



GOVERNING BOARD

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City of Sacramento

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County of Sacramento

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**SPECIAL MEETING OF THE
SETA GOVERNING BOARD**

DATE: Thursday, April 2, 2020

TIME: 10:00 a.m.

LOCATION: <https://zoom.us/j/711560329>

In response to the Governor's Executive Order N-29-20 relating to the COVID-19 Pandemic, the Sacramento Employment and Training Agency Governing Board is conducting this meeting on Zoom at <https://zoom.us/j/711560329> . Members of the public may join the meeting by clicking the link above or typing the meeting address above into their web browser, or listen to the meeting by dialing any of the following telephone numbers and entering in the Meeting ID **711 560 329: +1 669 900 6833 or +1 346 248 7799 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799. Members of the public are encouraged to participate in the meeting by submitting written comments in the Q&A section of the Zoom meeting or by email to: Nancy.Hogan@seta.net. Public comments will be accepted until the adjournment of the meeting, distributed to the Governing Board, and included in the record.**

An American Sign Language interpreter will be joining live on the Zoom meeting. This document and other Board meeting information may be accessed through the Internet by accessing the SETA home page: www.seta.net.

A G E N D A

- I. Call to Order/Roll Call**
- II. Action Items**
 - A. Approval of SETA Emergency Services Policy
 - B. Approval of Retroactive Compensation
- III. Adjournment**

DISTRIBUTION DATE: WEDNESDAY, APRIL 1, 2020

ITEM II-A - ACTION

APPROVAL OF SETA EMERGENCY SERVICES POLICY

BACKGROUND:

The proposed Emergency Services Policy attached to the proposed Board Resolution approving that policy serves to provide the Executive Director with broad authority to take actions designed to comply with any federal, state or local declaration of emergency. These actions include, but are not limited to, closing of SETA facilities, limiting public access to SETA facilities, requiring work to be performed from alternative locations, providing for telecommuting, modifying employee duties consistent with job specifications or furloughing employees.

The current COVID-19 pandemic which has resulted in declarations of emergency by federal, state and local authorities strongly supports development of this policy, for both immediate implementation and long-term use should other emergencies be declared in the future.

RECOMMENDATION:

Adopt the attached Resolution approving the Emergency Services Policy to provide broad authority to the Executive Director to take actions to comply with any federal, state or local declaration of emergency as detailed in the Emergency Services Policy.

SACRAMENTO EMPLOMENT AND TRAINING AGENCY EMERGENCY SERVICES POLICY

The Sacramento Employment and Training Agency is committed to providing essential services to the community even during times of local, state or national emergency. If the City of Sacramento, the County of Sacramento, the State of California or the United States declares a state of emergency that implicates the continued provision of services by the Agency, the Executive Director is granted broad authority to take actions designed to comply with the declaration of emergency. These actions include, but are not limited to, closing of SETA facilities, limiting public access to SETA facilities, requiring work to be performed from alternative locations, providing for telecommuting, modifying employee duties consistent with job specifications or furloughing employees.

MODIFICATION OF WORK ASSIGNMENTS AND OR LOCATION

A. Essential Employees.

1. Positions that are determined by the Executive Director to be essential to providing community services to the public and to ensure continuity of Agency operations shall be considered Essential Employees during any period of emergency.
2. Essential Employees may still be required to report to work.
3. Alternative locations and/or alternative work schedules may be required.
4. Essential Employees who can perform their work remotely may be required or approved to telecommute.

B. Non-Essential Employees.

1. Employees in positions determined by the Executive Director to be Non-Essential, but who can perform their work remotely, may be required or approved to telecommute.
2. Such Non-Essential employees shall perform any assigned duties remotely and shall be available by telephone and email during their scheduled shift, if needed by the Agency for any reason.

C. Salary and Benefits.

All Essential and Non-Essential Employees working or available to work as provided above shall be paid at the employee's regular rate of pay, with full benefits and without loss of seniority, step increases, vacation and/or sick leave accruals.

EMERGENCY ADMINISTRATIVE LEAVE

During periods of emergency, the scope and nature of the emergency may render certain employees unable to either report to work or perform duties remotely. In such circumstances, the Executive Director may place employees on Emergency Administrative Leave for limited periods of time, consistent with the following procedures.

A. Individual Employees Unable to Provide Service.

Individual Employees who are not able to perform work remotely or cannot report to work due to circumstances related to any declaration of emergency, or as a result of impacts on the employee directly, may submit a request to the Executive Director for Emergency Administrative Leave with pay during any period of emergency.

- B. Employees in Positions Unable to Provide Service.
Consistent with any declaration of emergency, and/or any guidance or directive received from Agency funding sources, the Executive Director may determine that the emergency precludes certain employees from providing services, either at work, or remotely. In such circumstances, the Executive Director, or designee, may place all such employees on Emergency Administrative Leave with pay.
- C. In deciding whether to place any employee(s) on Emergency Administrative Leave with pay, the Executive Director shall determine that doing so does not violate any of the Agency's grant or contract obligations and that funds are available to pay for such leave.
- D. Any Employee placed on Emergency Administrative Leave with pay shall be paid while on such leave at such employee's regular rate of pay, with full benefits and without loss of seniority, step increases, or vacation and sick leave accruals.
- E. If the Executive Director determines that Emergency Administrative Leave is not warranted or advisable, employees denied such leave shall be allowed to use accumulated personal/vacation leave or shall be furloughed until such time as the declaration of emergency is terminated and the employee is able to return to work or perform work assignments remotely.
- F. Emergency Administrative Leave may be granted and extended for such period(s) of time as determined by the Executive Director to be appropriate, but in no event shall Emergency Administrative Leave extend beyond forty-five (45) calendar days, unless specifically authorized by the Governing Board.
- G. No Employee who refuses a work assignment during a period of emergency shall be eligible for Emergency Administrative Leave, unless a bona fide reason for the refusal exists as determined by the Executive Director.

RESOLUTION NO. 2020-01

APPROVAL OF EMERGENCY SERVICES POLICY

WHEREAS, federal, state and local agencies are currently responding to the spread of Coronavirus Disease 2019 (COVID-19), a respiratory illness first identified in Wuhan, Hubei Province, China, and now being reported internationally, including in every state in the United States.

WHEREAS, on January 31, 2020, the Federal Health and Human Services Secretary declared a public health emergency to aid the nation's healthcare community in responding to the outbreak of COVID-19 in the United States.

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency as a result of the threat of COVID-19 in the State of California.

WHEREAS, on March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

WHEREAS, on March 13, 2020, the City Council of the City of Sacramento proclaimed a State of Emergency as a result of the threat of COVID-19 in the City of Sacramento.

WHEREAS, on March 19, 2020, The Health Officer of the County of Sacramento issued an order directing all individuals living in the county to stay at their place of residence except for essential activities.

WHEREAS, On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians.

WHEREAS, on March 22, 2020, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers,” which includes public entities such as SETA that provide essential educational and training services to the public; and

WHEREAS, SETA is authorized to continue to provide services to its customers both at work and remotely, including providing services to the public by telephone or electronic means; and

WHEREAS, SETA’s federal funding sources have provided guidance regarding the payment of wages and benefits to affected employees during the current emergency and may provide further guidance as the emergency continues or as the result of future declarations of emergency; and

WHEREAS, the Governing Board has determined that SETA should implement an Emergency Services Policy delegating certain authority to the Executive Director regarding the manner for employees to provide services and for the Agency to pay wages and benefits to employees during times of declared emergency.

NOW, THEREFORE, IT IS RESOLVED AND ORDERED, that the Emergency Services Policy affixed to this Resolution is hereby adopted and the Executive Director is authorized to take actions during declared states of emergency as provided in such policy.

On a motion by _____, seconded by _____, the foregoing resolution is passed and adopted by the Sacramento Employment and Training Agency Governing Board, this second day of April, 2020 by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

Chair of the SETA Governing Board

ATTEST: _____
Clerk of the SETA Governing Board

ITEM II-B - ACTION

APPROVAL OF RETROACTIVE COMPENSATION

BACKGROUND:

If the previous item concerning the Emergency Administrative Leave policy is approved, this item provides the Governing Board with the opportunity to address a unique situation where at least one SETA employee who will be entitled to leave under the new policy, would also have been entitled to such leave if the policy had been in place during the current payroll period that commenced on March 23, 2020.

SETA's Workforce Development Department has been identified by the Governor of California as an "Essential Business" and is continuing to work to service the public. At least one of SETA's Workforce Development employees falls into one of the high-risk categories above and has not had the capability to work from home starting March 23, 2020. While SETA management currently believes that only one employee fits into this category, it may be that there may be another employee or two. This recommendation includes any similarly situated employees. If this recommendation is approved, then all SETA employees would be treated similarly under the new Emergency Administrative Leave Policy.

RECOMMENDATION:

Approve retroactive compensation to March 23, 2020 for employees unable to work from home.