



## COVID-19 Public Health Emergency Policy

This emergency policy addresses employee use of leave and the continuation of work during the current public health emergency. This is a non-precedent setting emergency policy put in place to address the public health emergency caused by COVID-19.

This emergency policy is only applicable to employees in positions represented by the following labor organizations: Deputy Sheriff's Association (DSA), Law Enforcement Unit (LEU), Organization of Sheriff's Sergeants (OSS), Probation Detention Association (PDA), San Mateo County Council of Engineers (SMCCE) and Building Trades and Construction (BCTC) as well as Management, Attorney and Confidential employees. Extra help and limited term employees who are in classifications in which regular employees holding those classifications are subject to the DSA, LEU, OSS, PDA, SMCCE and BCTC collective bargaining agreements and Management, Attorney or Confidential resolutions are also covered under this policy.

This policy will be in effect until May 30, 2020 or until the end of the County of San Mateo Shelter in Place Order, whichever is sooner. Upon discontinuation of this emergency policy, County practices and policies will return to procedures that were in place prior to this health emergency unless employees and labor groups are otherwise notified.

The County of San Mateo will continue to apply the provisions of the Memoranda of Understanding (MOU) currently in effect with County labor groups.

County business may be disrupted by the health emergency. It is an employee's responsibility to follow official guidance related to the containment of the disease or health emergency.

**Continuity of Operations Plan:** In the case of a declared health emergency such as this one, it is the County's goal to keep employees working, although tasks and locations may be temporarily changed. Departments should plan in advance to establish the following at a minimum:

- A plan to provide essential services
- A list of essential and non-essential assignments that can be completed remotely at another County facility or from the employee's home
- A list of assignments that may keep employees productive, including assisting other departments with essential and non-essential work
- A list of assignments related to obligations as a disaster service worker. All County employees are designated by State law as Disaster Service Workers (DSWs). This means that when the County declares a local emergency, employees may be deployed to different work sites than

usual, or be asked to perform work duties or tasks that are different from their regular work responsibilities. No one will be assigned duties they are not qualified or trained to perform.

Staff will be instructed as to when and where to report based upon the circumstances created by the COVID 19 public health emergency. A Department Head may order some or all employees to perform work during their regularly scheduled hours at an alternate work location.

During the COVID-19 public health emergency, the County is committed to providing essential services to the public during the pandemic, while maintaining County employee income security to the fullest extent reasonably possible. Accordingly, the County has developed this emergency policy:

**1. Teleworking:**

Departments have been instructed to send workers home to telework where they are not required to be at work. If telework is not typically available for a position, employees may still be approved for telework arrangements on a case-by-case basis at the discretion of the Department Head. If telework is deemed feasible and approved, employees may be assigned to perform non-regular work duties such as special projects or training. Employees that are sent home with non-regular duties/telework will continue to receive regular pay (001-TW) as long as they are willing and able to work. Employees need to be available during their agreed upon working hours and may be directed to the workplace in either their own department or as a disaster service worker. Employees need to adhere to the requirements outlined in the Telework Agreement. Extra-help employees will be assigned telework on a case by case basis at the discretion of the Department Head.

**2. Flexing Hours:**

At the Department Head's discretion, they may allow flexible work hours in order to keep employees working as much as possible. An example of when this may be appropriate is when an employee's childcare situation has changed due to a school closure and an employee may need to alter their working hours to allow them to maximize their ability to perform work. Employees need to request supervisor approval before making changes to their assigned work schedule.

**3. Compensation and Leave During Declared Health Emergency**

**a. Compensation:** Employees will be paid for hours worked as assigned by their Department Head, whether at the worksite or off-site, and are responsible for coding their timecard accurately. If an employee is assigned to telework, they will continue to be compensated at their regular rate of pay provided that they perform the work that has been assigned to them by their department and they remain ready and available to work should they be directed to return to the workplace. Extra-help employees will only be paid for hours that they perform assigned work. If an employee is unable to report to work as directed, they will need to use their accrued leave time until they are able to report to work.

**b. Use of Leave:**

- Employees who are not available to work may request to use applicable leave, including the federal Families First Coronavirus Response Act (FFCRA) emergency paid sick leave, County

accrued sick leave, FFCRA emergency paid FMLA leave, vacation, or compensatory time off, to receive compensation during the declared health emergency, including while in quarantine or shelter-in-place. Alternatively, employees who are not available to work may choose to be in unpaid status.

- An employee who comes to work exhibiting communicable illness symptoms may be directed to go home and must not return to work until medically advisable based on the most recent information from the Center for Disease Control (CDC) and the employee or family member's healthcare provider. Employees will be allowed to use any available leave balances to cover the period of the absence or be in unpaid status. The County will not require the employee to use sick leave in this circumstance.
- Employees who have recently had a known medium or high risk exposure as specified by the Center for Disease Control (such as travel to a high risk area or living with a person with laboratory confirmed COVID 19) may be directed to stay home for the minimum period as identified by the Center for Disease Control, unless a health care provider indicates that the employee may return earlier.
- Employees identified as part of the high-risk population according to the Centers for Disease Control (ex. age 60 or over, chronic medical conditions) may choose to stay at home using any available leave balances or contact the County ADA Coordinator to request a reasonable accommodation. If telework is deemed feasible and approved, employees may be assigned to telework. If an employee chooses to report to work, the department shall ensure the employee is provided with a workspace which allows for social distancing and all employees should adhere to the preventative actions outlined by the Centers for Disease Control to reduce the spread of respiratory viruses.
- Any employee who is unable to work due to their own laboratory confirmed COVID-19 illness shall utilize their eighty (80) hours of federal Families First Coronavirus Response Act (FFCRA) emergency paid sick leave, as outlined below. If necessary, the County will grant an additional forty (40) hours of COVID 19 Sick Leave Hours upon certification from a Healthcare provider of the need for additional time due to the employee's own laboratory confirmed COVID 19. If after exhausting all of those leaves, an employee's Healthcare provider determines and certifies that an employee needs additional time off, the County, on a case by case basis, may grant an additional forty (40) hours of COVID-19 Sick Leave Hours.

If an employee believes that they contracted COVID-19 through their work, they should follow the standard Worker's Compensation filing process.

#### **4. COVID-19 Emergency Sick Leave and COVID-19 Emergency FMLA Leave for School and Child Care Closure:**

The County will implement the Emergency Paid Sick Leave provisions under the federal Families First Coronavirus Response Act (FFCRA) for all employees. Full-time employees are eligible for up to 80 hours of paid sick leave for specified COVID-19 related purposes, including school closures. Part-time employees are eligible for a prorated number of hours.

Under the FFCRA, eligible employees may also request paid Family and Medical Leave Act (FMLA) leave for COVID-19 related school closures and other qualifying reasons. Employees are eligible for these leaves as outlined in the COVID-19 Emergency Sick Leave Policy (Attached).

**5. Essential Worker COVID-19 Leave Hours:**

- Employees who are deemed essential **and** required to report to the workplace during this public health emergency will receive Essential COVID-19 Leave Hours to use as time off at a later time. Employees will accrue thirty (30) minutes of Essential COVID-19 Leave Hours for every one (1) hour of regular (001) time or overtime worked on-site, **up to a maximum of two-hundred (200) hours.**
- This will apply to essential employees who are required to report to the workplace from the pay period of the Board of Supervisor's adoption of this Policy through May 30, 2020 or the end of the County of San Mateo Shelter in Place Order, whichever is sooner.
- There will be no expiration date on the use of these leave hours. Employees will be paid the balance of any remaining Emergency COVID-19 Leave Hours upon separation/retirement.

**6. Advancement of Accrued Leave:**

If employees exhaust their FFCRA Emergency Paid Sick Leave, FFCRA FMLA leave, and their own accrued leave balances, then employees may request to advance up to an additional 80 hours of sick or vacation leave under the County's new advancement of accrued leave program, established in response to this public health emergency. Employees are eligible to request advancement of their accrued leave as outline in the policy (Attached).

**7. Temporarily lifting the cap on accrued leave for essential employees:**

For employees who are near the maximum accruals for vacation but who cannot take time off during the public health emergency because they are performing essential work, the County will waive vacation leave caps between the date the Board of Supervisors approves this policy through the duration of the declared emergency. Employees can accrue up to an additional 80 hours over the vacation maximum accrual limit over the duration of the emergency. When the emergency ends, employees would need to take vacation and reduce their balance below the maximum accrual by December 31, 2021.

**8. Military Leave:**

The County will pay the difference between employee's military salary and County salary for those called to duty in response to the COVID-19 Emergency.

The provisions of this policy shall not supersede any state law, federal Law or current collective bargaining agreement between an employee organization and the County of San Mateo. This policy shall not preclude specific County departments from developing operational policies and procedures.