

In accordance with Executive Orders N-25-20, N-20-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: Members of the public may not physically attend meetings. The City Council meeting will be live-streamed on Channel 28 and on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for City Council meetings will be accepted via email to publiccomment@cityofstheleena.org and **please see page 3 of the agenda for detailed public participation instructions.**



Please click the link below to join the meeting:

<https://zoom.us/j/192701205>

Or iPhone one-tap :

US: +16699006833,,192701205# or +13462487799,,192701205#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

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+1 253 215 8782 or +1 301 715 8592 or +1 312 626 6799

Meeting ID: 192 701 205

International numbers available: <https://zoom.us/u/ac2gdYTQP6>

**City of St. Helena
Special City Council Meeting
Tuesday, April 7, 2020 @ 4:00 PM**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the "public comment" portion of the agenda may do so, but please observe the time limit of four minutes.

Page

1. CALL TO ORDER
2. ROLL CALL
Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, David Knudsen and Mary Koberstein
3. PUBLIC COMMENT:
Under California law, public comments at special meetings are limited to subjects on the agenda only. Therefore public comment will take place during consideration of the item. Each person's comments shall be limited to 4 minutes.
4. NEW BUSINESS:
 - 4.1. Public Health Update on COVID-19 Emergency
 - 4.2. City Manager COVID-19 Emergency Update

- 4.3. Consideration and Approval of a Resolution Authorizing Paid Administrative Leave to City Employees Under Certain Conditions During the COVID-19 Outbreak

5 - 20

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council adopt the resolution authorizing Paid Administrative Leave to City employees under certain conditions during the COVID-19 outbreak

[Staff Report - Pdf](#)

5. ADJOURNMENT

The next Regular City Council meeting is scheduled for April 14, 2020.

This agenda was posted at City Hall, 1480 Main Street, St. Helena, California on April 3, 2020.



Cindy Tzaopoulos, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL CITY COUNCIL MEETINGS

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom’s Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena City Council will host a Virtual Council Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, and posted on the City’s website after the adjournment of the meeting:

<https://sthelena.civicweb.net/Portal/MeetingInformation.aspx?Id=551>

The ZOOM web link, meeting ID, and phone number will be listed at the top of the City Council Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.

How to Watch or Listen to Council Meetings:

1. Watch on Channel 28
2. Watch and Listen on Zoom.us by clicking on the link in the Council Agenda
3. Listen only by calling the Zoom number listed on the Council Agenda

Watch Council Meeting by Joining the Zoom Meeting:

1. By Computer, Tablet, or Smart Phone:

- A. Before joining the virtual City Council Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit zoom.us/signup and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
- B. If you are logged into your account, Enter the **Meeting ID** listed on the City Council Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
- C. Select if you would like to connect audio and/or video and tap **Join Meeting**.
- D. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

2. Listen Only by Telephone:

- A. **Dial** the number listed on the Council Agenda.

- B. At the prompt, enter the **Meeting ID** provided on the top of the City Council Meeting Agenda and **Press #. A participate ID is not required.**
- C. To disconnect from the meeting, hang up the phone.

Ways to Provide Public Comment:

While attending the virtual City Council Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Mayor will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. **Send a Public Comment in Advance to publiccomment@cityofsthelena.org**
The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO COUNCIL and the AGENDA ITEM". Any public comment is required to be submitted no later than 1 hour before the scheduled meeting and will be included as an attachment to the agenda.

2. **Provide Comment through Zoom meeting from a computer, tablet, or smart phone**
This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the "**raise hand**" feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the '**raise hand**' button again.

3. **Call in to the ZOOM meeting from a cell phone or landline phone only**
This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial ***9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press ***9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.



Report to the City Council
Special City Council - 07 Apr 2020

Agenda Section: NEW BUSINESS:

Subject: Consideration and Approval of a Resolution Authorizing Paid Administrative Leave to City Employees Under Certain Conditions During the COVID-19 Outbreak

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The government at all levels is taking action to protect public health and limit the spread of COVID-19 in the United States. The County of Napa has declared a local and public health emergency, the Governor of the State of California has declared a state of emergency, and the President of the United States has declared a national emergency.

The City Council on March 23, 2020, ratified the proclamation of the City Manager of a local emergency in the City of St. Helena and the County of Napa's Health Officer issued a shelter at home order on March 18, 2020, and the Governor issued a stay at home order on March 19, 2020. The City is following recommendations of Napa County Health and remains in contact with County officials to monitor and respond to any updates.

DISCUSSION

As part of the local and state emergency, the City has taken steps to scale back City operations and recognizes that certain employees have been impacted by the reduction of services and have been required to take leave from work. Some City employees have been sent home and/or were directed not to report to their regularly scheduled work on March 20, 2020, due to City-initiated operational changes resulting from the County Public Health Director's shelter at home directive.

As a result, Recreation and Library services were suspended, with only City employees performing essential functions allowed to continued working. This directive was issued to help prevent the spread of the contagious COVID-19 virus that has become a global pandemic. It remains critically important the City has a healthy workforce available to further assist in addressing critical City needs during the emergency period.

It is recommended the City provide COVID-19 Administrative Leave from the day City employees were sent home or otherwise instructed not to report to work on March 20, 2020 through close of business March 31, 2020, at which time the new federal Families First Coronavirus Response Act took effect. A summary of the federal legislation is attached to this report.

Recommended COVID-19 Administrative Leave will allow for up to 80 hours of leave for full-time City employees and up to 40 hours of leave for part-time employees who are absent from the City due to the following conditions:

1. Employees who are sent home or instructed not to report for duty due to lack of work and who are unavailable to work remotely resulting from a reduction in City operations during the COVID-19 emergency. Some employees may be working a reduced schedule, not of their own choice, and this Policy is intended to supplement those hours.
2. Employees who are sent home because they are demonstrating symptoms of communicable disease and who have not yet been medically cleared to return to work.
3. Employees who have been diagnosed with COVID-19, are subject to a mandatory quarantine order due to exposure to the virus, or who are at home due to being considered high-risk due to age or medical condition.
4. Employees who need to care for an ill family member or dependent(s) who have tested positive for, or show symptoms of, COVID-19.
5. Employees who are unable to work to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Employees who have taken leave for the conditions listed above have been using other leave balances available. If adopted, employee leave balances will be adjusted accordingly.

FISCAL IMPACT

There is minimal fiscal impact related to the adoption of this resolution.

RECOMMENDED ACTION

Staff recommends City Council adopt the resolution authorizing Paid Administrative Leave to City employees under certain conditions during the COVID-19 outbreak

ATTACHMENTS

[Families First Coronavirus Response Act Employer Paid Leave Requirements U.S.](#)

[Department of Labor](#)

[COSH Resolution COVID-19 Administrative Leave](#)



Families First Coronavirus Response Act: Employer Paid Leave Requirements

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.^[1] The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that covered employers must provide to **all employees**:^[2]

- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

A covered employer must provide to **employees that it has employed for at least 30 days:**[\[3\]](#)

- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[\[4\]](#) Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or child care unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:[5]

For leave reasons (1), (2), or (3): employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period —two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave).[6]

Tax Credits: Covered employers qualify for dollar-for-dollar reimbursement through tax credits for all qualifying wages paid under the FFCRA. Qualifying wages are those paid to an employee who takes leave under the Act for a qualifying reason, up to the appropriate per diem and aggregate payment caps. Applicable tax credits also extend to amounts paid or incurred to maintain health insurance coverage. For more information, please see the Department of the Treasury's website.

Employer Notice: Each covered employer must post in a conspicuous place on its premises a notice of FFCRA requirements.^[7]

Prohibitions: Employers may not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Penalties and Enforcement: Employers in violation of the first two weeks' paid sick time or unlawful termination provisions of the FFCRA will be subject to the penalties and enforcement described in Sections 16 and 17 of the Fair Labor Standards Act. 29 U.S.C. 216; 217. Employers in violation of the provisions providing for up to an additional 10 weeks of paid leave to care for a child whose school or place of care is closed (or child care provider is unavailable) are subject to the enforcement provisions of the Family and Medical Leave Act. The Department will observe a temporary period of non-enforcement for the first 30 days after the Act takes effect, so long as the employer has acted reasonably and in good faith to comply with the Act. For purposes of this non-enforcement position, "good faith" exists when violations are remedied and the employee is made whole as soon as practicable by the

employer, the violations were not willful, and the Department receives a written commitment from the employer to comply with the Act in the future.

[1] Wage and Hour Division does not administer this aspect of the law, but notes that every dollar of required paid leave (plus the cost of the employer's health insurance premiums during leave) will be **100%** covered by a dollar-for-dollar refundable tax credit available to the employer. For more information, please see the Department of the Treasury's website.

[2] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.

[3] Employers of Health Care Providers or Emergency Responders may elect to exclude such employees from eligibility for the leave provided under the Act.

[4] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).

[5] Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other

separation from employment.

[6] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

[7] The Department will issue a model notice no later than March 25, 2020.

Topics For Workers For Employers Resources

Interpretive Guidance State Laws News



Wage and Hour Division

An agency within the U.S.
Department of Labor

200 Constitution Ave NW
Washington, DC 20210
1-866-4-US-WAGE
1-866-487-9243

www.dol.gov

FEDERAL GOVERNMENT



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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ST. HELENA AUTHORIZING PAID ADMINISTRATIVE
LEAVE TO CITY EMPLOYEES UNDER CERTAIN
CONDITIONS DURING THE COVID-19 OUTBREAK**

WHEREAS, the government at all levels is taking action to protect public health and limit the spread of COVID-19 in the United States; and

WHEREAS, the County of Napa has declared a local and a public health emergency, the Governor of the State of California has declared a state of emergency, and the President of the United States has declared a national emergency; and

WHEREAS, the City Council on March 23, 2020 ratified the proclamation of the City Manager of a local emergency in the City of St. Helena; and

WHEREAS, the County of Napa's Health Officer issued a shelter at home order on March 18, 2020, and the Governor issued a stay at home order on March 19, 2020; and

WHEREAS, the City is following recommendations of Napa County Health and remains in communication with County officials to monitor and respond to any updates; and

WHEREAS, as part of the local emergency, the City has taken steps to scale back City operations and recognizes that certain employees have been impacted by the reduction of services and have been required to take leave from work; and

WHEREAS, some City employees have been sent home and/or were directed not to report to their regularly scheduled work on March 20, 2020, due to City-initiated operational changes; and

WHEREAS, the City Council finds that it is important to keep only essential City employees on-site and in the field in order to help prevent the spread of a contagious virus that has become a global pandemic and that it is also critically important to ensure the City has a healthy workforce available to further assist in addressing critical City needs during the period of the local emergency; and

WHEREAS, Some employees have been unable to work due to caring for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19; and

WHEREAS, the City Council further finds that providing for paid leave during this time of emergency will help ensure the seamless continuity of operations once City operations resume to normal conditions, and the City Council determines that providing

COVID-19 Administrative Leave will assist employee morale during this challenging time.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Helena as follows:

Section 1. The City Council hereby approves up to 80 hours of COVID-19 Administrative Leave to full-time City employees who are absent from the City pursuant to the conditions specified in Section 3.

Section 2. The City Council hereby approves up to 40 hours of COVID-19 Administrative Leave to part-time City employees who are absent from the City pursuant to the conditions specified in Section 3.

Section 3. The City Council authorizes COVID-19 Administrative Leave pursuant to the following parameters:

A. The leave may be used by City employees who are sent home or instructed not to report for duty due to lack of work and who are unable to work remotely resulting from a reduction in City operations during the COVID-19 emergency. Some employees may be working a reduced schedule (whether on-site or remotely from home), not of their own choice, and this Policy is intended to supplement those hours and to make the employee whole for those time periods in which the employee is not working.

B. The leave may be used by employees who are sent home because they are demonstrating symptoms of communicable disease and who have not yet been medically cleared to return to work.

C. The leave may be used by employees who have been diagnosed with COVID-19, are subject to a mandatory quarantine order due to exposure to the virus, or who are home due to being considered high-risk due to age or medical condition.

D. The leave may be used by employees who need to care for an ill family member or dependent(s) who has tested positive for, or shows symptoms of, COVID-19.

E. The leave may be used by employees who need to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Section 4. The COVID-19 Administrative Leave shall be in effect from the day City employees were sent home or otherwise instructed not to report to work, as early as March 20, 2020, and shall extend through close of business March 31, 2020, unless the City Council extends the COVID-19 Administrative Leave by subsequent action. From and after April 1, 2020, any federally mandated leave shall be primary and does not extend the availability of COVID-19 Administrative Leave beyond March 31, 2020

(unless otherwise extended by separate City Council action), but COVID-19 Administrative Leave could be used to fill in any gaps within prior to April 1, 2020. From and after April 1, 2020, or the later termination if extended by the City Council, employees will be required to use all available leave as wage replacement sources, including federal leave and all accrued paid leave. The City Manager is hereby authorized to make all necessary changes to ensure that City employees may use all available leave, including sick leave, for the purposes specified in the Policy.

Section 5. COVID-19 Administrative Leave shall have no other cash value, may not be donated or used for any other purpose, and is only available for use during the time period specified in Section 4 of this Resolution.

Section 6. Full-time employees will be authorized to use COVID-19 Administrative Leave as a wage replacement for their full-time regularly scheduled work week hours. Part-time employees will be authorized to use COVID-19 Administrative Leave on a pro rata basis, calculated by determining the average straight-time hours the employee worked in a two-week period since January 1, 2020.

Section 7. COVID-19 Administrative Leave may be used by City employees who are not working due to needing to provide child care as a result of school closures.

Section 8. The City Council expects all City employees to be available to report to work if called upon to do so during normal working hours, either to fulfill their assigned job functions or as a City disaster service worker.

Section 9. The City Manager is hereby directed to implement this policy.

Section 10. This Resolution shall take effect immediately upon adoption.

APPROVED at a special meeting of the St. Helena City Council on April ___, 2020, by the following votes:

Mayor Ellsworth:

Vice Mayor Dohring:

Council Member Chouteau:

Council Member Knudsen:

Council Member Koberstein:

APPROVED:

ATTEST:

Geoff Ellsworth, Mayor

Cindy Tzaopoulos, City Clerk