



## Legislation Text

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### Memorandum

**Date:** March 27, 2020

**To:** The Honorable Moke Simon, Chair, Lake County Board of Supervisors

**From:** Carol J. Huchingson, County Administrative Officer

**Subject:** Consideration of ad hoc committee recommendations for definition of non-essential workers during the COVID-19 Shelter in Place (SIP) Order

**Executive Summary:** (include fiscal and staffing impact narrative):

On March 24, 2020, your Board formed an ad hoc committee of Chairman Simon, Vice Chairman Sabatier, County Counsel Anita Grant and myself to consider the definitions of critical government workers responsible for community-based government operations and general functions.

As your Board was advised during discussion on March 24<sup>th</sup>, the guidance associated with Governor Newsom's COVID-19 shelter in place order defines essential critical infrastructure workers by sector including Healthcare/Public Health, Emergency Services Sector, Food and Agriculture, Energy, Water and Wastewater, Transportation and Logistics, Communications and Information Technology, Critical Manufacturing, Hazardous Materials, Financial Services, Chemical and Defense Industrial Base.

Your Board is responsible to define its essential workforce under the sector described as critical government workers responsible for community-based government operations and general functions, including defining non-essential workers.

Based on your Board's discussion on March 24, 2020, the committee set forth the following goals:

*Safety of County employees and compliance with shelter in place order*

*As many employees as possible working productively from home*

The committee also established the following categories which were used in discussion with department heads:

| <b>Position Type during COVID-19 Disaster</b> | <b>Description</b>  |
|---|---|
| 1. Essential (as defined by Sector)           | Cannot work remotely due to nature of work                                    |
| 2. Essential (as defined by Sector)           | Can work remotely with County-provided computer or tablet.                    |
| 3. Non-essential (as defined by BOS)          | Can work remotely with County-provided computer as long as work is available. |
| 4. Non-essential (as defined by BOS)          | Cannot work remotely due to nature or availability of work.                   |

The committee's focus was on categories 3 and 4 for reasons explained above. The committee was conflicted, to some extent, with terminology for "non-essential". During routine times, all County work is essential to meet the needs of the public and this label, "non-essential", applies only during the COVID-19 SIP Order and has no correlation to the value we all place in our dedicated County workforce.

The committee found that during the COVID-19 SIP order, the work of County must be focused on critical duties that cannot wait because they are essential to the County's continuity of operations and/or on critical infrastructure work (as defined above in the 12 specific sectors) to support disaster response efforts.

The committee found, and department heads concurred, that general office workers who are responsible to provide support work, such as reception, clerical, and other internal and/or routine functions are not essential workers during the disaster and such workers should shelter in place. The committee found that such non-essential workers, when feasible to do so, should be allowed to work remotely. For those situations where it is not feasible to work remotely, non-essential employees should be offered work as Disaster Service Workers, subject to assignment by the Lake County Emergency Operations Center.

The committee also found that department heads are best equipped to serve as decision makers with respect to the non-essential workforce and should be afforded flexibility to make changes in their determinations due to the fluid nature of the crisis.

**If not budgeted, fill in the blanks below only:**

Estimated Cost: \_\_\_\_\_ Amount Budgeted: \_\_\_\_\_ Additional Requested: \_\_\_\_\_ Future Annual Cost: \_\_\_\_\_

**Consistency with Vision 2028 and/or Fiscal Crisis Management Plan** (check all that apply):

- |   |  |  |   |
|---|--|--|---|
| <input checked="" type="checkbox"/> Well-being of Residents | <input checked="" type="checkbox"/> Public Safety    | <input type="checkbox"/> Infrastructure              | <input type="checkbox"/> Not applicable             |
| <input type="checkbox"/> Economic Development               | <input type="checkbox"/> Disaster Recovery           | <input checked="" type="checkbox"/> County Workforce | <input type="checkbox"/> <i>Technology Upgrades</i> |
| <input type="checkbox"/> Community Collaboration            | <input type="checkbox"/> Business Process Efficiency | <input type="checkbox"/> Clear Lake                  | <input type="checkbox"/> <i>Revenue Generation</i>  |
|   |  |  | <input type="checkbox"/> <i>Cost Savings</i>        |

**If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:**

Which exemption is being requested?  
 How long has Agreement been in place?  
 When was purchase last rebid?  
 Reason for request to waive bid?

**Recommended Action:**

The committee recommends your Board

(a) Direct department heads to immediately send workers they have determined to be non-essential to shelter in place during the COVID-19 disaster, and;

(b) Authorize department heads to periodically adjust their determinations of non-essential workers due to the fluid nature of the disaster, and;

(c) Direct department heads to provide remote work assignments to non-essential workers when feasible, offer DSW work, or approve such employees the use of accruals and other leave benefits while sheltering in place and not working, and;

(d) Direct the ad hoc committee to continue to be available to department heads to assist with resolution of issues that arise and return to the Board no later than April 14, 2020 with a status update.