

RESOLUTION R2020-\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NAPA, STATE OF CALIFORNIA, ESTABLISHING A  
DISASTER LEAVE PROGRAM TO ASSIST EMPLOYEES  
IMPACTED BY NATURAL DISASTERS

WHEREAS, over the last several years the frequency and intensity of natural disasters in the Napa region have negatively impacted employees and their families; and

WHEREAS, the City desires to assist employees in managing a personal impact to their home caused by a natural disaster; and

WHEREAS, the City and the Napa City Employees Association (“NCEA-SEIU”) entered into a Tentative Agreement, ratified by the City Council on February 5, 2019, which states the City would propose an amendment to the City’s Catastrophic Leave Policy which would expand eligibility to include Recipients who have been displaced from their primary residence where the proximate cause of the displacement is a natural disaster over which the State or Federal government has declared a state of emergency; and

WHEREAS, the modifications agreed to in the Tentative Agreement between the City and NCEA-SEIU to the Catastrophic Leave Policy have not yet been implemented; and

WHEREAS, on August 17, 2020, numerous lightning-sparked fires began in the counties of Lake, Napa, Sonoma, Solano, and Yolo, which are being managed and fought by Cal Fire as the Sonoma-Lake-Napa Unit, and are referred to as the “LNU Lightning Complex Fire” (or the “LNU Complex Fire”); and

WHEREAS, on August 22, 2020, the California Governor announced that the White House approved California’s request for a Presidential Major Disaster Declaration, in response to wildfires in Northern California, including the LNU Complex Fire; and

WHEREAS, on September 28, 2020, the California Governor issued an emergency proclamation for the counties of Napa and Sonoma counties due to the Glass Fire; and

WHEREAS, some City employees have been displaced by the LNU Complex and Glass Fires; and, since the planned amendments to the Catastrophic Leave Policy have not yet been implemented, many of those employees have used earned leave banks to manage the impacts caused by the LNU Complex and Glass Fires; and

WHEREAS, in response to this employee need, the City Council has directed the City Manager to: (a) establish a disaster leave program as set forth in this resolution, to cover impacts to Qualified Employees that occur between August 17, 2020 and December 31, 2020, and (b) continue to work with representatives of City employee bargaining groups (including NCEA-SEIU) to bring back to City Council for approval a longer term disaster leave program to be implemented in 2021; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Napa as follows:

1. The City Council hereby establishes this Disaster Leave Program by which the City Manager is authorized to provide paid administrative leave to Qualifying Employees, if the City Manager determines in writing that the following criteria are satisfied:
  - a. There is a “Natural Disaster,” which is defined to mean the actual or threatened existence of peril to the safety of persons or property that is the subject of a declaration of an “emergency” by a local, state, or federal governmental agency.
  - b. There is a “Qualifying Employee,” who is defined to be a City employee who has provided written notice to the City Manager that the employee is displaced from their primary residence when the proximate cause is a Natural Disaster, and either:
    - a. The primary residence is under a mandatory evacuation order;  
or
    - b. The primary residence is inhabitable due to damage or loss.
  - c. The amount of administrative leave granted is limited to the lesser of (1) forty (40) hours or (2) the time of actual displacement of the Qualifying Employee from their primary residence (considering the duration of the mandatory evacuation order, and the dates of inhabitability).
  - d. All criteria required by this Resolution Section 1 (paragraphs “a,” “b,” and “c,” above) are satisfied between August 17, 2020, and December 31, 2020.
2. To the extent that a Qualifying Employee has used personal earned leave banks for time that the City Manager has determined to be eligible for administrative leave (under Resolution Section 1), the City Manager is authorized to replenish the personal earned leave banks.

3. The City Council hereby authorizes the City Manager to establish administrative regulations and procedures to implement this resolution.
4. The City Council hereby finds that the facts set forth in the recitals to this resolution are true and correct and establish the factual basis for the City Council's adoption of this resolution.
5. This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 20<sup>th</sup> day of October, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney