

OFFICE OF THE
COUNTY ADMINISTRATOR

June 8, 2021

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COUNTY ADMINISTRATOR

Marin County Board of Supervisors
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SUBJECT: Urgency ordinance to establish paid COVID-19 supplemental leave requirements for unincorporated county businesses with 25 or fewer employees

Dear Board Members:

RECOMMENDATION: Approve attached urgency ordinance

SUMMARY:

At the request of Supervisors Rodoni and Connolly, we are bringing to your Board consideration of an urgency ordinance to establish paid sick leave requirements for unincorporated county businesses through September 30, 2021. Due to the availability of federal tax credits for COVID-19 leave, covered businesses can be reimbursed through September 30, 2021.

To limit the spread of COVID-19, current County Public Health Guidelines require any individual testing positive, or coming into contact with someone who has tested positive, to quarantine for at least ten (10) days. Due to these Public Health requirements, individuals and entire households may be required to quarantine, thereby potentially losing income. In the absence of paid sick leave, many workers facing employment and economic insecurity will make the difficult decision to work when they should be quarantining or isolating themselves at home, posing a public health risk.

The Families First Coronavirus Response Act ("FFCRA") was signed into law on March 18, 2020 and mandated paid sick leave for certain employees unable to work or telework due to the COVID-19 crisis. The FFCRA included a tax credit to reimburse employers for the costs of providing COVID-19 related paid sick leave. On March 11, 2021, President Biden signed the American Rescue Plan into law, which extended these FFCRA tax credits through September 30, 2021. On March 19, 2021, the Governor signed SB 95 into law, which requires all employers with more than 25 employees to provide COVID-19 related supplemental paid sick leave to their employees, taking effect immediately and expiring September 30, 2021.

Given the expiration of the FFCRA, the passage of the American Rescue Plan, and the passage of SB 95, there is an urgent need for supplemental COVID-19 paid sick leave benefits for all employees in the unincorporated County who work for employers with 25 or fewer employees. Employers in the

unincorporated County with 25 or fewer employees are entitled to a tax credit for the costs of providing COVID-19 related paid sick leave through September 30, 2021; however, they are not currently mandated to provide this leave. The proposed ordinance would close this gap in unincorporated areas of Marin County.

This urgent and short-term ordinance is intended to assist employees working in unincorporated areas of the County to remain home and quarantined if exposed to COVID-19; if they are exhibiting symptoms related to COVID-19; they are caring for an individual affected by COVID-19; or they are obtaining a COVID-19 vaccine and thereby reducing the spread of COVID-19 in the County. Removing the fear of financial impact among employers with fewer than 25 employees will better protect the community.

EQUITY IMPACT:

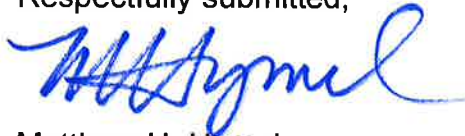
The COVID-19 pandemic has disproportionately impacted historically marginalized and under-resourced communities, and whose contributions are critical to the success of our local and regional economies. Without these additional benefits, some workers may decide to come into work notwithstanding that they exhibit symptoms of COVID-19 or have contracted COVID-19. In addition to this proposed ordinance, the County has provided approximately \$7 million in emergency rental assistance for low-income tenants and \$2.5 million for emergency assistance for COVID-19 positive residents.

FISCAL IMPACT:

There is no direct budget impact to the County of Marin due to this action. Businesses may incur additional costs, but these costs may be fully offset by available federal tax credits.

Please let me know if you have any questions or concerns.

Respectfully submitted,



Matthew H. Hymel
County Administrator

Attachment A: Proposed Urgency Ordinance