

COUNTY OF SAN MATEO CORONAVIRUS LEAVE POLICIES

COVID-19 Emergency Sick Leave and Supplemental 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 and Supplemental COVID-19 Emergency Sick Leave are 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 September 30, 2022, the County may revoke or revise this policy as appropriate.

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

Employees who have been excluded from work pursuant to the County's COVID-19 Prevention Plan (CPP) and are eligible for workers' compensation pay are not required to use COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave hours.

Who is eligible?

COVID-19 Emergency Sick Leave

From January 1, 2022 through - September 30, 2022, 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 or isolate 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 has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- (5) The employee is caring for their child whose school or place of care has been closed for reasons related to COVID-19 on the premises.

- (6) The employee is attending an appointment for themselves or a family member to obtain a vaccine (including a vaccine booster) for protection against contracting COVID-19.
- (7) The employee is experiencing symptoms, or caring for a family member experiencing symptoms, related to receiving a COVID-19 vaccine or vaccine booster that prevent the employee from being able to work or telework.

Supplemental COVID-19 Emergency Sick Leave

From January 1, 2022 through - September 30, 2022, County employees can take Supplemental COVID-19 Emergency Sick Leave if they are unable to work or telework for the following reasons:

- (1) The employee tests positive for COVID-19.
- (2) The employee is caring for a family member who tests positive for COVID-19.

For the above categories, “family member” means a child (defined as a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands *in loco parentis*, regardless of the child’s age or dependency status), a parent (defined as a biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood *in loco parentis* when the employee was a minor child), a spouse, a registered domestic partner, a grandparent, a grandchild, or a sibling.

How long is the leave?

COVID-19 Emergency Sick Leave:

Under the County’s prior COVID-19 Emergency Sick Leave Policies, each full-time employee who started work prior to February 20, 2022 received 10 days of COVID-19 Emergency Sick Leave, not to exceed a total of 80 hours, and part time employees received a pro-rated amount.

- Any employee whose COVID-19 Emergency Sick leave bank is above 40 hours as of February 19, 2022 shall retain that balance and be allowed to use it for any qualifying COVID-19 leave reason until September 30, 2022.
- Any employee whose COVID-19 Emergency Sick Leave balance was below 40 hours as of January 1, 2022 shall have their COVID-19 Emergency Sick Leave balance restored to 40 hours as of that date, or a pro-rated amount for part time employees. For any such employee who took paid COVID-19 Emergency Sick Leave between January 1 – February 19, 2022 under the County’s prior COVID-19 Emergency Sick Leave policy, the County will deduct previously paid COVID-19 Emergency Sick Leave hours from this restored 40-hour COVID-19 Emergency Sick Leave balance or from the separate Supplemental COVID-19 Emergency Sick Leave balance (discussed below), as applicable. An employee can request that leave be deducted from the Supplemental COVID-19 Emergency Sick Leave bank only if the employee tested positive for COVID-19 or was caring for a family

member who tested positive for COVID-19.

Under this new Policy, full time employees who start work for the County on or after February 20, 2022 will receive up to 40 hours of COVID-19 Emergency Sick Leave. Part-time employees will receive a pro-rated amount based on their start date and average hours worked.

These COVID-19 Emergency Sick Leave hours may be used for the reasons specified above from January 1, 2021 – September 30, 2022.

Supplemental COVID-19 Emergency Sick Leave

Each full-time employee will receive and be allowed to use 40 hours of Supplemental COVID-19 Emergency Sick Leave, for the reasons specified above in the section on Supplemental COVID-19 Emergency Sick Leave, between January 1, 2022 and September 30, 2022. Part-time employees will receive a pro-rated amount based on average hours worked.

- Any employee who took paid COVID-19 Emergency Sick Leave under the County's prior COVID-19 Emergency Sick Leave policy between January 1 – February 19, 2022 because they tested positive for COVID-19, or were caring for a family member who tested positive for COVID-19, may request that such leave be retroactively covered under this new COVID-19 Emergency Sick Leave Policy. When the County receives a qualifying request, the County will deduct such previously paid COVID-19 Emergency Sick Leave hours from the 40 hour Supplemental COVID-19 Emergency Sick Leave balance and restore them to the primary COVID-19 Emergency Sick Leave balance.
- In addition, for any employee that previously exhausted their initial allotment of COVID-19 Emergency Sick Leave and then between January 1 – February 19, 2022 was granted and used additional hours under the County's prior COVID-19 Emergency Sick Leave policy due to their own laboratory-confirmed COVID-19, the County will deduct these additional paid COVID-19 Emergency Sick Leave hours from the employee's COVID-19 Emergency Sick Leave and/or Supplemental COVID-19 Emergency Sick Leave balance, as appropriate.

Employees are not required to exhaust their primary allotment of COVID-19 Emergency Sick Leave before using this Supplemental COVID-19 Emergency Sick Leave.

The County may request documentation of a positive test from an employee to qualify for this leave. If an employee refuses to provide such documentation, the County is under no obligation to provide 40 hours of Supplemental COVID-19 Emergency Sick Leave.

For both COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave, 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.

What if I run out of COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave but I need more leave for my own COVID-19 illness?

Any employee who is unable to work or telework due to their own COVID-19 illness shall utilize their available COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave, as outlined above. If after exhausting all of the above-mentioned COVID-19 Emergency Sick leaves, an employee's healthcare provider determines and certifies that an employee needs additional time off related to their own laboratory confirmed COVID-19 diagnosis and recovery, the County, on a case by case basis, may grant an additional forty (40) hours of Supplemental COVID-19 Sick Leave Hours.

Can I request retroactive use of COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave?

Any employee who took unpaid leave or other paid leave (including regular sick leave, vacation, or compensatory leave) for a qualified COVID-19 sick leave reason between January 1 – February 19, 2022 may request that such leave be retroactively covered under this new COVID-19 Emergency Sick Leave policy.

- Any employee who took unpaid leave for a qualified COVID-19 sick leave reason under the current policy between January 1 – February 19, 2022 may request that such leave be retroactively covered under this new COVID-19 Emergency Sick Leave policy. 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 or Supplemental COVID-19 Emergency Sick Leave balance, as applicable. An employee can request that leave be deducted from the Supplemental COVID-19 Emergency Sick Leave bank only if the employee tested positive for COVID-19 or was caring for a family member who tested positive for COVID-19.
- 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 – February 19, 2022 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 or Supplemental COVID-19 Emergency Sick Leave balance, as applicable. An employee can request that leave be deducted from the Supplemental COVID-19 Emergency Sick Leave bank only if the employee tested positive for COVID-19 or was caring for a family member who tested positive for COVID-19.

When does the leave expire?

COVID-19 Emergency Sick Leave and Supplemental COVID-19 Emergency Sick Leave will expire on September 30, 2022. After this date, any unused COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave hours will not carry over or be cashed out and will not convert to retiree health medical benefits at the time of retirement. However, employees who are currently on a COVID-19 Emergency Sick Leave or Supplemental COVID-19

Emergency Sick Leave as of September 30, 2022, shall be permitted to use any remaining hours of COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave in order to complete the leave, as necessary.

What does it pay?

Employees will receive their regular rate of pay.

Do I continue to receive employee benefits?

Employees will continue to receive their regular elected benefits during the time they are covered under COVID-19 Emergency Sick Leave or Supplemental 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 or Supplemental COVID-19 Emergency Sick Leave.

Are there other forms of leave for COVID-19?

Employees who are eligible for COVID-19 Emergency Sick Leave or Supplemental 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, regular County sickleave or workers compensation 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) <https://hr.smcgov.org/leave-employees-own-health-condition> and [Leave for My Family Member's Health Condition](https://hr.smcgov.org/leave-employees-own-health-condition).

Employees who have been excluded from work pursuant to the County's COVID-19 Prevention Program and are eligible for workers' compensation pay are not required to use COVID-19 Emergency Sick Leave hours.

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 or Supplemental 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 or Supplemental 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 or Supplemental COVID-19 Emergency Sick Leave must code their timesheet and hours used as below:

Employees who wish to use the primary COVID-19 Emergency Sick Leave must code their timesheet and hours with sick leave code **635 Emergency Sick Leave (ESL)**, and include the relevant Job Org code:

| | |
|-------|-----------------------------------|
| FFCR1 | Govt Quarantine/Isolation-Self |
| FFCR2 | HCP Quarantine/Isolation-Self |
| FFCR3 | Symptoms & Seeking Diagnosis-Self |
| FFCR4 | Quarantine/Isolation-Other |
| FFCR5 | Child's School/Childcare Closed |
| FFCR7 | COVID Vaccine Appointment |
| FFCR8 | Recovering from Vaccination |

Employees who wish to use the Supplemental COVID-19 Emergency Sick Leave because the employee tested positive for COVID-19 or is caring for a family member who tested positive for COVID-19 must code their timesheet and hours with sick leave code **638 Supplemental COVID Emergency Sick Leave (Suppl ESL)**, and include the following Job Org code:

| | |
|-------|-----------------------------------|
| ESLSC | COVID Positive Test – Self/Family |
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After returning from COVID-19 Emergency Sick Leave or Supplemental COVID-19 Emergency Sick Leave, the department may request the employee complete a written form to document the leave.