



Temporary COVID-19 Protocol: Notification/Telework/Leave

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PROTOCOL

*The City of San Diego (City) 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, and the San Diego County Health and Human Services. This temporary protocol is intended to address notification, teleworking, and leave provisions for individual employees with the intention of promoting employee and public health and safety, while also mitigating financial impacts on the City. This is a fluid situation and we will provide updates as applicable. **This protocol modifies the previous protocol released on March 19, 2020. All significant changes are outlined in red and will go into effect April 4, 2020.***

This protocol is applicable to City employees, is effective immediately, and will terminate upon declaration of the Chief Operating Officer (COO) or designee. Where provisions of an applicable collective bargaining agreement directly conflict and are more generous, the provisions of that agreement will prevail. **These protocols do NOT apply to employees of the San Diego Police and San Diego Fire-Rescue/Lifeguards Departments, please look to Department Chiefs and Executive Teams for direction regarding the application of department specific protocols.** If, at any time, the City determines misuse of the provisions outlined in this protocol, the City will take disciplinary action, up to and including termination.

The recently enacted Families First Coronavirus Response Act (FFCRA) requires employers to provide their employees with paid sick leave and expanded partially paid family and medical leave for specified reasons related to COVID-19. Generally, full-time employees are provided an additional two weeks of paid sick leave for COVID-19 related events and up to 10 additional weeks of partially paid (2/3 pay) expanded family and medical leave for child care due to COVID-19 related closures. These provisions are in addition to the normal accrued leave provided by the City and will apply from April 1, 2020 through December 31, 2020. Please see the attached Employee Rights notice for additional information regarding the FFCRA.

The provisions of the Families First Coronavirus Response Act go into effect April 1, 2020. However, the City of San Diego will allow employees to continue the use of Paid Admin Leave through April 3, 2020.

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 more serious illnesses, like pneumonia.

COVID-19: Coronavirus Disease 2019 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, shortness of breath/difficulty breathing, and chest pain. Symptoms may appear between two to 14 days after exposure.

Symptoms: Flu-like symptoms; fever (100.4° F/37.8° C or greater using an oral thermometer), cough, and/or shortness of breath. <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>. Employees who have symptoms must stay home and not come to work until they are free of fever for

at least 72 hours (three full days of no fever) without the use of fever-reducing medicine, their other symptoms (such as cough or shortness of breath) have improved (without the use of symptom-altering medicine, like cough suppressants), and at least 7 days have passed since their symptoms first appeared. <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>.

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

Scenario-Based Notification, Teleworking, and Leave Usage Protocol

1. Confirmed COVID-19 Diagnosed Employees. Employees diagnosed with COVID-19 must notify their Supervisor immediately. Supervisors must notify their Appointing Authority, who will immediately notify Human Resources. Supervisors must otherwise maintain the medical privacy of the impacted employee. Diagnosed employees must follow the CDC guidelines and not come to work. <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

Teleworking or Leave Usage:

- Diagnosed employees will be allowed to telework and track their time as Regular Working Time, as appropriate. Supervisors, working with their Appointing Authority, will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will provide expectations and instruction.
 - **Employees who are not able to work or telework may use FFCRA Emergency Paid Sick Leave or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay. Work with your Human Resources Representative to receive the appropriate 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. **For the duration of the City's current declared local public health emergency only, first responder public safety employees diagnosed with COVID-19 will be presumed to have had a work-related exposure.**
2. Symptomatic Employees at Work. The CDC recommends that employees who appear to have acute respiratory illness symptoms (fever, cough, or shortness of breath) upon arrival to work, or become sick during the work day, should immediately be separated from other employees and sent home. <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>. Employees who become symptomatic at work must immediately notify their Supervisor. Supervisors who are notified or who observe a symptomatic employee at work must notify their Appointing Authority who will immediately notify Human Resources. Supervisors must otherwise maintain the medical privacy of the impacted employee. The Appointing Authority, after consulting with Human Resources, will send the employee home, as appropriate.

Teleworking or Leave Usage:

- Employees sent home will be allowed to telework and track their time as Regular Working Time, as appropriate. Supervisors, working with their Appointing Authority, will

determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will provide expectations and instruction.

- Employees who are not able to work or telework may use FFCRA Emergency Paid Sick Leave or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay. Work with your Human Resources Representative to receive the appropriate Code.
- Leave will be designated as FMLA/CFRA-qualifying for eligible employees, as appropriate.
- Employees diagnosed with COVID-19 from a work-related exposure will be asked to file a Workers' Compensation claim. For the duration of the City's current declared local public health emergency only, first responder public safety employees diagnosed with COVID-19 will be presumed to have had a work-related exposure.

3. COVID-19 Exposed or Potentially Exposed Employees. Exposed or potentially exposed employees, including coworkers of a COVID-19 diagnosed employee or employees with a COVID-19 diagnosed, isolated, or quarantined family member, must follow the CDC guidelines which may include active-monitoring and self-quarantine. Employees who have been exposed or potentially exposed to COVID-19 must notify their Supervisor. Supervisors must notify their Appointing Authority, who will then alert Human Resources.

Teleworking or Leave Usage:

- Employees recommended or required by the CDC or the County to self-quarantine will be allowed to telework and track their time as Regular Working Time, as appropriate. Supervisors will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will provide expectations and instruction.
- Employees who are not able to telework may use FFCRA Emergency Paid Sick Leave, as appropriate, or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay. Work with your Human Resources Representative to receive the appropriate Code.
- Employees diagnosed with COVID-19 from a work-related exposure will be asked to file a Workers' Compensation claim. For the duration of the City's current declared local public health emergency only, first responder public safety employees diagnosed with COVID-19 will be presumed to have had a work-related exposure.

4. Employees Who Have Recently Traveled. To slow the spread of COVID-19 into and around the United States, the CDC is working with state and local public health partners to implement after-travel health precautions. Areas that currently have a Level 3 Travel Health Notice related to COVID-19 include China, Iran, Italy, the European Union, Ireland, and the United Kingdom and New York. Employees who have traveled to an area with a Level 3 Travel Health Notice must notify their Supervisor and stay home for 14 days from the time they left the area. <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html> Supervisors must notify their Appointing Authority, who will then alert Human Resources. As of March 19, 2020, employees are strongly discouraged from engaging in any nonessential travel (travel not required by work, health, or family needs). This does not apply to travel to and from

the employee's primary residence. Employees who elect to engage in nonessential travel after March 19, 2020 and are subsequently required by the CDC or the County to self-quarantine as a result, must notify their Supervisor. Supervisors must notify their Appointing Authority, who will then alert Human Resources. **As of April 4, 2020, Employees who are subject to a travel-based self-quarantine requirement will be considered exposed or potentially exposed employees.**

Teleworking or Leave Usage:

- **Employees who elect to engage in nonessential travel and are subsequently required by the CDC or County to self-quarantine or self-isolate as a result, will be required to use FFCRA Emergency Paid Sick Leave or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay. Supervisors may determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will provide expectations and instruction.**
- **Employees will be required to provide documentation indicating the requirement for them to self-quarantine by the CDC or County of San Diego Health and Human Services.**

5. Employees 65 and Older. The CDC guidelines recommend that persons who are 65 years of age and older self-quarantine themselves at home. <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications/older-adults.html> Employees meeting the criteria must notify their supervisor. Supervisors must notify their Appointing Authority, who will then alert Human Resources. Employees have the following options:

Teleworking or Leave Usage:

- Employees may elect to continue performing all assigned duties.
- Employees may request to be approved to telework and track their time as Regular Working Time. Supervisors will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees may have the opportunity to work an alternative work schedule. Supervisors will determine, on a case-by-case basis, whether an alternative work schedule is an option for the impacted employee. If the employee is approved for an alternative work schedule, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees who are not approved to telework or participate in an alternative work schedule **may use FFCRA Emergency Paid Sick Leave, as appropriate, or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay.**

6. Employees with Serious Underlying Health Condition. The CDC guidelines recommend that persons who have a severe underlying chronic health condition or are immunocompromised self-quarantine themselves at home. <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-risk.html> Employees who may meet the criteria should contact their health care providers to determine if their condition is considered high-risk under the CDC or County COVID-19 guidelines. If self-quarantine is recommended by their health care provider under the CDC or County COVID-19 guidelines, employees must notify their supervisor.

Supervisors must notify their Appointing Authority, who will then alert Human Resources. Employees have the following options:

Teleworking or Leave Usage:

- Employees may elect to continue performing all assigned duties, if appropriate.
- Employees may request to be approved to telework and track their time as Regular Working Time. Supervisors will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees may have the opportunity to work an alternative work schedule. Supervisors will determine, on a case-by-case basis, whether an alternative work schedule is an option for the impacted employee. If the employee is approved for an alternative work schedule, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees who are not approved to telework or participate in an alternative work schedule may use FFCRA Emergency Paid Sick Leave or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay.
- Leave will be designated as FMLA/CFRA-qualifying for eligible employees, as appropriate.

7. Employees Caring for Others. Employees who need to be away from work to care for a family member who has been diagnosed with COVID-19 or is symptomatic, or to care for an individual who has been ordered by federal, state, or local authority, or advised by a health care provider, to self-quarantine or self-isolate due to COVID-19, must notify their Supervisor. Supervisors must notify their Appointing Authority, who will then alert Human Resources.

Teleworking or Leave Usage:

- Employees may request to be approved to telework and track their time as Regular Working Time. Supervisors will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees may have the opportunity to work an alternative work schedule to better accommodate their needs. Supervisors will determine, on a case-by-case basis, whether an alternative work schedule is an option for the impacted employee. If the employee is approved for an alternative work schedule, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees who are not approved to telework or participate in an alternative work schedule may use FFCRA Emergency Paid Sick Leave and/or their Accrued Leave. Employees may also be approved for Authorized Leave Without Pay.
- Leave will be designated as FMLA/CFRA-qualifying for eligible employees, as appropriate.

8. Employees Impacted by School or Childcare Closures. Employees who need to be home to care for a child whose school or childcare is closed or unavailable due to COVID-19 must notify their

Supervisor. Supervisors must notify their Appointing Authority, who will then alert Human Resources.

Teleworking or Leave Usage:

- Employees may request to be approved to telework and track their time as Regular Working Time. Supervisors will determine, on a case-by-case basis, whether teleworking is an option for the impacted employee. If the employee is approved to telework, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees may have the opportunity to work an alternative work schedule to better accommodate childcare needs. Supervisors will determine, on a case-by-case basis, whether an alternative work schedule is an option for the impacted employee. If the employee is approved for an alternative work schedule, Supervisors will notify their Appointing Authority and provide the employee with expectations and instruction.
- Employees who are not approved to telework or participate in an alternative work schedule may use FFCRA Emergency Paid Sick Leave and/or their Accrued Leave, or will be approved for Authorized Leave Without Pay, for the first 10 days of leave. Eligible employees may then use FFCRA expanded paid family and medical leave for up to 10 additional workweeks (2/3 pay), and/or their Accrued Leave.
- Leave will be designated as FMLA-qualifying for eligible employees.

Teleworking

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

1. Employees may be able to telework on a case-by-case basis for a COVID-19 related absence.
2. Teleworking 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 teleworking 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.
 - Teleworking 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.

- Teleworking does not change the duties, obligations, responsibilities, and conditions of City employment. Each employee must perform work during scheduled teleworking 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 teleworking.
 - Teleworking 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).
 - Teleworking employees are expected to devote their time to the agreed upon teleworking 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 teleworking.
 - The agreement of Recognized Employee Organizations that the City's determination to review and modify the temporary Teleworking policy for any individual employee or work section or unit will not trigger obligations pursuant to the Meyers-Millias-Brown Act.
3. Teleworking approved for COVID-19 related absences will be revoked upon declaration of termination by the City's COO, and all telework 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 teleworking must return to work when directed by their Supervisor, unless there is a medical or COVID-19 related health or 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 to work or extension of teleworking privileges.

Employee Return to Work: Employees who are cleared to return to work by their medical provider (If tested for COVID-19) or fever free for at least 72 hours without the use of fever-reducing medicine, and other symptoms such as cough or shortness of breath have improved without the use of symptom-altering medicine, and at least 7 days have passed since their symptoms first appeared (Non COVID-19 Tested employees). Employees must notify their Supervisor of their ability to return to work. The City may request medical certification or Employee Self-Certification prior to return to work. <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

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.
- If you feel you have or may been exposed or are experiencing symptoms of COVID-19 (fever, cough, or shortness of breath), notify your supervisor immediately and contact your healthcare provider.

Supervisors:

- Adhere to this temporary COVID-19 protocol on notification, teleworking, and leave usage. Direct COVID-19 inquiries to your Human Resources Department liaison.
- Evaluate and approve, where possible, teleworking requests.

This protocol is effective immediately, applicable to City employees, and will terminate upon declaration of the COO. **Upon the implementation of this protocol, the City of San Diego will cease the use of Paid Admin leave for COVID-19 related events. All employees will use FFCRA leave, Accrued Leave, and/or Leave Without Pay in accordance with City Leave Procedures and the Families First Coronavirus Response Act. Employees unable to telework and authorized the use of Paid Admin Leave prior to this protocol update are required to use FFCRA leave (if applicable), Accrued Leave, and/or Leave Without Pay starting April 4, 2020.**

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

