



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Carrasco  
Councilmember Esparza  
Councilmember Arenas

**SUBJECT:** SEE BELOW

**DATE:** 12/11/2020

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Approved *Magdalena Carrasco*

Date: 12/11/2020

*Maya Esparza*

*Sylvia Arenas*

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## **SUBJECT: EXTENSION OF THE COVID PAID SICK LEAVE ORDINANCE**

### **RECOMMENDATION**

1. Direct staff to prepare to extend San José's Paid Sick Leave Ordinance through an urgency ordinance should the federal government extend the federal paid sick leave provisions of the FFCRA past the current December 31<sup>st</sup> deadline. Such protections should extend for the term of the extended federal protections.
2. Should the federal government fail to extend Paid Sick Leave Protections before Congress adjourns, the City Attorney and City Manager are directed to prepare a comprehensive emergency COVID Paid Sick Leave Ordinance that would provide the same levels of protection currently being given to San José workers for consideration by the Council either at a Special Meeting of the Council, or at the next regular meeting of the Council on January 5, 2021. As part of this work the Administration should locate additional resources necessary for enforcement of this ordinance.

### **BACKGROUND**

As we prepare to head into the new year, we face an unprecedented public health and economic crisis in our community. Our Covid cases are surging uncontrollably, with new daily cases exceeding 1000 countywide, Covid hospitalizations have nearly doubled in the past two weeks with over 400 patients, and countywide ICU capacity has been reduced to 13% and is on track to hit capacity before the end of the month. Deaths continue to rise, and we know that the worst is yet to come.

Simultaneously, thousands of our families are facing financial despair, with a looming eviction cliff closing in as eviction and rent increase protections expire. We know that over 40,000 families in the county may face eviction, that over one in five residents in our city has had to file for unemployment this year, and that residents are struggling to feed their families and provide basic essentials at levels far beyond what we've ever seen.

We know that these hardships are not felt equally throughout our communities. Residents in our low-income Latino communities concentrated in ZIP codes including 95122, 95116, 95111, and 95127 continue to fall ill and die at the highest rates in the entire county. It is no coincidence that residents in these communities also disproportionately form our “essential” workforce in higher risk service jobs, and are more likely to live in overcrowded conditions making isolating and quarantining much more challenging.

On April 7 of this year, Council adopted a Paid Sick Leave Ordinance to supplement the protections provided by the federal Families First Coronavirus Response Act, which has ensured that essential employees of both large and smaller businesses are able to take the appropriate time off to quarantine and prevent further transmission, and do not face a choice between providing for their families or taking time off if they are ill. This ordinance currently ends with the expiration of the federal ordinance on December 31 of this year. Unfortunately, due to the Republican stonewalling of further federal action, we do not know if Congress will act to extend these protections before their holiday recess.

In the event that the federal government is able to extend these desperately needed actions, we believe the clear course of action is to extend our current supplemental protections to align with the new federal extension.

Unfortunately we have learned that we cannot rely on our gridlocked federal government for solutions, and we need to prepare for the very real possibility that the federal protections will expire at the end of this year. Leaving our workers with only the paltry three days mandated by state law is simply not an option during this crisis.

On December 8, the San Mateo County Board of Supervisors voted unanimously to extend their own Covid paid sick leave ordinance by six months, through June 2020. We believe that we need to follow their example and ensure that, regardless of federal action, we continue to provide protection for our essential workers. We ask that the City Attorney and City Manager prepare for this contingency by developing a comprehensive emergency COVID Paid Sick Leave Ordinance and return to Council as soon as possible, either at the next regular Council meeting or at a special meeting to be convened prior to the expiration of the current ordinance. This ordinance should provide our workers a comparable level of protection to those they are currently afforded under the combined federal, state, and local ordinances. We understand that additional resources will be needed to enforce this, and request that the Administration locate the resources for enforcement as part of this work.

*The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.*

