer is obligated to pay for SPSL is (a) \$511 per day, and (b) an aggregate of \$5,110 for the entire benefit.

c. Notwithstanding subsections a and b, above, for an employee who uses SPSL to care for a family member, the employer may pay two-thirds of the employee's regular rate of pay, with a maximum employer obligation of \$200 per day and an aggregate of \$2,000 for the entire benefit.

4. Additional employer restrictions.

a. An employer may not require an employee to use other accrued paid sick leave, paid time off, or vacation time before using SPSL.

b. An employer may not require an employee to find a replacement as a condition of using SPSL.

c. An employer may not issue any discipline or attendance points based on a no-fault attendance policy for an employee's use of SPSL.

5. Additional employee restrictions.

a. If requested by the employer, the employee shall provide the employer the

basis for requesting SPSL; provided, however, that a doctor's note or other documentation is not required.

b. An employer may require the employee to follow reasonable notice procedures before providing SPSL, but only when the employee's need for the SPSL is foreseeable.

6. Unused SPSL. An employee is not entitled, under any circumstances, to be paid for unused SPSL. Unused SPSL expires when this chapter sunsets.

SECTION 5. SEVERABILITY. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The Board of Supervisors hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

SECTION 6. This Ordinance was introduced on August 18<sup>th</sup>, 2020, and on September 1, 2020, further reading was waived the vote of the Supervisors present.

The ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Sacramento.

On a motion by Supervisor Serna, seconded by Supervisor Kennedy, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Sacramento, State of California, this 1<sup>st</sup> day of September, 2020, by the following vote:

AYES: Supervisors Kennedy, Nottoli, Serna

NOES: Supervisors Frost, Peters

ABSENT: None

ABSTAIN: None

RECUSAL: None  
(PER POLITICAL REFORM ACT (§ 18702.5.))



Chair of the Board of Supervisors  
of Sacramento County, California

ATTEST:

Clerk, Board of Supervisor

**FILED**  
BOARD OF SUPERVISORS

SEP 01 2020  
BY   
CLERK OF THE BOARD

In accordance with Section 25103 of the Government Code of the State of California a copy of the document has been delivered to the Clerk of the Board of Supervisors, County of Sacramento on 9-1-20

By:   
Deputy Clerk, Board of Supervisors



**From:** [Shanks, Stephanie](#)  
**To:** [Evans, Florence](#); [Munoz, Alma](#); [Bishop, Amanda](#)  
**Subject:** FW: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"  
**Date:** Monday, August 17, 2020 3:33:59 PM  
**Attachments:** [image001.png](#)

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For the Record. Item No. 34



**From:** Chris Smith <[SmithC2@agc-ca.org](mailto:SmithC2@agc-ca.org)>  
**Sent:** Friday, August 14, 2020 3:55 PM  
**To:** Jarrard, Vance <[jarrardv@saccounty.net](mailto:jarrardv@saccounty.net)>  
**Cc:** Frost, Supervisor <[SupervisorFrost@saccounty.net](mailto:SupervisorFrost@saccounty.net)>  
**Subject:** RE: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"  
**Importance:** High

**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

Vance – I wanted to chat with you about a major concern the Construction industry has with Sacramento County Worker Protection, Health, And Safety Act Of 2020 coming up on the agenda for Tuesday's Board of Supervisors meeting. One of the major issues we have is as written, our union signatory contractors in Sacramento County, which are required to already give paid sick leave through master labor agreements negotiated through the building trades unions, would be forced to give further additional paid sick time under on top of what was negotiated. We would appreciate adding the following section to the ordinance to exempt work already covered by collective bargaining agreements. This language closely mirrors that of San Francisco and LA's ordinances that expanded paid sick leave to employers of over 500 or more.

**"Exemption for Collective Bargaining Agreement**

**All of the provisions of this Chapter, or any part of, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted to constitute, a waiver of all or any of the provisions of this Chapter."**

Please let me know if you have any questions on this.

Thanks,

**Chris Smith**

**Regional Government Affairs Manager, Northern & Central California**

AGC of California

3095 Beacon Blvd

West Sacramento, CA 95691

Office: 916.371.2422

Mobile/Direct: 650.759.6645

[smithcn@agc-ca.org](mailto:smithcn@agc-ca.org)

[www.agc-ca.org](http://www.agc-ca.org)

[AGC COVID 19 Guidance Website](#)

**The Voice of the Construction Industry**

**From:** [Shanks, Stephanie](#)  
**To:** [Evans, Florence](#); [Munoz, Alma](#); [Bishop, Amanda](#)  
**Subject:** FW: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"  
**Date:** Monday, August 17, 2020 3:32:31 PM  
**Attachments:** [image001.png](#)

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For the Record. Item No. 34



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**From:** Chris Smith <[SmithC2@agc-ca.org](mailto:SmithC2@agc-ca.org)>  
**Sent:** Friday, August 14, 2020 4:51 PM  
**To:** Wagstaff, Bruce <[WagstaffB@saccounty.net](mailto:WagstaffB@saccounty.net)>  
**Cc:** Travis, Lisa <[TravisL@saccounty.net](mailto:TravisL@saccounty.net)>; Serna, Phil <[SernaP@saccounty.net](mailto:SernaP@saccounty.net)>; Gill, Nav <[GillN@saccounty.net](mailto:GillN@saccounty.net)>  
**Subject:** RE: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"

Thanks Bruce, I hope you have a good weekend.

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**From:** Wagstaff, Bruce <[WagstaffB@saccounty.net](mailto:WagstaffB@saccounty.net)>  
**Sent:** Friday, August 14, 2020 4:22 PM  
**To:** Chris Smith <[SmithC2@agc-ca.org](mailto:SmithC2@agc-ca.org)>  
**Cc:** Travis, Lisa <[TravisL@saccounty.net](mailto:TravisL@saccounty.net)>; Serna, Phil <[SernaP@saccounty.net](mailto:SernaP@saccounty.net)>; Gill, Nav <[GillN@saccounty.net](mailto:GillN@saccounty.net)>  
**Subject:** RE: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"

Chris: Thank you for your note. I have forwarded it to our County Counsel for follow up.

Bruce Wagstaff

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**From:** Chris Smith <[SmithC2@agc-ca.org](mailto:SmithC2@agc-ca.org)>  
**Sent:** Friday, August 14, 2020 4:13 PM  
**To:** Wagstaff, Bruce <[WagstaffB@saccounty.net](mailto:WagstaffB@saccounty.net)>  
**Cc:** Gill, Nav <[GillN@saccounty.net](mailto:GillN@saccounty.net)>  
**Subject:** RE: Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020"  
**Importance:** High

Bruce -- On behalf of the Associated General Contractors of California, we write today to ask that the "Sacramento County Worker Protection, Health, And Safety Act Of 2020" include a provision exempting Collective Bargaining Agreements (CBA) from the additional Paid Sick Leave (PSL) rule as to alleviate implementation issues.

As written, this language only allows for an employer to get credit for PSL hours on changes it voluntarily made to internal PSL policies. Within the CBA context, if a union and employer made changes to allow for greater paid sick leave policies within a CBA in response to COVID-19, any employee who took advantage of those better terms will have those hours counted against the 80 available through the ordinance. It does not waive the responsibilities of the ordinance generally.

To help mediate this issue, we ask that the city revise the language in the ordinance to allow a letter or memorandum of understanding waiver for exempting work under a collective bargaining agreement. We ask that this wording be added to the section dealing relating to covered work as its own exemption and read as follows:

*"All of the provisions of this Chapter, or any part of, may be expressly waived in a collective bargaining agreement, but only if the waiver is explicitly set forth in the agreement in clear and unambiguous terms. Unilateral implementation of terms and conditions of employment by either party to a collective bargaining relationship shall not constitute, or be permitted to constitute, a waiver of all or any of the provisions of this Chapter."*

-  
As always, we are happy to answer any questions on this matter.

Thanks,

**Chris Smith**

**Regional Government Affairs Manager, Northern & Central California**

AGC of California

3095 Beacon Blvd

West Sacramento, CA 95691

Office: 916.371.2422

Mobile/Direct: 650.759.6645

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[www.agc-ca.org](http://www.agc-ca.org)

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[AGC COVID 19 Guidance Website](#)

**The Voice of the Construction Industry**



## ITEM 34 BOS PUBLIC COMMENT 001

**From:** [Michelle Wright](#)  
**To:** [Susan Peters; Clerk of the Board Public Email](#)  
**Subject:** 8/18 Agenda - Item #34 - Support  
**Date:** Friday, August 14, 2020 6:26:52 PM

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EXTERNAL EMAIL: If unknown sender, do not click links/attachments.

Hello,

I am writing to you in support of Item #34 on the 8/18 BoS agenda. It is so important that we provide all employees the means to take time off from work when sick or caring for a loved one as a result of coronavirus in order to reduce the spread of the disease. Please pass this urgency ordinance to prevent further deaths and transmission.

Thank you,

Michelle Wright,  
Dist. 3 resident

## ITEM 34 BOS PUBLIC COMMENT 002

**From:** [Davi Rodrigues](#)  
**To:** [Clerk of the Board Public Email](#)  
**Subject:** BOS meeting 8/18/2020 comment on Item 34  
**Date:** Friday, August 14, 2020 3:38:26 PM

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**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

Hello,

I would like to make the following comment on Item 34 of the 8/18/2020 BOS meeting. I would also like this comment read aloud so it is sure to be entered into the record.

This proposed change is an overreach of the counties duties. The state of California and the Federal Government of the United States are already heavy handed enough in prescribing the duties of employers, and the safety of employees. With our local economy already stumbling from Covid19 prohibitions, this would add another layer of responsibility to employers. If supervisor Serna wants this bad enough, he has the right to pursue it through state and federal avenues where the majority of labor management already exists. We do not need to drag the county into this where we are ill prepared, under-financed, and understaffed.

Thank you

Davi Rodrigues  
Save Our State  
Davi@SaveOurState.info  
916-761-3419

Sent from [Mail](#) for Windows 10

## ITEM 34 BOS PUBLIC COMMENT 003

**From:** [Katie Hansen](#)  
**To:** [Supervisor Serna](#); [Frost, Supervisor](#); [Kennedy, Supervisor](#); [Susan Peters](#); [Nottoli, Don](#)  
**Cc:** [Clerk of the Board Public Email](#)  
**Subject:** CRA Letter Item #34  
**Date:** Monday, August 17, 2020 12:57:38 PM  
**Attachments:** [image001.png](#)  
[County of Sacramento Emergency Paid Sick Leave Letter.pdf](#)

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Greetings Chair Serna and Supervisors,

The California Restaurant Association would like to respectfully submit a letter of opposition to Item #34 on the agenda for the Board of Supervisors meeting on August 18, 2020.

Please feel free to send me an email if you have any questions regarding our letter.

Thank you,  
Katie Hansen

Katie Hansen  
Senior Legislative Director  
California Restaurant Association  
621 Capitol Mall, Suite 2000  
Sacramento, CA 95814  
T: 800.765.4842/ 916.431.2773  
F: 916.447.6182  
E: [khansen@calrest.org](mailto:khansen@calrest.org)  
[www.calrest.org](http://www.calrest.org)

**We're here for you.**

**Visit our [website](#) for all you need to know about COVID-19.**



**While all information released by the California Restaurant Association (CRA) is intended to provide accurate information on the subject covered, the CRA does not provide legal advice and any information provided by the CRA shall not constitute legal advice. You are encouraged to consult your attorney, accountant, or other appropriate professional, as needed.**

**Confidentiality note:**

This electronic message transmission contains information from the California Restaurant Association which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

If you have received this electronic transmission in error, please immediately notify us by telephone at 800.765.4842.



August 17, 2020

Chair Serna and Supervisors  
Sacramento County Board of Supervisors  
700 H street, Suite 1450  
Santa Rosa, CA 95814

Re: Agenda Item 34: Sacramento County Worker Protection, Health and Safety Act of 2020

Dear Chair Serna and Supervisors,

To address the COVID-19 public health threat- aggressive, necessary steps to protect the public health and safety have been taken. Unfortunately, the trade-off for these protective public health measures has been a near decimation of the restaurant community due to the government ordered closure of most restaurant operations. Now, with restaurant dining rooms closed again the local restaurant landscape will undoubtedly be scorched.

Currently, the federal government has enacted emergency paid sick leave for employers with 500 or fewer employees. At the state level, Governor Newsom issued an Executive Order (N-51-20) on April 16<sup>th</sup> to do the same for employers with 500 or more employees.

So, we are left wondering why the Board of Supervisors would be considering overlaying duplicative law in this area that would complicate employer compliance with varying laws on the same policy issue?

We simply cannot handle the proposed mandate for additional, localized emergency paid sick leave. The federal government and California already have requirements for emergency paid sick leave programs in place. Creating any new additional program at the local level would be a costly burden for restaurants already struggling with economic survival in the face of the government mandated closure of most restaurant operations.



Congress passed, and the President signed into law the Emergency Paid Sick Leave Act which creates new emergency paid sick leave obligations for Sacramento County employers in response to the coronavirus.

The Act applies to employers with fewer than 500 employees and an employee is immediately eligible for this leave. Full time employees are provided with 80 hours of paid leave and part time employees a two-week average of paid sick leave, on top of any other existing paid leave program, to quarantine or seek a diagnosis or preventative care for COVID-19. If the employee is absent to care for a sick family member or a child unable to attend school, they are compensated at two-thirds of the rate they would otherwise receive. Employers will receive a 100% tax credit for all wages that are paid.

Governor Gavin Newsom issued an Executive Order on April 16, 2020 requiring food sector industry employers with 500 or more employees to provide two weeks of paid sick leave to employees impacted by the COVID-19 pandemic. The purpose of this Executive Order was to fill in the gap left by federal relief that had provided similar paid leave benefits for employers with fewer than 500 employees.

These two policies combined- address the restaurant workforce and paid sick leave issue in the midst of the COVID-19 public health crisis. Additionally, SB729 (Portantino) is heading for the Governor's desk within days for signature which proposes to codify the state Executive Order, provide statewide clarity, promote compliance, and standardize enforcement.

Duplicative and possibly conflicting layers of law in this area for restaurants should be avoided as there are public health protective policies on the books. We ask that the restaurant community be removed from this policy consideration.

As restaurants are struggling to survive, we would like to work with you on ways we can collectively take equally aggressive steps to address the economic harm caused by these measures. At a bare minimum, we ask for a "do no harm" approach to allow restaurants the ability to recover from this public health and economic crisis.

For these reasons, we must express our opposition to the proposed emergency ordinance. Please feel free to contact me with any questions at (916) 431-2773 or [khansen@calrest.org](mailto:khansen@calrest.org).

Sincerely,



Katie Hansen  
Senior Legislative Director  
California Restaurant Association



## ITEM 34 BOS PUBLIC COMMENT 004

**From:** [Donna Astrinidis](#)  
**To:** [Clerk of the Board Public Email](#)  
**Cc:** [Brian Jensen](#)  
**Subject:** Sacramento County Board of Supervisors Meeting | Aug. 18 | Discussion Item 34 - Proposed Ordinance  
**Date:** Tuesday, August 18, 2020 12:27:20 PM  
**Attachments:** [image001.png](#)  
[Sacramento County Board of Supervisors Meeting Aug. 18 Discussion Item 34 - Proposed Ordinance.pdf](#)

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**EXTERNAL EMAIL:** If unknown sender, **do not** click links/attachments.

Dear Board Clerk,

On behalf of the hospitals and health systems serving the people of Sacramento, the Hospital Council – Northern & Central California is submitting the attached letter addressing concerns and urging the Sacramento County Board of Supervisors to consider exempting health care providers with regards to Discussion Item 34.

Thank you for your time.

**Donna Astrinidis**

*Regional Coordinator*

Sacramento-Sierra, Stanislaus-Merced and San Joaquin-Mother Lode Sections

**Brian Jensen**, Regional Vice President



1215 K Street, Suite 730

Sacramento, CA 95814

916-552-7656 phone

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916-554-2286 fax

[dastrinidis@hospitalcouncil.org](mailto:dastrinidis@hospitalcouncil.org) [www.hospitalcouncil.org](http://www.hospitalcouncil.org)

Visit CHA's Coronavirus Response website at <https://www.calhospital.org/coronavirus> for answers to your COVID-19 questions

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**From:** Donna Astrinidis

**Sent:** Tuesday, August 18, 2020 10:11 AM

**To:** BoardClerk@saccounty.net

**Cc:** Brian Jensen <[bjensen@hospitalcouncil.org](mailto:bjensen@hospitalcouncil.org)>

**Subject:** Sacramento County Board of Supervisors Meeting | Aug. 18 | Discussion Item 34 - Proposed Ordinance

Dear Board Clerk,

On behalf of the hospitals and health systems serving the people of Sacramento, I am reaching out to let the Sacramento County Board of Supervisors know that the Hospital Council – Northern & Central California will be submitting a letter addressing concerns and urging the Board to exempt health care providers with regards to Discussion Item 34, a proposed

urgency ordinance regarding "Sacramento County Worker Protection, Health and Safety Act of 2020" and supplemental paid sick leave.

Thank you for your time.

**Donna Astrinidis**

*Regional Coordinator*

Sacramento-Sierra, Stanislaus-Merced and San Joaquin-Mother Lode Sections

**Brian Jensen**, Regional Vice President



1215 K Street, Suite 730

Sacramento, CA 95814

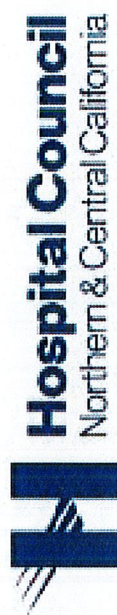
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Visit CHA's Coronavirus Response website at <https://www.calhospital.org/coronavirus> for answers to your COVID-19 questions







August 18, 2020

The Honorable Phil Serna, Chair  
Board of Supervisors  
Sacramento County  
700 H Street, Room 7650  
Sacramento, CA 95814

Dear Chairman Serna:

On behalf of the hospitals and health systems serving the people of Sacramento, I wish to address Discussion Item 34, a proposed urgency ordinance regarding "Sacramento County Worker Protection, Health and Safety Act of 2020" and supplemental paid sick leave.

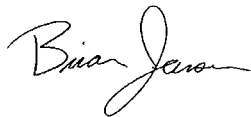
Local health systems partner with Sacramento County on a regular basis to improve the lives of residents and their communities, never has this been more apparent than during the ongoing COVID-19 pandemic. Employees of both the County and local health systems are on the front lines of this ongoing public health crisis. We collaborated to create unprecedented access to housing and health care for individuals experiencing homelessness through Project Room Key; we provided COVID-19 testing for the most vulnerable populations via mobile integrated healthcare operated in partnership with the Sacramento Metro Fire Department; and worked to ensure adequate personal protective equipment supplies in the early days of the pandemic. Although we have managed our way through every challenge to this point, the near future is uncertain. We need to stay focused on providing care and preparing for a possible surge, while keeping our health care workers and support staff safe.

We absolutely agree that sick leave is an important tool for protecting workers and patients. The health systems have generous sick leave policies in place for employees, including existing paid time off policies. While this ordinance is well-intended and may be beneficial to other industries, if it is applied to hospitals and health systems, it will seriously hinder our ability to provide necessary care during this health crisis and anticipated surge. We need to preserve workforce flexibility to brace for a greater surge in COVID-19 cases.

We need the County to adopt an employer-based exemption for health care delivery systems and ancillary operations to ensure hospitals in the unincorporated county can deliver full and high-quality care during the pandemic. Health systems in this region have agreements with dozens of different unions and types of employees, making compliance for this type of requirement a huge undertaking at a time when we need to be laser-focused on the crisis. Instead of dedicating administrative time and resources to complying with new regulations, we need that energy directed at developing creative solutions to rapidly-evolving circumstances. Failure to exempt hospitals and health systems and providing only piecemeal exemptions diverts our focus from any coming surge, and risks depleting our most important resources – our employees – due to absenteeism when they are most needed.

Thank you for your commitment to the health of the public and employees. Please demonstrate your ongoing commitment by not limiting the options hospitals and health systems have for staving off the pandemic.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Jensen". The signature is fluid and cursive, with the first name "Brian" and last name "Jensen" clearly distinguishable.

Brian Jensen  
Regional Vice President  
Hospital Council – Northern and Central California

CC: Sup. Patrick Kennedy  
Sup. Susan Peters  
Sup. Sue Frost  
Sup. Don Nottoli

## **AGENDA ITEM CONTINUATION MEMO**

**MEETING DATE:** August 18, 2020

**DEPARTMENT:** Deputy County Executive, Social Services

**TITLE:** Request From Supervisor Serna For Board Consideration Of Proposed Urgency Ordinance, "Sacramento County Worker Protection, Health, And Safety Act Of 2020" In The Alternative, The Board Of Supervisors Should Consider This Proposed Ordinance As A Regular Ordinance, Which Would Take Effect Within Thirty (30) Days Of Passage. A Regular Ordinance Requires 3/5 Vote For Approval

**BOARD ACTION:** Introduced Ordinance "Sacramento County Worker Protection, Health, And Safety Act Of 2020" continued to be Adopted on September 01, 2020 .