

COVID-19 UPDATE

UPDATES TO FEDERAL AND STATE LAWS REGARDING COVID-19

MESSAGE FROM THE ASSISTANT CEO/HR DIRECTOR

As the County continues to navigate and adapt to the ever-changing guidelines and laws concerning COVID-19 we are doing our utmost to ensure that we keep our employees as informed as possible. COVID-19 is still present in our communities and in an effort to provide more sustainable options going forward, the federal and state governments have recently released new guidelines pertaining to which workers are eligible for COVID leave, new Workers' Compensation guidelines and extended safety protocols pertaining specifically to COVID.

As you may know, on April 1, 2020, the U.S. Department of Labor's (DOL) Wage and Hour Division (WHD) enacted new legislation in response to COVID-19 called the Families First Coronavirus Response Act (FFCRA). FFCRA requires certain employers, including the County, to provide our employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. Effective September 16, 2020, the DOL released updated Frequently Asked Questions (FAQ's) that provides clarification to the definition of "health care provider", which now follows the same regulations under the Family and Medical Leave Act (FMLA).

This link from the DOL (<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions#56>) clarifies that a person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals, building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital or a similar health care facility. This means classifications previously exempted from utilizing FFCRA may now be eligible to use FFCRA under these revised guidelines. The County is actively working with all applicable Departments to determine which classifications may be eligible and that information will be released with the updated COVID Guides as soon as possible.

In addition, California Governor Gavin Newsom signed Assembly Bill 1867 (AB 1867), effective September 19, 2020. AB 1867 allows all California employees that are deemed as health care providers or first responders, that are otherwise ineligible for the 80 hours of leave under FFCRA, to take leave under this new provision. It is important to note that this California COVID-19 Supplemental Paid Sick Leave is not the same as the Emergency Paid Sick Leave (EPSLA) under FFCRA as it only applies to employees that are affected by COVID personally, not for use to care for someone else or childcare issues. It also does not provide any extended family and medical leave.

Effective immediately, California Senate Bill 1159 (SB 1159) clarifies Worker's Compensation coverage guidelines for employees who believe they have contracted COVID-19 at the workplace. The County is also preparing to implement, effective January 1, 2021, California Assembly Bill 685 (AB 685), which provides more structure to when and how the County is required to notify employees, the employee's representative labor group and the California Division of Occupational Safety and Health (Cal OSHA) upon learning of a positive COVID test in the workplace.

The County is in the process of updating the employee guidelines to assist employees in their understanding of our response to these federal and state changes. The additional guidelines for employees will provide specific details on how each new legal measure is being implemented within the County.

If you have additional questions pending the release of the updated Guides, please reach out to your Human Resources Departmental Representative for assistance.

As public servants, our residents, businesses and visitors rely on the services and programs we provide across Riverside County. Therefore, the County is committed to providing information as soon as possible amidst the rapidly changing circumstances surrounding COVID-19.

We are encouraging each of you to continue to protect yourselves by wearing the required face coverings, practicing social distancing, washing or sanitizing your hands regularly and taking good care of yourselves during this challenging time.

Thank you for your service and your assistance in keeping both yourself and others safe.


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