

RIVERSIDE TRANSIT AGENCY
1825 Third Street
Riverside, CA 92507

March 25, 2021

TO: BOARD EXECUTIVE COMMITTEE

THRU: Larry Rubio, Chief Executive Officer

FROM: Laura Camacho, Chief Administrative Services Officer

SUBJECT: **REVISED Amend the Human Resource Policies and Procedures, Section 9-1, COVID-19 Leave and Compensation Policy and Extend the Expiration to June 30, 2021**

Summary: On March 26, 2020, the Agency's Board of Directors approved the Human Resource Policies and Procedures, Section 9-1 COVID-19 Leave and Compensation Policy (**COVID-19 Policy**). This temporary Policy was developed to provide specific procedures for responding to employee leave requests as a result of having been directly or indirectly affected by the "SARS-CoV-2" virus and the disease it causes; "coronavirus disease 2019" (COVID-19). The **COVID-19** Policy was due to expire on December 31, 2020 and the Board approved extending the expiration through March 31, 2021.

While employee-related COVID-19 cases have started to show a downward trend, positive cases are still present and the need for employee leave continues. Staff recommends amending the COVID-19 Leave and Compensation Policy and extending it for three months with a new expiration date of June 30, 2021. Staff also recommends the Agency continue to suspend the Attendance Policy for COVID-19 related symptoms so employees are not penalized for absences that could potentially be COVID-19 related.

If approved, the amended COVID-19 ~~Leave and Compensation Policy~~, **attached for review**, would continue to allow employees time off with pay up to maximums outlined within Tier 1, Tier 2 and Tier 3, should they or their eligible dependents contract COVID-19, be exposed to COVID-19, suffer COVID-19-like symptoms or be affected by school closure or loss of child-care due to COVID-19. Employees who have not used the maximum leave and pay allotments under these Policy Tiers, would have those remaining balances available to them through June 30, 2021.

The Agency would continue to evaluate and approve work from home under Tier 4.

A change was also made on page 3 of the Policy to reflect changes in the California Department of Public Health and CDC guidance regarding relaxed requirement for quarantine, following an exposure to COVID-19 for asymptomatic cases.

The Agency will continue to comply with any Federal or State provisions which may provide a greater benefit, such as the November 30, 2020, State of California Department of Industrial Relations' Occupational Safety and Health Standards Board (OSHA) emergency temporary standards. These standards were adopted to protect workers from hazards related to COVID-19. Part of the requirements are for employers to provide leave and pay for employees who contract COVID-19 at work or are exposed to COVID-19 at work. When these standards apply, they may afford leave and pay above what our Policy provides and in those instances the Agency shall comply with these standards.

The Agency will also comply with the recently enacted Senate Bill 95 (SB 95) COVID-19 Supplemental Paid Sick Leave. On March 19, 2021 Governor Gavin Newsom signed SB 95 into law which provides covered full-time employees up to 80 hours of supplemental paid sick leave who are unable to work due to reasons summarized below related to COVID-19.

- ***The covered employee is subject to a quarantine or isolation period related to COVID-19;***
- ***The covered employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;***
- ***The covered employee is attending an appointment to receive a vaccine for protection against contracting COVID-19;***
- ***The covered employee is experiencing symptoms related to a COVID-19 vaccine that prevent the employee from being able to work or telework;***
- ***The covered employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;***
- ***The covered employee is caring for a family member who is subject to quarantine or isolation; or***
- ***The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19.***

The provisions of SB 95 are retroactive to January 1, 2021 and will be in effect until September 30, 2021.

Senate Bill 95 allows an employer to count the hours of another paid benefit or leave, that offers similar pay for similar COVID-19 related time off, towards the 80 hours required by SB 95. The Agency's COVID-19 Policy offers at least up to 80 hours of time off at the employee's regular rate of pay for COVID-19 related reasons. Therefore, any paid time off provided to full-time employees under the Agency's COVID-19 Policy, beginning January 1, 2021, will count toward, and will not be in addition to, the 80 hours of supplemental sick leave pay required under SB 95. Full-time employees who are no longer eligible for paid leave under the Agency's COVID-19 Policy will be eligible for supplemental paid sick leave under SB 95.

The attached COVID-19 Policy was further updated to communicate the requirements of SB 95. While the Agency's COVID-19 Policy would be set to expire on June 30, 2021, the Agency will continue to provide paid time off benefits related to COVID-19 as required by active legislation such as SB 95, OSHA emergency temporary standards or any other Federal or State regulation subsequently enacted.

Fiscal Impact:

Approximately 71% of employees (322) will have a COVID-19 Policy Leave balance available after March 31, 2021. This remaining balance would be available to them through June 30, 2021. The cost for this COVID Leave was included in the current fiscal year's budget, no additional funds are being requested for this extension.

While it is unknown at this time the extent of SB 95 supplemental paid sick leave use, associated costs will be absorbed in the current fiscal year's budget. As additional data becomes available, staff will determine its cost implications for the period July 1, 2021 through September 30, 2021 and include them in the FY22 budget.

Recommendation:

Approve and recommend this item to the full Board of Directors for their consideration as follows:

- Amend the Human Resource Policies and Procedures, Section 9-1 COVID-19 Leave and Compensation Policy and extend the expiration to June 30, 2021.

Riverside Transit Agency

Human Resource Policies and Procedures

Distribution: All Employees		Subject: COVID-19 LEAVE AND COMPENSATION POLICY	
Effective Date: March 26, 2020	Page No. 1	Pages Of 4	File Under Section: 9 - 1 TEMPORARY
Revision Date: December 17, 2020 March 25, 2021		Approved By:	

PURPOSE

In support of the Agency's Contagious Virus Response Plan, this temporary Policy provides direction regarding leave and compensation for Agency employees who may be affected by COVID-19. The Policy is subject to change at any time and exceptions may be made by the Chief Executive Officer in support of business needs. The Policy will be extended from December 31, 2020 and shall terminate on ~~March 31, 2021~~ **June 30, 2021**. This Policy may be terminated sooner or extended by action of the Board of Directors.

POLICY

On March 8, 2020 the Riverside County Public Health Officer declared a public health emergency after identification of the County's first case of COVID-19. As a result, the Agency developed the Contagious Virus Response Plan (Plan). On March 18, 2020 the President of the United States signed into law the Families First Coronavirus Response Act (Act), which provides Paid Sick Leave and expands the Family Medical Leave Act (FMLA), through December 31, 2020, to those who have been affected by COVID-19 and who must care for children who are home due to school closures. This temporary Policy was intended to further expand on the Plan and the Act as it relates to COVID-19 leave of absence eligibility, applicable compensation for such leave, telecommuting options and attendance point applicability during leave. While ~~it is unknown whether the Act will be~~ **was not** extended, the Agency will continue to provide the protections outlined in this policy as amended. ~~Should the government extend or amend the Act, providing a richer benefit to employees, the Agency will comply as required.~~

The Agency will ~~also~~ comply with any other Federal or State provisions, such as the November 30, 2020 the State of California approved Cal/OSHA COVID-19 Emergency Temporary Standards, **as well as the March 19, 2021 Senate Bill 95 (SB 95)**, that may provide a ~~richer~~ **additional benefits** to employees.

PROCEDURE

Applicable leave, compensation, and absence classifications will be applied to those employees affected by COVID-19 as described within each Tier and Additional Tier Instructions. The Agency will also adhere to and provide leave and pay as mandated by the Families First Coronavirus Response Act, ~~and the~~ Cal/OSHA COVID-19 Emergency Temporary Standards, **and SB 95**.

Riverside Transit Agency

Human Resource Policies and Procedures

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Revision Date: December 17, 2020 March 25, 2021		Approved By:	

Tier 1¹

- The employee has been exposed to COVID-19 1) by returning to the United States from a high risk or Level 3 country, as classified by the Centers for Disease Control and Prevention (CDC); 2) by having close contact with a person returning to the United States from a high risk or Level 3 country, as classified by CDC; or 3) by having close contact with a person who has conclusively contracted COVID-19, on or after the date the person's symptom onset was identified.
- The employee or eligible dependent, who the employee must provide care for, has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee or eligible dependent, who the employee must provide care for, is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- ***The employee attends an appointment to receive a COVID-19 vaccine.***
- ***The employee experiences symptoms related to a COVID-19 vaccine that prevents the employee from being able to work.***

For the circumstances identified within Tier 1, the employee will be eligible for up to a 14-calendar day leave of absence, of which up to 10 days will be paid by the Agency.

Tier 2¹

- The employee has conclusively contracted COVID-19.
- The employee's eligible dependent has conclusively contracted COVID-19, and the employee must provide care for such dependent.

For the circumstances identified within Tier 2, the employee will be eligible for a 28-calendar day leave of absence, of which up to 20 days will be paid by the Agency. This would also result in the end of leave and compensation described in Tier 1. Should the employee require additional time off as a result of contracting COVID-19, the employee may file for state disability insurance (SDI) compensation and supplement his/her SDI with an allocation of calendar year 2021 PTO.

¹RTA will comply with Cal/OSHA COVID-19 Emergency Temporary Standards which include, and not limited to, providing regular pay, benefits and seniority to employees during time employee is excluded from the workplace due to contracting COVID-19 at work or having been exposed to COVID-19 at work. ***RTA will also comply with SB 95 by providing full-time employees up to 80 hours of paid time off at the employee's regular rate of pay for COVID-19 covered reasons. See page 4 of this policy for additional SB 95 information.***

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Tier 3

The employee's eligible dependent child's (under 18 years of age) school is verified to be closed or the childcare provider is unavailable due to COVID-19 precautions.

For the circumstance identified within Tier 3, the employee will be eligible for up to a 14-calendar day leave of absence, of which up to 10 days will be paid by the Agency

In addition, once whichever of the following occurs first, the employee will be required to return to work:

- the child's school opens;
- the employee is able to work remotely; or
- other childcare arrangements are made making employee available to return to work.

Tier 4

In accordance with HR Policy Section 3-3 – Telecommuting, exempt and non-exempt employees may work from home. This would be done with management approval and after an evaluation of whether work can be done at home is conducted.

Additional Tier Instructions/**Other Information:**

- Compensation will be paid at the employees' regular hourly rate/salary.
- Compensation will be based on an 8-hour day/40-hour workweek for full time employees.
- For employees who work less than full-time:
 - The allotted time off as noted in Tier 1, 2, and 3 would be based on the average number of hours worked in a week, over a 12-month look back period.
 - Compensation will be based on the average number of hours worked in a week, over a 12-month look back period.
- During approved leaves of absence as described within each Tier, the HR Policy Section 4-4 – Attendance Policy will be suspended as it relates to accumulation of attendance points that lead to disciplinary action. As such absences would be classified as "uncounted" (excused).
- Return to Work Requirements:
 - For Tiers 1 and 2, if employee is off work longer than 7 calendar days, employee may be required to seek clearance from a medical professional;
 - Employee must obtain a medical release from a health care professional stating they show no signs or symptoms of COVID-19 if diagnosed; and/or
 - Employee must **may be required to** self-quarantine for **up to 14 days, depending on whether symptoms develop.**

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- if returning from a Level 3 country and CDC screening at airport did not result in direction to self-quarantine; or
- if close contact with someone who conclusively contracted COVID-19 did not result in self-quarantine from medical professional.
- Notification of exposure as described within this Policy to COVID-19, or travel from Level 3 countries by employee or by someone employee has been in close contact are required to be disclosed to Human Resources.
- Eligible dependent will be defined **by Labor Code 245.5 (c) Family Member, which includes as child, spouse, registered domestic partner, parent, grandparent, grandchild, and sibling.** ~~children that employee has legal guardianship of, or parent.~~
- PTO may include Sick, Vacation, or Floating Holiday. Physician certification conclusively diagnosing COVID-19 and/or proof of Level 3 country travel may be required.
- FMLA/California Family Rights Act (CFRA) protection would be designated if employee is eligible.
- **Senate Bill 95 COVID-19 Supplemental Paid Sick Leave: Effective January 1, 2021, through September 30, 2021, provides covered full-time employees up to 80 hours of supplemental paid sick leave who are unable to work due to reasons summarized below related to COVID-19.**
 - **The covered employee is subject to a quarantine or isolation period related to COVID-19;**
 - **The covered employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;**
 - **The covered employee is attending an appointment to receive a vaccine for protection against contracting COVID-19;**
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 - **The covered employee is caring for a family member who is subject to quarantine or isolation; or**
 - **The covered employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19**

Any paid time off provided to full-time employees under the Agency's COVID-19 Policy, beginning January 1, 2021, will count toward, and will not be in addition to, the 80 hours of supplemental sick leave pay required under SB 95.