



January 3, 2022

Colette Farnes
Chief Human Resources Officer
COUNTY OF ORANGE
333 Civic Center Drive, Suite 200
Santa Ana, CA 92701

SENT BY EMAIL

RE: Request for COVID-19 Sick Leave

Dear Colette:

The weapons employers and employees use to survive the challenges and hardships created by the COVID-19 pandemic have evolved along with the virus itself. For almost two years, County of Orange workers have fought to keep themselves safe, to protect their families, and to keep our local government open. Previously, our members had all of the resources they needed to survive - masks, physical distancing, vaccines, and protected leave time for COVID-related absences. All critical pieces of a puzzle designed to prevent the spread of COVID-19 in the workplace. Now, during the worst surge in COVID cases since early in the pandemic, our members are missing a critically important weapon: COVID-19 sick leave. OCEA hereby requests the County provide an additional eighty (80) hours of COVID-19 sick leave for County workers to use for COVID-related absences from October 1, 2021 through June 30, 2022.

In September 2020, Governor Newsom signed Executive Order N-51-20, which required employers with 500 or more employees to provide 80 hours of supplemental paid sick leave (SPSL) to be used for COVID-related qualifying reason. SPSL expired on December 31, 2020.

In March 2021, President Biden signed the American Rescue Plan Act (ARPA) into law. ARPA provided tax credits to employers who voluntarily chose to provide their employees with 80 additional hours of sick leave for COVID-related absences. The sick leave extension became effective April 1, 2021, was retroactive to January 1, 2021, and expired on September 30, 2021.

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Under ARPA, employees could use EPSL if they were unable to work:

1. When quarantined or isolated subject to federal, state, or local quarantine or isolation order
2. When advised by a health care provider to self-quarantine because of COVID-19
3. When the employee is:
 - a. Experiencing symptoms of COVID-19 and seeking a medical diagnosis
 - b. Seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 because they have been exposed or because their employer has requested the test or diagnosis
 - c. Obtaining a COVID-19 vaccination or recovering from any injury, disability, illness, or condition related to the vaccination
 - d. Caring for another person who is isolating or quarantining on government or doctor's orders
 - e. Caring for a child whose school or place of care is closed due to COVID-19

When the leave provisions under ARPA expired in September 2021, many employers, like the Orange County Superior Court, the City of Anaheim, and the University of California, chose to extend their internal leave programs and to provide additional sick leave hours for COVID-related absences. Why? Using 2020's COVID transmission history as a guide, they correctly predicted an increase in COVID-19 transmissions due to school re-openings in the fall, the return of cooler weather conditions, and social gatherings during the winter holidays. To ensure their workers could self-isolate or quarantine without financial hardship, to receive and recover from the vaccine, and to respond to COVID-related school closures, these employers extended COVID sick leave benefits well into 2022.

On December 27th, Orange County reported nearly 57K new COVID cases. On January 3rd, the County's COVID hospitalizations surged past 500. The current COVID-19 surge directly affects our members and their families. Eighty (80) additional COVID sick leave hours will ensure they isolate and quarantine when needed and receive their vaccines and booster without delay. The threats and hardships created by COVID-19 have not expired and our members' need for protected leave time hasn't either. They are in the fight for their lives. Protected COVID-19 sick leave time is the only weapon missing from their arsenal and the weapon they need the most right now.

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The safety of our members is our paramount concern. OCEA believes our members' inability to take paid time away from work for COVID-related reasons, during a surging pandemic, creates a safety issue for all of our members and our community. OCEA also believes the solution to the problem is uncharacteristically simple: additional COVID sick leave for all County workers.

Please consider doing the right thing for your workers.

Sincerely,

ORANGE COUNTY EMPLOYEES ASSOCIATION

A handwritten signature in black ink, appearing to read 'Charles Barfield', written over the printed name.

Charles Barfield
General Manager

cc: Frank Kim, County Executive Officer (by email)
Michelle Aguirre, County Financial Officer (by email)