

AGENDA ITEM 1F
Consent Item

MEMORANDUM

DATE: September 2, 2021
TO: El Dorado County Transit Authority
FROM: Matthew Mauk, Executive Director
SUBJECT: Temporary Sick Leave Usage Policy for Evacuated Employees

REQUESTED ACTION:
BY MOTION,

Adopt Resolution No. 21-21 Authorizing the Executive Director to Administer a Temporary Sick Leave Usage Policy for Represented and Unrepresented Regular Employees Subject to Mandatory Evacuation Orders Associated with the Caldor Fire

BACKGROUND

The El Dorado County Transit Authority (El Dorado Transit) establishes and maintains fair and systematic procedures for the administration of all matters affecting the status and activities of employees in accordance with an adopted Personnel Policies and Procedures Manual (Manual). The Manual is updated and augmented periodically to ensure compliance with all applicable laws and regulations. The current version of the Manual was adopted by Resolution #20-03 on February 6, 2020. The Executive Director is responsible for administration of the personnel system including the accrual, eligibility, and usage of Sick Leave.

Regular employees in the Transit Operator classification are also covered by a collective bargaining Memorandum of Understanding (MOU) agreement between El Dorado Transit and the Operating Engineers Local No. 3 Union. The current MOU covers salaries, hours of work, and other terms and conditions of employment for represented employees as negotiated by the parties and legal counsel.

The applicable components of Section 5.2 of the Personnel Policies and Procedures Manual and Section 14 of the Transit Operators MOU are consistent regarding eligibility and usage of Sick Leave. Under normal circumstances, employees are entitled to use sick leave only for diagnosis, care, or treatment of an existing health condition for themselves or a family member/dependent.

DISCUSSION

Due to the threat of the Caldor Fire that began burning in El Dorado County on August 14, 2021, at least six (6) El Dorado Transit employees are subject to mandatory evacuation orders to date. All these employees missed at least some work time when the evacuation orders were issued and

while most have since returned to normal work hours, some are still displaced and unable to work.

Existing policies for use of sick leave or other discretionary leaves do not explicitly address wildfire evacuation scenarios and if strictly applied, such absences could be considered unexcused. Recognizing the adverse impacts to these employees and their families as they face involuntary and unexpected displacement, and the need for employees to protect personal and real property, staff recommends temporary modification of the established sick leave policies and procedures as defined in the attached Resolution No. 21-21.

If approved, all employees who are subject to mandatory evacuation orders will be temporarily permitted to use up to forty (40) hours of accrued sick leave (excluding any sick leave separately provided for a specified purpose, including but not limited to COVID-19 Supplemental Paid Sick Leave) for any authorized leave of absence arising from the Caldor Fire evacuations. As proposed, the temporary policy would apply retroactively for a period of thirty (30) days, beginning August 14, 2021, and may be extended by the Executive Director beyond the specified thirty (30) days in accordance with defined criteria.

FISCAL IMPACT

The requested action would allow for the use of sick leave that's already been accrued. If approved, El Dorado Transit would not incur additional or unexpected payroll expenses. In accordance with established policies, regular employees accrue sick leave at an established rate for hours worked. Employees are entitled to use accrued sick leave to cover authorized absences and it is paid to the individual employee at their current, hourly pay rate.

**EL DORADO COUNTY TRANSIT AUTHORITY
RESOLUTION NO. 21-21**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
EL DORADO COUNTY TRANSIT AUTHORITY AUTHORIZING
TEMPORARY SICK LEAVE USAGE POLICY FOR REPRESENTED AND
UNREPRESENTED REGULAR EMPLOYEES SUBJECT TO MANDATORY
EVACUATION ORDERS**

WHEREAS, on August 14, 2021, the Caldor Fire began burning in El Dorado County and has since burned thousands of acres; and

WHEREAS, on August 17, 2021, the Governor of the State of California declared a State of Emergency in El Dorado County associated with the Caldor Fire, and

WHEREAS, on February 6, 2020 the El Dorado County Transit Authority Board of Directors adopted Resolution No. 20-28, approving the Personnel Policies and Procedures Manual, Article 5.2, which defines the allowable usage of sick leave, and has adopted similar provisions in the Memorandum of Understanding (MOU) with the represented Transit Operator's bargaining unit; and

WHEREAS, the El Dorado County Transit Authority Board of Directors values the agency's employees and recognizes the adverse impacts to employees and their families as they face these evacuations causing displacement of their families and pets, and further recognizes the need for employees to protect personal and real property; and

NOW, THEREFORE BE IT RESOLVED, that all employees who are subject to mandatory evacuation orders shall be temporarily permitted to use up to forty (40) hours of accrued sick leave (excluding any sick leave separately provided for a specified purpose, including but not limited to COVID-19 Supplemental Paid Sick Leave) for any authorized leave of absence arising from such evacuation, notwithstanding any provision contained in the adopted Personnel Policies and Procedures Manual, or in the applicable Memorandum of Understanding with the Transit Operator's bargaining unit prohibiting or restricting the usage of accrued sick leave, for a period of thirty (30) days, beginning August 14, 2021.

BE IT FURTHER RESOLVED, that El Dorado County Transit Authority Board of Directors does hereby authorize the Executive Director to extend the temporary modification beyond the specified thirty (30) days in accordance with the following:

1. Such extension shall only be made as necessary to support the mitigation of, and response to, the local emergency.
2. Such extension shall only be made if either the State of Emergency declaration of the Governor of California with respect to the Caldor Fire remains in effect, or if such extension is made pursuant to the recommendation of the Human Resources Manager.

3. The Executive Director shall report any such extensions to the Board of Directors at their next regular meeting.
4. This authority shall continue in effect until terminated by the Board of Directors.

PASSED AND ADOPTED BY THE GOVERNING BOARD OF THE EL DORADO COUNTY TRANSIT AUTHORITY at a regular meeting of said Board held on the 2nd day of September 2021 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Kara Taylor, Chairperson

ATTEST:

Megan Wilcher, Secretary to the Board