

REPORT OF THE PRESIDENT AND CEO

April 23, 2020

RESOLUTION RATIFYING PERSONNEL ACTIONS TAKEN BY THE HOUSING AUTHORITY
OF THE CITY OF LOS ANGELES IN RESPONSE TO COVID-19



 Douglas Guthrie
 President and CEO



 Annie Markarian
 Director of Labor & Employee Relations

Purpose: The purpose of this item is to request that the Board of Commissioners (the "Board") ratify personnel actions taken by the Housing Authority of the City of Los Angeles ("HACLA") in response to the evolving COVID-19 pandemic. Specifically, we seek ratification of the following:

- (1) Providing eligible active employees Paid Administrative Leave;
- (2) Expanding application of the Families First Coronavirus Response Act ("FFCRA") to address our employees' challenges resulting from COVID-19;
- (3) Increasing the accrual of Professional Time Off (PTO) for calendar year 2020 by 40 hours;
- (4) Permitting employees an additional opportunity to cash-out accrued leave benefits in calendar year 2020;
- (5) Reimbursing costs associated with telework by providing a monthly stipend up to \$40.00 (\$20.00 for phone and \$20.00 for connectivity related expenses); and
- (6) Providing staff who are required to enter into occupied residences a hazard pay stipend in the amount of \$30.00 per day.

Issues: The health and well-being of all our employees is of paramount importance to HACLA. As early as February 2020, HACLA was in regular communication with staff regarding COVID-19 and ways in which to minimize the spread of the virus, including plans to launch a temporary telework program on a pilot basis.

On March 15, 2020, California Governor Gavin Newsom instructed all Californians over the age of 65 and those who have a chronic health condition that puts them at a high-risk of contracting COVID-19 to self-isolate at home. Moreover, starting on March 16, 2020, the Los Angeles Unified School District instituted a school closure. Nearly 40% of our staff was impacted by these developments. In response, HACLA provided paid administrative leave and expanded the application of the Families First Coronavirus Response Act. Moreover, in order to ensure the continued dedication of our employees, HACLA offered certain incentives to staff who continue to provide critical and essential services to the community we serve. HACLA is requesting that the Board ratify these additional benefits, as set forth below.

Paid Administrative Leave

On March 16, 2020, HACLA permitted active employees who were in a vulnerable population, experiencing symptoms consistent with COVID-19, or who had childcare issues related to COVID-19 to go on paid administrative leave for a two-week period of time. This gave HACLA an opportunity to accomplish a few key tasks: (1) facilitate social distancing in the workplace; (2) provide staff an opportunity to address unexpected health and/or child-care issues; (3) roll-out a more expansive telework arrangement; and (4) analyze the applicability of the FFCRA to HACLA staff. In order to properly implement the FFCRA, Paid Administrative Leave was extended for an additional week through April 4, 2020.

Families First Corona Virus Response Act

On March 18, 2020, the President signed into law H.R. 6201, the FFCRA, which became effective on April 1, 2020. The FFCRA provides two options for paid leave to employees who are unable to work, or telework, due to the COVID-19 Pandemic: (1) Emergency Paid Sick Leave; and (2) Public Health Emergency Leave (an emergency expansion of the Family Medical Leave Act).

HACLA adopted a FFCRA-compliant plan to cover current full- and part-time HACLA employees, including Casual and Per Diem workers. HACLA's plan extends the FFCRA benefits beyond the minimum threshold. Specifically, HACLA expanded the benefit to staff who fall within a vulnerable population due to their age or health condition and eliminated the daily and aggregate caps under the emergency paid sick leave. A summary of the HACLA plan is attached.

Professional Time Off

Currently, HACLA employees who are exempt from the overtime provisions of the Fair Labor Standards Act and who regularly work extra hours, attend evening meetings, and/or are required to participate in job-related weekend activities or functions for which they do not receive paid overtime, are able to earn up to 120 hours of PTO.

The current pandemic has taxed our staff with responsibilities well beyond what they would have otherwise been expected to do as part of their standard duties. Staff in key support departments are working well into the evenings, and on weekends and holidays, to meet the needs of the agency during this challenging time. As such, for calendar year 2020, we have increased earnable PTO from 120 hours to 160 hours.

Additional Cash Out of Leave Benefits

HACLA staff accrue general leave on a pay-period basis up to a specific accrual cap as set forth in the applicable memorandum of understanding with the bargaining units. Moreover, they are permitted to cash-out the general leave accruals twice per year, provided that they maintain a minimum balance of 240 hours.

In light of the current state of emergency, staff have been unable to utilize their accrued general leave benefits and are hitting their accrual caps. As such, they are being provided an additional opportunity to cash-out accrued but unused general leave hours.

Reimbursement of Telework Expenses

Best practices and legal guidance requires that employers reimburse employees for costs and expenses incurred in the course and scope of employment. Due to the expansive telework arrangement that was rolled out in response to this pandemic, many staff are being asked to utilize their own phones, computers and Wi-Fi. Based on a reasonable estimate of costs associated with teleworking, we provided reimbursement in the amount of \$20.00 per month for personal phone use and \$20.00 per month for connectivity (i.e. Wi-Fi). This is available beginning in April and for months in which staff will telework as a result of the COVID-19 pandemic.

Hazard Pay

HACLA provides a critical function to the community that it serves. As such, staff continue to perform their essential functions, including responding to emergency and urgent work orders and performing unit inspections (utilizing personal protective equipment) in private and occupied residences. Each day, staff enter units and interact with members of the public, knowing that they are taking a risk but remain committed to our mission. To acknowledge their efforts and encourage their continued commitment, we have provided a hazard pay stipend in the amount of \$30.00 per day, to staff who as part of their regular responsibilities enter into occupied units.

Hazard pay became available on April 13, 2020, and is intended to be available until the stay at home orders are lifted or sufficiently eased. Eligible staff and bargaining units include the following:

- American Federation of State, County and Municipal Employees – Inspectors
- Los Angeles County Building & Trades Council – Building Repairer, Carpenter, Electrician, Gardener Caretaker, Per Diem Ceramic Tile Setter, Per Diem Laborer, Per Diem Painter, Plasterer, Plumber, Plumber Crew Chief, Residence Cleaner, Spray Painter and Tile Setter
- Council for Housing Professionals Administration – Assistant Housing Managers (who oversee Inspectors)
- Service Employees International Union – Maintenance Supervisors

Vision Plan: The benefits offered are consistent with HACLA's vision plan. Specifically, these benefits promote a safe workplace, commitment to serving the community, and continued support for our employees and community in light of the challenges associated with COVID-19.

Funding: The Chief Administrative Officer confirms the following:

Source of Funds: Pursuant to the federal CARES Act adopted on March 27, 2020, significant additional funding will be disbursed to public housing agencies for additional costs incurred during the pandemic, including but not limited to additional operating expenses such as those described here.

Budget and Program Impact: At this time, precise cost projections for each of the items described here are not available as all covered employees are not known with certainty at this time. However, as noted above, additional operating funds are available to cover this unique costs.

Environmental Review: Not applicable

Section 3: Not applicable

Attachment:

1. Memorandum to Staff regarding Families First Coronavirus Response Act
2. Resolution

HOUSING AUTHORITY OF THE CITY OF LOS ANGELES
INTEROFFICE MEMORANDUM

Date: March 31, 2020
FROM: Annie Markarian, Director of Labor & Employee Relations *AM*
To: All HACLA Staff
SUBJECT: Families First Coronavirus Response Act & Additional HACLA Provided Benefits

On March 18, 2020, the President signed into law H.R. 6201, the Families First Coronavirus Response Act (FFCRA) which becomes effective on April 1, 2020. The FFCRA provides two options for paid leave to employees who are unable to work, or telework, due to the COVID-19 Pandemic: (1) Emergency Paid Sick Leave; and (2) Public Health Emergency Leave (an emergency expansion of the Family Medical Leave Act).

The health and wellbeing of our employees is of paramount importance to the Housing Authority of the City of Los Angeles; as such, we intend to provide benefits that are substantially greater than what is set forth in the FFCRA (and which will run concurrently with the benefits provided under the FFCRA, to the extent permissible). A summary of those benefits are set forth below¹:

	Emergency Paid Sick Leave	Public Health Emergency Leave
Period Covered	Weeks 1 - 2	Weeks 3 - 12
Effective Date	April 1, 2020; however, Paid Admin Leave remains an option through April 5, 2020	April 1, 2020; however, Paid Admin Leave remains an option through April 5, 2020
Eligibility	No minimum employment period	<i>No minimum employment period</i>
Qualifying Reasons	<ol style="list-style-type: none"> 1. Subject to a federal, state or local quarantine or isolation order related to COVID-19; 2. Advised by a health care provider to self-quarantine due to COVID-19 concerns; 3. Experiencing COVID-19 symptoms and seeking medical diagnosis; 4. Caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns 5. Caring for the employee's child if the child's school or place of care is closed 	<ol style="list-style-type: none"> 1. To care for the employee's child if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency. 2. <i>Employee is least 65 years old or has a chronic health condition compromising their immune system (such as heart disease, asthma, lung disease, diabetes, kidney disease, or otherwise weakened immune system), and is under self-quarantine due to concerns related to COVID-19.</i>

¹ Items in italics are expanded HACLA benefits beyond those provided in the FFCRA.

	<p>or the child's care provider is unavailable due to public health emergency; or</p> <p>6. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.</p> <p>7. <i>Employee is least 65 years old or has a chronic health condition compromising their immune system (such as heart disease, asthma, lung disease, diabetes, kidney disease, or otherwise weakened immune system), and is under self-quarantine due to concerns related to COVID-19.</i></p>	
Length of Leave	<p>80 hours for full time employees</p> <p>Standard 2-week schedule for part-time staff</p>	Additional 10 weeks. <i>(FMLA period will refresh for those qualifying under the Public Health Emergency Leave)</i>
Paid Leave Requirements: Minimum Compensation Requirements	<p>80 hours, or two-thirds the employee's regular rate of pay, depending on category.</p> <p>Category 1, 2, 3: 80 hours</p> <p>Category 4, 5, 6, 7: two-thirds the employee's regular rate of pay</p> <p>Employees may supplement the unpaid portion of their leave with accrued leave</p>	<p>Two-thirds the employee's regular rate</p> <p>Employees may supplement the unpaid portion of their leave with accrued leave.</p>
Paid Leave Limits	<i>No daily or aggregate caps for the first two week period</i>	\$200/day; \$10,000 aggregate
Expiration	12/31/2020	12/31/2020

Employees who need additional leave beyond the FFCRA leave periods, must submit a personal leave of absence request to Human Resources at least 5 work days prior to the expiration of your current leave.

Benefits under this policy will not be provided beyond December 31, 2020. Any unused leave benefits under this policy will not carry over to the next year or be paid out to employees.

To request Emergency Paid Sick Leave and/or Public Health Emergency Leave, please send your leave request HR.Leave@hacla.org. Human Resources will be in contact with you regarding request forms and certification requirements.

RESOLUTION NO. _____

RESOLUTION RATIFYING PERSONNEL ACTIONS TAKEN BY THE HOUSING AUTHORITY OF THE CITY OF LOS ANGELES IN RESPONSE TO COVID-19

WHEREAS, the Housing Authority of the City of Los Angeles (HACLA) has proactively responded to the COVID-19 pandemic by providing certain benefits to staff to encourage their health and well-being and continued commitment to HACLA and the community it serves.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners does hereby ratify the following personnel actions taken and authorizes the continuation of these emergency benefits, as set forth below:

- (1) Providing eligible active employees Paid Administrative from of March 16, 2020 through April 5, 2020;
- (2) Expanding application of the Families First Coronavirus Response Act (as detailed in the attached memorandum);
- (3) Increasing the accrual of Professional Time Off (PTO) in calendar year 2020 by 40 hours for those employees currently eligible to earn such a benefit;
- (4) Permitting employees an additional opportunity to cash-out accrued leave benefits in calendar year 2020;
- (5) Reimbursing costs associated with telework by providing a monthly stipend of \$20.00 for phone and \$20.00 for connectivity related expenses for staff utilizing their personal devices.
- (6) Providing staff who are required to enter into occupied residences a hazard pay stipend in the amount of \$30.00 per day, starting April 13, 2020 and ending when the stay at home orders are lifted or sufficiently eased, unless otherwise extended by management. Eligible classifications include the following: Inspector, Building Repairer, Carpenter, Electrician, Gardener/Caretaker, Ceramic Tile Setter, Laborer, Painter, Plasterer, Plumber, Plumber Crew Chief, Residence Cleaner, Spray Painter, Tile Setter, Assistant Housing Manager and Maintenance Supervisor.

BE IT FURTHER RESOLVED that the Board of Commissioners Authorizes HACLA's chief negotiator to undertake actions necessary to effectuate the emergency benefits set forth in this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

HOUSING AUTHORITY OF THE
CITY OF LOS ANGELES

By: _____
Ben Besley, Chairperson

APPROVED AS TO FORM:

BY: _____
James Johnson, General Counsel

DATE ADOPTED: _____