

# TEHAMA COUNTY BOARD OF SUPERVISORS

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(530) 527-3287

Board Chambers  
727 Oak Street, Red Bluff, CA 96080  
(530) 527-4655

<http://www.co.tehama.ca.us>

## ADDENDUM

### AGENDA FOR TUESDAY, MARCH 24, 2020

1. PUBLIC COMMENT DURING SHELTER IN PLACE ORDER
  - a) SPECIAL NOTE ON PUBLIC MEETINGS DURING SHELTER-IN-PLACE ORDER:

Pursuant to the Governor's Executive Order N-25-20, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, during the period in which local public officials impose measures to promote social distancing. Although this meeting will be held at the Board Chambers located at 727 Oak Street, Red Bluff, California, 96080, the Chambers will not be open to the public. Remote public participation is encouraged in one of the following ways:

For live audio of the meeting: Go to:

<http://tehamacountyca.igmp2.com/Citizens/Default.aspx>

For submission of public comments and to comment on agendized items (Please specify agenda item): Email: [publiccomment@co.tehama.ca.us](mailto:publiccomment@co.tehama.ca.us) <[mailto](mailto:publiccomment@co.tehama.ca.us)>

If you have trouble connecting or accessing the meeting, the contact the Board office for assistance at (530) 527-4655

2. PERSONNEL - Personnel Director Missi Bullington
  - a) Request adoption of Personnel Rule §8104: Declared Health Emergencies



Board of Supervisors  
Meeting Date: March 24, 2020  
Prepared By: Angela Ford  
Preparer Phone: (530) 527-3287  
Preparer Email: [aford@co.tehama.ca.us](mailto:aford@co.tehama.ca.us)  
Regular Item

## PUBLIC COMMENT DURING SHELTER IN PLACE ORDER

### Requested Action(s)

- a) SPECIAL NOTE ON PUBLIC MEETINGS DURING SHELTER-IN-PLACE ORDER:  
Pursuant to the Governor's Executive Order N-25-20, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, during the period in which local public officials impose measures to promote social distancing. Although this meeting will be held at the Board Chambers located at 727 Oak Street, Red Bluff, California, 96080, the Chambers will not be open to the public. Remote public participation is encouraged in one of the following ways:

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### Financial Impact:

None

### Background Information:



Board of Supervisors  
 Meeting Date: March 24, 2020  
 Prepared By: Michelle Bullington  
 Preparer Phone: 530-527-4183 ext 3020  
 Preparer Email: mbullington@co.tehama.ca.us  
 Regular Item

## PERSONNEL - Personnel Director Missi Bullington

### Requested Action(s)

a) Request adoption of Personnel Rule §8104: Declared Health Emergencies

### Financial Impact:

There is no fiscal impact.

### Background Information:

As the County faces the unprecedented effects of the CoVid-19, it has become apparent that there must be guidance for employee use of leave and the continuation of work during a local declared health emergency.

This rule was drafted with the goal of keeping employees working and in paid status during the crisis. For this reason, the County is recommending flexibility in work hours and working off-site when practicable. Advancing sick leave and expanding how it can be used are being proposed to encourage sick employees to stay home. As State and Federal legislation changes, there may be a need to revise the direction in the rule.

The draft for this rule was created by the Personnel Department, then routed through the Ad Hoc and advisory. In cases of emergency, when the Board of Supervisors determine that a rule must be adopted immediately without prior meeting with a recognized employee organization, the Board of Supervisors will provide notice and opportunity to meet at the earliest practicable time following the adoption of the rule.

This rule is aligned with the Tehama County Strategic Initiative Values: Accountability - We hold ourselves accountable to the public we serve and make sound, conscientious, and carefully considered decisions.

### Attachment List:

Declared Health Emergencies 3-20 (PDF)  
 Off-Site Work Plan and Agreement 2 (PDF)  
 Off-Site Work Daily Log 2 (PDF)  
 Agreement for Repayment of Advanced Leave 2 (PDF)



## PERSONNEL RULES

## SAFETY & SECURITY DECLARED HEALTH EMERGENCIES §8104

**Overview:** This rule provides guidance for employee use of leave and the continuation of work in the event of a local declared health emergency. When emergency operations result in a disruption of work, this rule will be superseded by the County disaster plan as integrated by the Office of Emergency Services.

**Applicable to:** All employees

**Definitions:** Essential services – Services that, if not provided, would endanger the life, health, or personal safety of the whole or part of the population; or services which are not essential in the strict sense of the term, but where the extent and duration of a disruption might be such as to result in an acute local crisis endangering normal living conditions of the population; and in public services of fundamental importance.

Isolation – Keeping people who are infected with a contagious illness away from those who are not infected

Self-isolation – A person ill with a virus may be isolated at home instead of being hospitalized, as directed by a healthcare provider

Self-quarantine – A person who has been exposed and is at risk for contracting a virus may practice self-quarantine as recommended by a healthcare expert

Shelter-in-Place – Stay at home as much as possible, only going out for essentials like food and supplies, or for medical reasons

Social distancing – Deliberately increasing the physical space between people to avoid spreading illness. Examples of social distancing are standing at least six feet away from others, working from home instead of at the workplace, or holding meetings via conference call or by other electronic device.

**Guidelines:** Whether it is caused by a natural disaster, man-made error, or unforeseen events, County business may be disrupted by a health emergency. It is an employee's responsibility to follow official guidance related to the containment of the disease or health emergency.

### Continuation of Work Plan

In the case of a declared health emergency, it is the County's goal to keep employees working, although tasks and locations may be temporarily changed. Departments should plan in advance to establish the following at a minimum:

- A plan to provide essential services
- Tasks that can be completed remotely at another County facility or from the employee's home
- Tasks that may keep employees productive, including assisting other departments
- Tasks related to obligations as a disaster service worker

Staff will be instructed as to when and where to report based upon the circumstances created by the event. A Department Head may order some or all employees to perform work during their regularly scheduled hours at an alternate work location.

### Disaster Service Worker

All Tehama County employees are disaster service workers. Should the work disruption be caused by a declared health emergency, employees who are unable to perform their regular duties may be assigned to other areas of need.

### **Facility Closure During a Declared Health Emergency**

During a declared health emergency, the employee should plan on reporting to work at their usual workplace unless they are contacted by the Department Head or their designee. The Department Head may initiate contact procedures once the impact of the declared health emergency has been determined. A Department Head or their designee may make the decision to release employees, depending on the severity of the circumstances.

If an employee is required to report to work, but is not put to work or furnished with less than half of his/her usual or scheduled day's work, he/she must be paid for half the usual or scheduled day's work, but in no event less than three hours at his/her regular rate of pay.

### **Employees With Health Symptoms Related to the Emergency**

An employee who comes to work exhibiting communicable illness symptoms may be directed to go home and not come to work until they are free of fever and other symptoms for a minimum of 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). Employees will be allowed to use any available leave balances to cover the period of the absence or be in unpaid status. The County cannot require the employee to use sick leave in this circumstance.

Employees who have recently traveled to an identified high-risk area will be directed to stay home for the minimum period as identified by the Center for Disease Control, unless a health care provider indicates that the employee may return earlier.

Medical certification will be required to substantiate illness related to the health emergency. Departments are asked to suspend the accumulation of any sick leave occurrences for employees during the emergency, including those with excessive leave usage or for employees suspected of abuse of leave.

Employees identified as part of the high-risk population (ex. age 65 or over, chronic medical conditions) may choose to stay at home using any available leave balances. If an employee chooses to work, the department shall ensure the employee is provided with a workspace which allows for social distancing.

Departments will follow the County's procedures for Work-Related Injury or Illness Reporting in the event an employee requests to file a worker's compensation claim.

### **Flexing Hours**

At the Department Head's discretion, he/she may allow flexible hours in order to keep employees at work as much as possible. An example of when this may be appropriate is when an employee's childcare situation has changed due to a school closure.

A Department Head may choose to reduce the hours that they are open to the public in order to reduce employees' exposure to the public.

### **Working Off-Site**

Employees will be approved for work from home arrangements on a case-by-case basis at the discretion of the Department Head. If doing so is deemed feasible and approved, employees may temporarily work doing predetermined assignments or training. The following are examples of possible circumstances when telework may become an option. This is not an exhaustive list, as it is not possible to conceive every scenario. Other circumstances may be approved by the Personnel Director and Chief Administrator.

- County facility closures
- School closures (employee must stay home to care for children)
- Quarantine or exposure to illness
- Caring for a qualified family member

Employees working off-site must complete an Off-Site Work Plan and Agreement form to be signed by the employee, his/her supervisor, and the Department Head.

### **Compensation and Leave During Declared Health Emergencies**

*Compensation:* Employees will be paid for actual hours worked, whether at the worksite or off-site.

*Exempt Employees:* In recognition of the requirement that exempt employees occasionally work beyond a normal workday, some flexibility is allowed for authorized time off with pay during the normal workday or workweek. An absence of less than half of the employee's regularly scheduled workday will not be deducted from leave accruals. Also, if an employee has worked a total of 40 or more hours in a workweek, he/she is not required to use leave accruals for partial day absences. However, an absence equal to or greater than half of the employee's regularly scheduled workday shall be deducted from an exempt employee's appropriate leave accruals when the employee has not worked 40 or more hours in a workweek.

*Benefit Programs:* Employees may be eligible for unemployment insurance benefits or State Disability.

*Use of Leave:* An employee may request to use sick leave, management leave, vacation, or compensatory time off to receive compensation during a declared health emergency, including while in quarantine or shelter-in-place. The County cannot require an employee to use paid time off; the employee may choose to be in unpaid status.

*Leave Advances:* Employees impacted by the health emergency who have exhausted all leave balances may request an advance of up to 40 hours of sick leave. Employees receiving advanced leave must sign an Agreement for Repayment of Advanced Leave form. The number of sick leave hours advanced is required to be repaid within six (6) months of the date of the advance being granted. Advanced sick leave will be repaid by the forfeiture of any sick leave, vacation, management leave, compensatory time, or any other paid leave as it is accrued. If, for any reason, the employee leaves County employment prior to the full repayment of the sick leave advance, the employee consents to the withholding of the amount necessary to repay the County for the sick leave advance from their last payroll warrant. If any amount remains due after these deductions, they must agree to pay the remaining balance back to the County within ten (10) business days of the date of separation from County employment. Any failure to repay the County will result in the County proceeding with legal action to recover the advancement.

*Family Medical Leave:* Employees who take time off due to their own serious illness or to care for an ill family member may be eligible for Family Medical Leave or Paid Family Leave under the existing statute.

*Public Health Emergency Leave (PHEL-FMLA):* Effective [15 days after enactment] and ending December 31, 2020, the Public Health Emergency Leave Act will temporarily expand coverage and eligibility under FMLA for reasons related to the COVID-19 pandemic. In addition to reasons allowed under current FMLA guidelines, PHEL may be used when an employee is unable to work or telework to take care of a son or daughter under the age of 18 because their school is closed or the childcare provider is unavailable.

- Eligible employees are those who have been employed for 30 calendar days. The County may exclude health care providers and emergency responders.
- The total length of leave for FMLA per rolling calendar year remains at 12 weeks. If an employee has already used 12 weeks of FMLA, they are not eligible for more. If the employee has used less than 12 weeks, they are eligible for the remaining weeks of unused leave.
- The initial 10 days may be unpaid under this leave. Employees may choose to use any accrued paid leaves for this period.
- From the eleventh day forward, the employer must provide paid leave of at least 2/3 of the employee's regular rate of pay for the number of hours the employee would have regularly been scheduled to work. Employees may choose to use any accrued paid leaves for this period to receive full pay (the other 1/3).
- Pay is capped at \$200/day and \$10,000 total.

*Emergency Paid Sick Leave (EPSL):* Effective [15 days after enactment] and ending December 31, 2020, Emergency Paid Sick Leave may be used for the following:

- 1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- 4) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
- 5) The employee is caring for a son/daughter of such employee is the school or place of care of the son/daughter has been closed, or the childcare provider is unavailable
- 6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services

Emergency Paid Sick Leave entitlements are described below.

- Full time employees will receive up to 80 hours. Part time employees receive the number of hours equal to the average number of hours they would work over a two week period.
- If employees take EPSL for purposes listed under 1, 2, or 3 above, they receive their regular rate of pay. However, EPSL may not exceed \$511/day and \$5,111 total.
- For purposes 4, 5, or 6 above, an employee receives 2/3 of his/her regular rate of pay. However, EPSL may not exceed \$200/day and \$2,000 total.
- Employees may use other accrued paid leaves to receive full pay, but they are not required to.

*Exhaustion of Leave:* If an employee requests time off and is approved when there is leave available, and then exhausts available leave or has leave advanced, the original time off request may be retroactively denied. Or if the employee no longer has sufficient leave accrued to cover the full period of the request for leave, the leave granted may be restricted to the actual amount of accruals available.

**Procedure:** Responsibilities for implementation, application, and enforcement of this rule are listed below.

*Employee* The employee is responsible for keeping up-to-date contact information available to their supervisor and/or Department Head.

*Supervisor* The supervisors should work with the Department Head and staff to create a continuation of work plan. If directed to do so by the Department Head, the supervisors will initiate contact procedures in the event there is a declared health emergency.

*Department Head* The Department Head or their designee will determine whether employees should be released during a declared health emergency, following the guidelines in this rule. They are also responsible for initiating contact procedures in the event there is a declared health emergency prior to the workday. The Department Head will determine the employee's work plan for off-site work and sign the employee agreement. The Department Head will approve/deny an employee's advanced leave request and route as indicated on the form.

*Administration* Keep the Department Heads informed of any declared health emergency.

**Required Forms:** Agreement for Repayment of Advanced Leave; Temporary Off-Site Work Plan and Agreement; Off-Site Work Daily Report

**References:** Labor Code §230.8; TCPR §1404: Disaster Service Workers; TCPR §6105: Leave Without Pay; TCPR §4104: Exempt Employees; [www.cdph.ca.gov](http://www.cdph.ca.gov); [www.cdc.gov](http://www.cdc.gov)

**Effective Date:**

*The provisions of this Code shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and Tehama County. The provisions of these Codes shall not preclude specific County departments from developing operational policies and procedures.*



# Temporary Off-Site Work Plan and Agreement

To be approved for off-site work, this work plan and agreement must be completed in its entirety by the requesting employee, and approved by the employee's Department Head or designee.

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_ Department: \_\_\_\_\_

Proposed schedule:

Mon	Tues	Wed	Thurs	Fri	Total Off-site hours/week

Start date: \_\_\_\_\_ End date: \_\_\_\_\_

The Off-Site Work Daily Report shall be provided to employee's supervisor in the following manner and frequency:

\_\_\_\_\_

Description of the type of work to be performed:

\_\_\_\_\_

\_\_\_\_\_

I understand that off-site work is a voluntary, temporary arrangement between the department and the employee, and is not an entitlement or employee benefit. It may be terminated for any reason, at any time, with or without cause, by the County Administrator, Personnel Director, Department Head, or their designee. I may also request that my off-site work assignments be terminated.

I understand that while working the off-site approved schedule, I must be available by phone or email to my supervisor and any others designated by my supervisor.

I understand that I must comply with County policies and Personnel Rules, including any related to email and internet usage, and confidentiality when working off-site.

\_\_\_\_\_  
Employee Signature Date

\_\_\_\_\_  
Department Head or Designee Date



# Off-Site Work Daily Report

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

	Task	Project	Time (hours)
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
		TOTAL TIME (HOURS):	

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head or Designee \_\_\_\_\_ Date \_\_\_\_\_



## Agreement for Repayment of Advanced Leave

In the event of a declared emergency, and an employee has exhausted all vacation, sick leave, compensatory time office, management leave, or other paid time off, he/she may be advanced up to 40 hours of sick leave as agreed below.

Employee Name: \_\_\_\_\_

Department: \_\_\_\_\_

Reason for advance (only one option may be selected):

- Employee's own diagnosis /illness
- Employee Self-quarantine
- School closure (child care)
- Quarantine under order of medical professional
- To care for a family member
- Other: \_\_\_\_\_

Number of hours to be advanced: \_\_\_\_\_ Date sick leave to be advanced: \_\_\_\_\_

Next payroll period (payroll date to start repayment): \_\_\_\_\_

I understand and fully acknowledge that the number of sick leave hours advanced is required to be repaid within six (6) months of the date of the advance being granted. Advanced sick leave will be repaid by the forfeiture of any sick leave, vacation, management leave, compensatory time, or any other paid leave as it is accrued. If, for any reason, I leave County employment prior to the full repayment of the sick leave advance, I consent to the withholding of the amount necessary to repay the County for the sick leave advance from my last payroll warrant. If any amount remains due after these deductions, I agree to pay the remaining balance back to the County within ten (10) business days of my date of separation from County employment. I understand that any failure to repay the County will result in the County proceeding with legal action to recover the advancement.

\_\_\_\_\_  
Employee Signature Date

\_\_\_\_\_  
Department Head or Designee Date