



## **Temporary COVID-19 Protocol: Notification/Telecommute/Leave Effective Date: March 13, 2020**

### **PROTOCOL**

*The City of San Diego seeks to responsibly respond to the COVID-19 health emergency by following the Centers for Disease Control and Prevention (CDC) guidelines, along with direction from the State of California San Diego County Health and Human Services. This temporary protocol is intended to address notification, telecommuting, and leave provisions for individual employees with the intention of promoting employee and public health and safety while also mitigating City's financial impacts. City, Department, or facility-wide closures related to COVID-19 will be addressed separately. This is a fluid situation and we will provide updates, as applicable.*

### **Applicable to All City of San Diego Employees**

This protocol will be effective immediately and will terminate upon declaration of the Chief Operating Officer (COO). Where provisions of an applicable collective bargaining agreement directly conflict and are more generous, the provisions of that agreement will prevail.

### **Definitions**

Coronavirus: Coronaviruses are a large group of viruses that cause diseases in animals and humans. They often circulate among animals and can sometimes evolve and infect people. In humans, the viruses can cause mild respiratory infections, like the common cold, but can lead to serious illnesses, like pneumonia.

COVID-19: Coronavirus Disease 19 is officially referred to as COVID-19. Reported illnesses have ranged from mild symptoms to severe illness and death for confirmed COVID-19 cases. According to the CDC, current symptoms reported for patients with COVID-19 have included mild to severe respiratory illness with fever, cough, and shortness of breath/difficulty breathing, chest pain. The following symptoms may appear between 2 and 14 days after exposure.

Symptoms: Flu-like symptoms, fever (100.4° F or greater using an oral thermometer), cough, and/or shortness of breath. Employees who have symptoms are recommended to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer is a symptom of the virus), and any other symptoms for at least 24 hours (such as a cough), without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants). CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>.

Accrued Leave: For purposes of this protocol, Accrued Leave includes: Annual Leave, Discretionary Leave, Compensatory Time, and Floating Holiday.

Paid Administrative Leave (Paid Admin Leave): Leave from the workplace that has been determined based on known facts to be (1) in the best interests of the City and (2) necessary to maintain the wellbeing, safety, security, or protection of any City employee or citizen, City property, or City resources, or otherwise required by federal or state law. Benefitted employees on Paid Admin Leave will continue to receive benefits.

### **Scenario-Based Notification, Telecommuting, and Leave Usage Protocol**

1. Confirmed COVID-19 diagnosed employee. Doctors are required to notify the County of San Diego (County) of any COVID-19 diagnosis. Therefore, it is likely that the County will notify the City when an employee is diagnosed with COVID-19. In any case, diagnosed employees must notify their Supervisor immediately. Supervisors must notify their Appointing Authority who will immediately notify Human Resources.

#### Telecommuting or Leave Usage:

- Diagnosed employees will be allowed to telecommute and track their time as Regular Working Time, or will be placed on Paid Admin Leave, as appropriate. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction. Supervisors must contact Human Resources (HR) for access to the Paid Admin Leave code.
  - Leave will be designated as FMLA/CFRA-qualifying for eligible employees.
  - Employees diagnosed with COVID-19 from a work-related exposure will be asked to file a Workers' Compensation claim.
2. COVID-19 exposed or high-risk employee. Exposed or potentially exposed employees, including co-workers of a diagnosed employee or employees with a diagnosed or quarantined family member, and employees designated as high-risk by the County, will follow the County guidelines which may include active monitoring, isolation, quarantine, etc. Employees must notify their Supervisor. Supervisors will notify their Appointing Authority who will then alert Human Resources.

#### Telecommuting or Leave Usage:

- Employees designated by the County to self-quarantine or self-isolate will telecommute and track their time as Regular Working Time, or will be placed on Paid Admin Leave, as appropriate. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction. Supervisors must contact HR for access to the Paid Admin Leave code.
- As appropriate, leave will be designated as FMLA/CFRA-qualifying for eligible employees.
- Employees diagnosed with COVID-19 from a work-related exposure will be asked to file a Workers' Compensation claim.

3. Employees who have recently traveled. To slow the spread of COVID-19 into the United States, the CDC is working with state and local public health partners to implement after-travel health precautions. Employees must notify their Supervisor and stay home for a period of 14 days from the time they left an area with widespread or ongoing community spread, Level 3 Travel Health Notice. Current Countries that have a Level 3 Health Notice are: China, Iran, Italy, South Korea, and the European Union. For an up to date listing from the CDC, please visit: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>. Supervisors must notify their Appointing Authority who will then alert Human Resources.

Telecommuting or Leave Usage:

- Employees who have traveled and received a recommendation by the CDC to self-quarantine or self-isolate, prior to the issuance of this policy, will telecommute and track their time as Regular Working Time, or will be placed on Paid Admin Leave, as appropriate. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction. Supervisors must contact HR for access to the Paid Admin Leave code.
  - Employees who have traveled and received a recommendation by the CDC to self-quarantine or self-isolate after the issuance of this policy, will telecommute and track their time as Regular Working Time, or will be required to use Annual Leave, as appropriate. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction.
  - As appropriate, leave will be designated as FMLA/CFRA-qualifying for eligible employees.
4. Symptomatic Employees at Work. The CDC recommends that employees who appear to have acute respiratory illness symptoms (fever, cough, shortness of breath) upon arrival to work or become sick during the work day should be separated from other employees and be sent home immediately. Supervisors who observe a symptomatic employee at work must notify their Appointing Authority. The Appointing Authority, after consulting with Human Resources, may send the employee home.

Telecommuting or Leave Usage:

- Employees sent home will telecommute and track their time as Regular Working Time, or will be placed on Paid Admin Leave, as appropriate. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction. Supervisors must contact HR for access to the Paid Admin Leave code.
- As appropriate, leave will be designated as FMLA/CFRA-qualifying for eligible employees.
- Employees diagnosed with COVID-19 from a work-related exposure will be asked to file a Workers' Compensation claim.

5. Employees impacted due to school or child care closures. Employees must notify their Supervisor.

Telecommuting or Leave Usage:

- Employees approved to telecommute will track their time as Regular Working Time. Supervisors will determine, on a case-by-case basis, whether telecommuting is an option for the impacted employee. If the employee is approved to telecommute, Supervisors will provide expectations and instruction and notify their Appointing Authority.
- Employees may have the opportunity to work an alternate work schedule to better accommodate childcare needs. Supervisors will determine, on a case-by-case basis, whether an alternate work schedule is an option for the impacted employee. If the employee is approved for an alternate work schedule, Supervisors will provide expectations and instruction and notify their Appointing Authority.
- Employees who cannot telecommute or participate in alternative work schedules due to the requirements of their position may be placed on Paid Admin Leave. Supervisors must contact HR for access to the Paid Admin Leave code.
- At any time, if the City determines misuse of this provision, the City will take disciplinary action up to and including termination.

## **Telecommute**

During the time this temporary COVID-19 protocol is in effect, employees may work from home or other remote location, on a case-by-case basis, subject to Appointing Authority approval. This telecommute section may be revised as needed to meet the City's operational needs. During the time that this protocol is in effect, the City will follow these requirements below regarding telecommuting:

1. Employees maybe able to telecommute on a case-by-case basis for a COVID-19 related absence.
2. Telecommuting under this temporary policy will be guided by the following parameters:
  - Appointing Authority approval must be obtained.
  - The nature of the employee's work must be amenable to telecommuting and sufficient work must be available.
  - Employees should be aware that City documents, communications, and work products stored on personally-owned devices may be subject to public records law. The use of personally-owned electronic devices such as home computers, laptops, smart phones, and tablets to access the City's internal networks may subject the personal device to review and possible disclosure.
  - Telecommuting employees must comply with the performance and conduct standards for their position, the equipment, software, and remote access standards established by the Information Technology Department, and all other City policies and procedures.

- Telecommuting does not change the duties, obligations, responsibilities, and conditions of City employment. Each employee must perform work during scheduled telecommuting hours. Employee responsibilities include accessibility to their manager, team, and customers during normal office hours by telephone and/or email.
  - The number of hours worked by the employee will not change because of telecommuting.
  - Telecommuting employees may be required to track their work hours, even if they are paid on a salary basis, to facilitate management of the position.
  - Employees must not work unauthorized overtime. All overtime must be approved (Administrative Regulation 95.01).
  - Telecommuting employees are expected to devote their time to the agreed upon telecommuting work days and hours and not to engage in other non-work-related activities.
  - Employees must comply with all City rules, policies, practices, and instructions while telecommuting.
  - The agreement of Recognized Employee Organizations that the City's determination to review and modify the temporary Telecommuting policy for any individual employee or work section or unit will not trigger obligations pursuant to the Meyers-Millias-Brown Act
3. Telecommute Agreements approved for COVID-19 related absences will be revoked upon declaration of termination by the City's COO, and all telecommute access granted during this period will be disabled by the City's Information Technology Department, where applicable.

### **Return to Work**

Supervisor Direction to Return to Work: Employees telecommuting or placed on Paid Administrative Leave under this protocol must return to work when directed by their Supervisor, unless there is a medical or COVID-19 related health and safety reason as to why the employee cannot or should not return to work. Employees must notify their Supervisor of any issue related to their return to work prior to the employee's return to work date. The City may request medical certification or Employee Self-Certification prior to return or extension of telecommuting privileges.

Employee Return to Work: Employees who are no longer symptomatic (i.e., no fever, cough, or shortness of breath for at least 24 hours, without the use of fever-reducing or other symptom-altering medicine (e.g. ibuprofen or cough suppressants) must notify their Supervisor of their ability to return to work. Employees who are no longer symptomatic may request to return to work. The City may request medical certification or Employee Self-Certification prior to return or extension of telecommuting privileges.

## **Responsibilities**

### Employees:

- Protect yourself, your family, and your community by washing your hands often with soap and water, using hand sanitizer, covering your cough or sneezes, and throwing away used tissues immediately after use.
- Go home and stay home if you start to feel sick. Do not return until you have been free of fever for 24 hours.
- If you feel you may have been exposed or are experiencing the key symptoms (cough, fever, shortness of breath), notify your supervisor immediately, go or stay home, and contact your healthcare provider.

### Supervisors:

- Adhere to this Temporary COVID-19 protocol on notification, telecommuting, and leave usage. Direct COVID-19 inquiries to your Human Resources Department liaison.
- Evaluate and approve, where possible, telecommuting requests in light of employee and workplace health and safety.

This protocol is applicable to all City employees, is effective immediately, and will terminate upon declaration of the Chief Operating Officer.