

COUNTY OF SAN MATEO CORONAVIRUS LEAVE POLICIES

COVID-19 Emergency Sick Leave:

What is it?

Paid sick leave for certain reasons associated with the COVID-19 Public Health Emergency.

COVID-19 Emergency Sick Leave is provided pursuant to the terms and conditions set forth in this policy. If additional State or Federal legislation or regulations regarding COVID-19 sick leave are enacted or adopted prior to the expiration of this policy on December 31, 2021, the County may revoke or revise this policy as appropriate.

Leave taken as COVID-19 Emergency Sick Leave is a temporary form of sick leave and is separate and distinct from regular County provided sick leave.

In alignment with Labor Code section 248.2, employees may utilize this leave retroactive to January 1, 2021. However, since the County was previously providing COVID-19 Emergency Sick Leave under nearly identical terms, most employees will not be affected by the retroactive start date. If any employee could have used COVID-19 Emergency Sick Leave between January 1, 2021 and April 1, 2021 under the terms of this current policy but was unable to because either (a) they were out of COVID-19 Emergency Sick Leave hours or (b) the reason for their leave was not covered by the previous policy but is now covered under the current policy, the employee may request to retroactively apply COVID-19 Emergency Sick Leave hours pursuant to this new policy.

Who is eligible?

From January 1, 2021 through December 31, 2021, County employees can take COVID-19 Emergency Sick Leave if they are unable to work or telework for the following reasons:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation period related to COVID-19.
- (2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation period related to COVID-19 or been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- (5) The employee is caring for their child (under 18 years of age or an adult with a mental or physical disability who is incapable of self-care because of that disability)

whose school or place of care has been closed, or the child's child-care provider is unavailable, due to COVID-19 precautions.

- (6) The employee is 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.
- (7) The employee is obtaining a vaccine for protection against contracting COVID-19.
- (8) The employee is experiencing symptoms related to receiving a COVID-19 vaccine that prevent the employee from being able to work or telework.
- (9) The employee has been excluded from work by the County pursuant to the County's COVID-19 Prevention Program. (Note: In this circumstance, the employee may be required to exhaust any available COVID-19 Emergency Sick Leave before receiving any form of exclusion related earnings from the County.)

How long is the leave?

Each employee will receive 10 days of COVID-19 Emergency Sick Leave, not to exceed a total of 80 hours, for the period of January 1 – December 31, 2021. Part-time employees will receive a pro-rated amount based on average hours worked.

Please note: this is *not an additional* 80 hours on top of any previously unused COVID-19 Emergency Sick Leave hours; rather, this is a re-fill of hours that will provide up to a maximum of 80 total hours in an employee's COVID-19 Emergency Sick Leave bank as of January 1, 2021.

- For any employee who took paid COVID-19 Emergency Sick Leave between January 1 – March 31, 2021 under the County's prior COVID-19 Emergency Sick Leave policy, the County will deduct such previously paid COVID-19 Emergency Sick Leave hours from this new 80-hour COVID-19 Emergency Sick Leave balance.
- Any employee who took paid, non-COVID-19 Emergency Sick Leave hours (such as regular sick leave, vacation, or compensatory leave) for a qualified COVID-19 sick leave reason between January 1 – March 31, 2021 may request that such leave be retroactively covered under this new COVID-19 Emergency Sick Leave policy. When the County receives a qualifying request, it will restore the employee's applicable leave balance for the previously used hours, deducting such leave hours from the employee's re-filled COVID-19 Emergency Sick Leave balance.
- Any employee who took unpaid leave for a qualified COVID-19 sick leave reason under the current policy between January 1 – March 31, 2021 may request that such leave be retroactively covered under this 2021 COVID-19 Emergency Sick Leave. When the County receives a qualifying request, the County will pay the employee for the

previously unpaid leave hours, deducting such retroactive leave hours from the employee's re-filled COVID-19 Emergency Sick Leave balance.

Employees must not return to work until medically advisable based on the most recent information from Federal, State and Local health officials and the employee or family member's healthcare provider.

Any employee who is unable to work or telework due to their own laboratory-confirmed COVID-19 illness shall utilize their available COVID-19 Emergency Sick Leave, as outlined above. 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.

COVID-19 Emergency Sick Leave will expire on December 31, 2021. After this date, any unused leave will not carryover or be cashed out and does not convert to retiree health medical benefits at the time of retirement.

What does it pay?

Employees will receive their regular rate of pay.ⁱ

Employee Benefits

Employees will continue to receive their regular elected benefits during the time they are covered under COVID-19 Emergency Sick Leave. Benefits will continue to be deducted from their bi-weekly paycheck. In the event deductions do not occur, employees will be billed for their portion of benefits only.

Employees will continue to receive all regular accrual of other paid leave while using COVID-19 Emergency Sick Leave.

Other forms of leave?

Employees who are eligible for COVID-19 Emergency Sick Leave for one of the reasons listed above, may also be eligible for other forms of leave such as FMLA/CFRA or regular County sick leave. Unpaid forms of leave such as FMLA/CFRA will run concurrently with COVID-19 Emergency Sick Leave, where applicable. For more information on other forms of leave, please see the County's policies for [Leave for Employee's Own Health Condition](#) <https://hr.smcgov.org/leave-employees-own-health-condition> and [Leave for My Family Member's Health Condition](#).

How do I request the leave?

When the requirement for sick leave is known to the employee in advance of the absence, the employee shall request COVID-19 Emergency Sick Leave at such time. In all other instances the employee shall notify their supervisor of their need to take COVID-19 Emergency Sick Leave as promptly as possible. Employees shall try to provide notice in the manner set forth by their supervisor, manager or division/department policy or practice. (e.g. phone call, email, etc.)

Employees seeking to use COVID-19 Emergency Sick Leave must code their timesheet and hours used with sick leave code **635 Emergency Sick Leave**, and code the relevant Job Org code:

FFCR1	Govt Quarantine/Isolation-Self
FFCR2	HCP Quarantine/Isolation-Self
FFCR3	Symptoms & Seeking Diagnosis-Self
FFCR4	Govt Quarantine/Isolation-Other
FFCR5	Child’s School/Childcare Closed
FFCR6	Other Similar Specified by HHS (<i>not used</i>)
FFCR7	COVID Vaccine Appointment (<i>*new for 2021</i>)
FFCR8	Recovering from Vaccination (<i>*new for 2021</i>)
FFCR9	Excluded by Employer under CPP [County’s COVID-19 Prevention Program] (<i>*new for 2021</i>)

After returning from COVID-19 Emergency Sick Leave, the department may request the employee to complete a written form to document the leave.

To request retroactive leave payments or leave adjustments for leave taken between January 1 and March 29, 2021 for qualified COVID-19 reasons, employees should contact their Department Payroll Specialist.

COVID-19 Emergency FMLA Leave for School and Child Care Closure:

What is it?

Paid family leave for employees who need time off from work to care for a child due to a COVID-19-related school closure or child care closure.

The Family Medical Leave Act (FMLA) provides eligible employees with up to 12 workweeks of job protected leave for specified reasons. Due to the COVID-19 emergency, the U.S. Congress amended the FMLA to extend leave to employees who needed time off from work to care for a child due to a COVID-19-related school closure or child care closure. This was the Families First Coronavirus Response Act (FFCRA): Emergency Family and Medical Leave Expansion Act, which expired on December 31, 2020.

The County has chosen to continue to provide COVID-19 Emergency FMLA Leave,

pursuant to the terms and conditions set forth in this policy. If additional State or Federal legislation or regulations regarding COVID-19 Family and Medical Leave are enacted prior to the expiration of this policy on September 30, 2021, the County may revoke or revise this policy as appropriate.

Who is eligible?

Employees are eligible for up to 12 weeks of job-protected Covid-19 related Emergency FMLA Leave if the following requirements are met:

- (1) The employee has worked for the County for at least 30 calendar days;
- (2) The employee is unable to work or telework due to a need to care for their child (under 18 years of age or an adult with a mental or physical disability who is incapable of self-care because of that disability) whose school or place of care has been closed, or whose child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority; and
- (3) The employee provided reasonable notice of the need for the leave.
- (4) The employee has not already exhausted their 12 weeks of COVID-19 Emergency FMLA leave since April 1, 2020.

Due to the nature of the COVID-19 pandemic, the County may deny this leave to any employee who is a healthcare provider or emergency responder in the discretion of the County in order to provide essential services during the Public Health Emergency.

Is it paid?

The first 10 days of Emergency FMLA Leave may consist of unpaid leave unless the employee elects to utilize accumulated leaves, including COVID-19 Emergency Sick Leave set forth above.

For the remaining 10 weeks, an employee is entitled to paid leave at two-thirds of the employee's regular rate of pay. However, paid leave is subject to a cap of \$200 per day and \$10,000 total.

Employees can choose to supplement the \$200 per day cap on compensation with other accrued paid leave.

Employees may also be eligible for partial salary replacement through Unemployment Insurance. See the Employment Development Department's (EDD) COVID-19 webpage for additional information. https://www.edd.ca.gov/about_edd/coronavirus-2019.htm

How long is the leave?

COVID-19 Emergency FMLA provides up to 12 weeks of job protected leave from April 1, 2020 to September 30, 2021. If the leave is taken intermittently, the hours used will be tracked and employees will have a maximum number of hours to use based on the average number of hours the employee works per week multiplied by 12 weeks. Intermittent leave requires the

permission of the department, and the employee and the department should work together to develop a schedule for intermittent leave that allows the employee to take the leave when reasonable but still meets the needs of the department.

The provisions of this policy and the leave it provides expire on September 30, 2021.

How do I request COVID-19 Emergency FMLA leave?

Employees should notify their supervisors or managers of the need for leave as soon as possible and follow the procedures below.

After notifying their supervisor or manager, an employee must request this type of leave in Workday. To find out how to request a leave in Workday, visit the [Leave of Absence Quick Reference Card \(QRC\)](#) on the [Workday Connect](#) resource site.

The County may require the employee to provide documentation of the need for leave.

Reinstatement after leave

Employees out on COVID-19 Emergency Family and Medical Leave are entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave.

If the County is unable to restore the employee to an equivalent position to the employee's prior position, the County will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employee's address on file.

ⁱ Provision of full pay for COVID-19 Emergency Sick Leave requires ratification by the Board of Supervisors to become effective.