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CHRISTOPHER W. MILLER
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CLIENT BULLETIN

COVID-19 UPDATE

March 31, 2020

The COVID-19 pandemic continues to impact the workplace for probation peace officers. This Client Bulletin addresses the most recent developments at the federal, state and county level and provides links to resources your bargaining unit may find useful to obtain additional information about the rights and responsibilities that apply to you and your labor association during this unprecedented and difficult time.

THE CARES ACT

The latest federal legislation is the CARES (Coronavirus Aid, Relief and Economic Security) Act, signed into law by President Trump on March 27, 2020, to provide financial stability and relief for certain individuals and businesses affected by COVID-19. The new law does not have any provisions specific to law enforcement or public employees. Here are a few highlights:

- **2020 Recovery Payment:** All U.S. residents with an adjusted gross income from zero up to \$75,000 (joint filers, \$150,000) are eligible for a \$1,200 (\$2,400) relief payment, and an additional \$500 per child under the age of 17. The amount is reduced by \$5.00 for every \$100 of income over the limits.
- **Unemployment Assistance:** Any recipient of unemployment insurance benefits receives an additional \$600 per week for up to four months and qualifying workers who remain unemployed after exhausting state unemployment benefits may receive an additional 13 weeks of unemployment.
- **Tax Deadline Extended:** The deadline for filing the 2019 tax return is extended from April 15 to July 15, 2020, as is the deadline for making contributions to an Individual Retirement Account (IRA).
- **Free Coronavirus Testing:** All testing and potential vaccines for COVID-19 will be covered at no cost to patients.
- **\$100B to States, Counties and Cities:** State and local governments will receive \$150 billion under the Act for disaster relief, transit programs and other needs related to the public health.

THE “EMERGENCY RESPONDER” EXCEPTION TO H.R. 6201

The Department of Labor (DOL) has issued FAQs regarding the provisions of H.R. 6201, the Families First Coronavirus Relief Act that goes into effect on April 1, 2020. The Act allows public employers to exclude “emergency responders” from the paid sick leave and expanded FMLA benefits available to employees affected by COVID-19. An “emergency responder” is defined by the DOL as any employee whose services are “needed to limit the spread of COVID-19”, a list that includes **law enforcement officers and correctional institution personnel** as well as any employee with skills needed to provide aid in a declared emergency. While most counties are not exempting these employees from the 80 hours of sick leave or the additional leave authorized under the expanded FMLA, it is likely some restrictions will be imposed to control the use of sick leave by “emergency responders”, especially since the additional leave expires at the end of the year.

BSCC RESOURCES

The California Board of State and Community Corrections has a section of its website dedicated to COVID-19 information. The website is <http://www.bscc.ca.gov/covid-19-information-and-updates/>. The site has a **county-by-county summary** of the facilities that have requested to suspend Title 15 regulations due to COVID-19 and lists the alternatives these counties have adopted to mitigate exposure to the disease. The summary is updated daily at <http://www.bscc.ca.gov/juvenile-facility-status-due-to-covid-19/> (click on “Status Updates”).

CDC GUIDANCE FOR CORRECTIONAL AND DETENTION FACILITIES

The Centers for Disease Control has issued **interim guidelines** for correctional and detention facilities that can be used to provide general direction for juvenile institutions dealing with COVID-19 restrictions. The guidelines recommend such practices as social distancing at work stations, providing appropriate masks and other personal protective equipment (PPE) to institutional staff, and frequent use of disinfectants on all facility surfaces. The guidelines can be used as a basis for a COVID-19 policy or a negotiated MOU with your agency. Here is a link: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/guidance-correctional-detention.pdf>.

MEET AND CONFER REQUIREMENT IN EMERGENCIES

Under the Meyers-Miliias-Brown Act (MMBA), California’s statute governing employment relations in the public sector, a local governing body may adopt emergency regulations, ordinances and resolutions without prior notice to labor organizations. However, the governing body or board must provide **notice** and an **opportunity to meet** “at the earliest practicable time” after the emergency rules are adopted. Probation association leaders may want to remind the chief probation officer, labor relations manager or human resources director of this requirement so that there is an opportunity to meet and confer, even informally, as daily policy changes are implemented. **Keep in mind:** not every emergency measure is a good one.

As always, you should contact your labor association, local agency or association counsel for additional guidance should you have any questions about leave benefits or other employment issues related to the COVID-19 pandemic.

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