

From: Judi Walter

Sent: Wednesday, March 25, 2020 12:16 PM

To: City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Subject: 14 days paid sick leave for all Santa Clara County workers

As a retail manager for REI in San Jose, I am so grateful my crew of 92 people are being taken care of by REI. Most retail and food workers don't have this benefit. They only have 3 sick days to use and have to pay the bills so they go to work anyway, making the corona virus spread more dangerous.

Silicon Valley cities have come together before, taking a first-in-the-nation regional approach to raising the minimum wage. Now we must do so again to **protect our communities, workers, and families both during the current outbreak and for the years to come.**

Each city in Santa Clara County **should act now to ensure all working people can immediately access the paid sick days they may need** to cover the CDC's recommended 14-day quarantine during this crisis, prepare for any future outbreaks, and keep our families and communities healthy every day.

Lets take the lead again and show we care about our fellow Californians.

Sincerely,

Judi Walter.

CityClerk@sanjoseca.gov; mayoremail@sanjoseca.gov; district1@sanjoseca.gov; district3@sanjoseca.gov; District2@sanjoseca.gov; district3@sanjoseca.gov; District4@sanjoseca.gov; District5@sanjoseca.gov; district6@sanjoseca.gov; District7@sanjoseca.gov; district8@sanjoseca.gov; district9@sanjoseca.gov; District10@sanjoseca.gov;

Sent from [Mail](#) for Windows 10

From: Rachel Mino
Sent: Wednesday, March 25, 2020 7:17 PM
To: Rachel Mino
Subject: Public Charge and COVID-19

Dear Community Partners,

During this time of fear and uncertainty, with concerns about the impact of the new public charge rule looming front and center for our immigrant communities, and new fears around the COVID-19 pandemic, the Law Foundation wanted to share a brief message with you:

Please be aware that the United States Customs and Immigrations Services (USCIS) has announced that immigrants can seek testing, treatment, and prevention of COVID-19 without fearing immigration consequences due to public charge. For more information, please visit [Protecting Immigrant Families](#) and/or feel free to refer clients with questions and concerns to our office. The Health program of the Law Foundation of Silicon Valley can be reached at 408-280-2420.

Kind regards,
Rachel Mino

Rachel Mino | Senior Attorney

From: SAD SJSU

Sent: Wednesday, March 25, 2020 11:48 AM

To: City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Subject: Paid Sick Leave in San Jose

The Honorable Sam Liccardo, Mayor and
Members of the City Council
City of San José
200 East Santa Clara Street
San Jose, CA 95113

[03/25/2020]

Dear Mayor Liccardo and Councilmembers,

Students Against Displacement (SAD) is writing to urge the San José City Council to approve the Paid Sick Leave Ordinance that will be considered at the Rules Committee on March 18, 2020. At the March 10, 2020 meeting of the Santa Clara County Board of Supervisors, the County's Health Officer, Dr. Sara Cody informed the Board that since novel Coronavirus has spread to the community, containment is no longer an option and that focus must shift to slowing the spread of the virus. Aside from frequent hand washing and avoiding large gatherings of people, the Public Health Department's message to the public on how to slow the spread of the virus has been clear: if you are sick, stay home and do not come to work.

The most current research has shown that the virus has an incubation period that can last as long as 14 days for some patients. The County Public Health Department has also found that infected persons on average pass the virus on to 2 to 3 people if nothing is done to prevent it. Workers who begin to feel symptoms must have the ability to stay home and self-quarantine, while having enough sick time left over in case their condition worsens, requiring treatment and/or quarantine. During a public health emergency such as the one we're experiencing now, it is also critical that all workers have access to paid sick leave, regardless of how much they have accrued, in order to protect our communities.

Having access to adequate paid sick leave is not only good for workers – it's a critical component to protecting public health. Many of those who don't have access to paid sick leave work in service jobs that commonly interact with the public. The CDC reports that 1 in 5 food service workers have gone to work while sick with vomiting or diarrhea. Another study conducted by the Institute for Women's Policy research found that 30 percent of sick workers continued to go to work during the H1N1 swine flu outbreak, which may have infected up to 7 million more people as a result.

Cities across California—from Oakland and San Francisco to Los Angeles and San Diego—have passed common sense paid sick leave protections for all workers with minimal disruptions for

businesses. As recent events have taught us, it is essential that everyone has access to robust paid sick leave benefits before the next public health emergency strikes. Doing so limits interruptions to essential services and infrastructure during a critical time. We applaud the City Council initiative on this issue and urge councilmembers to pass this Paid Sick Leave Ordinance. Thank you.

Signed,

Students Against Displacement (SAD)



MEMORANDUM
March 25, 2020

To: Mayor Sam Liccardo
City Councilmembers
City of San Jose

From: Katie Hansen
Senior Legislative Director, CRA

Re: San Jose Paid Sick Leave Ordinance

CRA submitted a comment letter on March 23, 2020, regarding the proposed San Jose Sick Leave Ordinance scheduled for the Rules and Open Government Committee Meeting on March 25, 2020. Yesterday, Mayor Sam Liccardo submitted a Memorandum to the Committee members with his proposal for the Paid Sick Leave Ordinance. For purposes of today's committee discussion, CRA would like to provide supplemental commentary on the Mayor's Memorandum.

As we are responding to COVID-19 with measures to protect the public health, restaurants are experiencing the unprecedented financial impacts of these measures. Creating any new additional programs at the local level would be a costly burden for restaurants already struggling with financial hardship due to the loss of customers during the COVID-19 pandemic. We appreciate Mayor Liccardo's acknowledgement and concern for the extraordinary financial burden restaurants in San Jose are facing in today's environment. CRA would like to offer the following comments for the Committee's consideration:

1. Currently, all employees in California receive 24 hours of paid sick leave. Speaker Pelosi's Emergency Paid Sick Leave Act applies to all employers with fewer than 500 employees. It is important to be specific about the universe of employer this paid sick leave proposal will apply to, since employers with 500 or more employees were not covered in the Emergency Paid Sick Leave Act.
2. The Emergency Paid Sick Leave Act provides an process for relief for small businesses with fewer than 50 employees. This process is not automatic, a small business with fewer than 50 employees must apply for the relief and document why the business meets the criteria to receive the such relief . The U.S. Department of Labor will establish the necessary criteria in forth coming regulations.*

3. San Jose's paid sick leave should only be for the duration of the emergency and be specifically tied to the employee eligibility requirements of the federal Emergency Paid Sick Leave Act, which are:
 - a. Quarantine or seek a diagnosis or preventative care for COVID-19
 - b. Care for a sick family member or child unable to attend school
4. The San Jose paid sick leave ordinance must align the reasons, listed above, for taking paid sick leave with the federal Emergency Paid Sick Leave Act in order for restaurants to receive the federal tax credit. If the ordinance allows for the paid sick leave to be used for any other reason, restaurants will not be eligible to receive a federal tax credit for the paid sick leave. While these tax credits are well intentioned, they assume restaurants will be in business after the crisis clears- and that they will be profitable (something necessary in order to take a tax credit). Both assumptions are wildly unpredictable at this time.
5. CRA agrees with the Mayor that any consideration of the question of imposing a more permanent sick-leave mandate should not be considered at this time. The remaining restaurants that are open for take-out, delivery and drive thru service need help from the City to weather this financial crisis. Once the crisis has passed, it is important to remember that restaurants will have suffered devastating financial losses and will be extremely fragile. Those that make it, will want to be able to quickly pivot to serving the public, employing local team-members, and being one of the largest generators of sales tax again.

*U.S. Department of Labor, Families First Coronavirus Response Act: Questions and Answers.
<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

From: Trinh Tong

Sent: Wednesday, April 1, 2020 7:07 PM

To: City Clerk <city.clerk@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>

Subject: Comment regarding Paid Sick Leave

Dear City Clerk, Councilmember Carassco, and Councilmember Diep:

My name is Trinh Tong and I am a proud resident at zip code 95116.

I am currently a full-time college student and a part-time legal assistant at a personal injury law office. My manager (the attorney) is paying unfairly as discussed among my colleagues, is sensitive to employees' request for a raise, and does not provide any benefits including paid sick leave. A couple of my coworkers still showed up at work even though they were sick, as their main concern was to be able to pay bills. Now, due to COVID-19, he picks and chooses who he wants to assign duties to work from home. I genuinely consider myself to be a hard worker at the office; however, he has not assigned me any work, which then forced me to apply for unemployment claim.

My partner technically works full-time at a local restaurant, but his sick leave hours are very limited. He and his coworkers would either get write-ups for calling in sick or show up to work sick, which is not ideal at a restaurant.

I am writing in hopes that not only the bill for paid sick leave will be passed, but that the City does take into consideration both full-time and part-time workers. Regardless if we work 16 hours, 25 hours, or 40 hours a week, I believe that all of us are doing the best we can to support our families.

Thank you so much for all your hard work. As always, be safe and healthy!

Kind Regards,

--

Trinh Tong (she/her/hers)

Undergraduate, San Jose State University, School of Social Work

Member of The Honor Society of Phi Kappa Phi (ΦΚΦ - SJSU Chapter)

From:

Sent: Monday, April 6, 2020 2:51 PM

To: Webmaster Manager <webmaster.manager@sanjoseca.gov>

Subject: April 7, 2020 Item 3.4 Paid Sick Leave

[External Email]

Good afternoon Mr. Sykes,

I am contacting you regarding the proposed sick leave ordinance which will create an additional 80 hours of paid leave for employees who are impacted due to COVID-19. This is to ensure that employees who have tested positive, been exposed, are under physician's orders to quarantine or are experiencing symptoms can take leave, without fear of going unpaid. This also extends to caregivers of family members who are COVID positive. Initially, there was a limited exemption for doctors and nurse practitioners. In the newest iteration, the legislation among other things:

- Limits circumstances that a health care employee can use this leave
- Establishes guidelines for eligibility related to length of time employed
- Ensures that previously granted leave for COVID purposes counts towards the 80 hours

I wanted to let you know of a key provision that broadens the health care worker exemption to cover most hospital staff. The definition of health care workers is pursuant to the Families First Coronavirus Response Act's ("FFCRA") Emergency Paid Sick Leave Act ("EPSLA") and Emergency Family and Medical Leave Expansion Act ("EFMLEA"). The federal legislation (just updated today) defines a health care provider as "essential" and reads as follows:

For purposes of the exclusion, a "health care provider" is broadly defined as including, inter alia, anyone employed at any health care facility, any employee of an entity that contracts with a health care facility, and "any individual that the highest official of a State or territory . . . determines is a health care provider." 29 C.F.R. § 826.30(c)(1)(i), (ii). As for "emergency responders," the regulation includes "anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID19," as well as anyone identified by "the highest official of a State or territory" as an emergency responder. 29 C.F.R. § 826.30(c)(2)(i).

We hope this new information will be taken into account as you finalize this ordinance. Please feel free to contact me if you have questions.

Sincerely,

Jo Coffaro

Jo Coffaro, Regional Vice President



Hospital Council Northern & Central California
360 Dardanelli Lane, Suite 1B, Los Gatos, CA 95032