

COVID-19 UPDATE

UPDATES TO COVID-19 LEAVE LAWS AND UPDATED TELECOMMUTING PROGRAM

MESSAGE FROM THE ASSISTANT CEO / HR DIRECTOR

COVID-19 is still present in our communities. As such, the County is providing several updates including: 1) Providing clarifying guidance regarding the laws associated with COVID-19 leaves, 2) Details about the updated Telecommuting Program, 3) Guidance regarding vaccinations, 4) and access to an updated Safety website related to COVID-19 concerns.

Updated Guidance on COVID-19 Leave Laws

There are two major changes regarding COVID-19 leave laws:

1. Employees eligible for COVID-19 leave through the State may be able to utilize that leave past the expiration date if they tested positive or were exposed to COVID-19 on or immediately prior to December 31st and the resulting leave extended past the December 31st expiration date.
1. According to Cal/OSHA Title 8 Section 3205(c)(10)(C) regulation the County is required to keep eligible employees in a paid status if they contract COVID-19 or are exposed while at work. Details regarding both are below.

California COVID Supplement Paid Sick Leave – AB 1867 / Labor Code 248.1

As was previously shared on December 31, both COVID-19 leaves provided by the Department of Labor through the Families First Coronavirus Response Act (FFCRA) and the obligations and entitlements related to COVID-19 Supplemental Paid Sick Leave through the State, as provided in Assembly Bill (AB) 1867 or Labor Code 248.1, expired on December 31, 2020. That is still true.

However, employees covered by California's AB 1867 or Labor Code 248.1 (essentially anyone not eligible for FFCRA) are allowed, under this law, to continue utilizing COVID-19 leaves if their positive test and or COVID-19 exposure resulted in being on quarantined leave past the expiration date of December 31, 2020. For example, if an employee tested positive for COVID-19 or was confirmed exposed on December 28th and is required to quarantine for 10 days, the employee would be able to exhaust all leave provided (up to 80 hours) on a continual basis until the end of their quarantine period even though it passed the December 31, 2020 expiration date. [**Please Note:** Employees must be in a leave status eligible to utilize code SPL as of December 31, 2020 or prior in order to qualify for this benefit].

The law that explains this in more detail is below. Labor Code section 248.1, subsection (f), provides as follows:

The requirement to provide COVID-19 supplemental paid sick leave as set forth in this

section shall expire on December 31, 2020, or upon the expiration of any federal extension of the Emergency Paid Sick Leave Act established by the federal Families First Coronavirus Response Act (Public Law 116-127), whichever is later, **except that a covered worker taking COVID-19 supplemental paid sick leave at the time of the expiration of this section shall be permitted to take the full amount of COVID-19 supplemental paid sick leave to which that covered worker otherwise would have been entitled under this section.**

Therefore, the County is actively taking steps to compensate employees appropriately that may have been on continued quarantine past the expiration date to allow them to utilize the time up to 80 hours that was needed during the quarantine period as required under Labor Code section 248.1. However, if after a review of your time you find that payroll corrections are needed, please notify your HR Department Representative/Timekeeper for assistance.

Title 8 Cal/OSHA Section 3205(c)(10)(C)

Further, some employees may be entitled to continued compensation under Cal/OSHA Title 8 Section 3205(c)(10)(C). Under Cal/OSHA Section 3205, which became effective on November 30, 2020, employees who it is reasonable to believe contracted COVID-19 while at work or are deemed as being in “close contact” with someone who has contracted COVID-19 while at work, and are required to quarantine as a result, are entitled to receive their regular pay. This pay would be separate and apart from any Worker’s Compensation related pay the employee would be eligible to receive. Please note that this regulation includes TAP employees as well.

There are exceptions to those eligible to receive benefits from the Cal/OSHA Section 3205 regulation and those exceptions are: employees covered under the **Title 8, General Industry Standard for Aerosol Transmissible Diseases (Title 8, CCR, GISO 5199)**; i.e. (Hospital, Sheriff, Probation, Corrections, etc.), those who are telecommuting and those who work alone. The details of **Title 8, CCR, GISO 5199** can be found here: <https://www.dir.ca.gov/title8/5199.html>.

What this means is that although State and Federal COVID leaves expired at the end of 2020, under this new Cal/OSHA Section 3205 regulation, the County may be required to pay eligible employees in the following manner:

Prior to the Expiration of Leaves on December 31, 2020 the standard operating procedure to administer compensation would be as follows:

- 1) Telecommuting (if employee is well enough and if reasonable for their job duties)
- 2) FFCRA or AB 1867 COVID-19 Leaves
- 3) Paid Sick Leave and Annual Leave up to negative 80 hours if needed
- 4) Paid Administrative Leave per Cal/OSHA Section 3205 (Payroll Code Pending)

Following the expiration of State and Federal Leaves, the standard operating procedure to compensation would be as follows:

- 1) Telecommuting (if employee is well enough and if reasonable for their job duties)
- 2) Paid Sick Leave and Annual Leave up to negative 80 hours, if needed
- 3) Paid Administrative Leave per Cal/OSHA Section 3205 (Payroll Code Pending)

Please note that Cal/OSHA Section 3205 only covers eligible employees if their COVID-19 diagnosis or exposure was at a County worksite. If not, then this law does not apply and the information in our COVID-19 Guidance for Employees and Managers/Supervisor should be followed. It is also important to note that Cal/OSHA Section 3205 covers employees for multiple exposures, if quarantine is needed, and there is no time cap as was available with the Federal and State laws. If you believe that you meet

these criteria, please contact your HR Department Representative/Timekeeper to help you determine if retro pay is warranted.

Board Policy K-3 Telecommuting Program

Board of Supervisors Policy K-3 regarding telecommuting was recently revised. The policy revisions and the programmatic materials are intended to provide the broad policy outlines for a Countywide program, while allowing departments the ability to further refine the program based on their individual departmental needs, provided that they consult with HR prior to implementation in order to ensure compliance with labor laws. This policy revision is not intended to replace the Temporary Telecommuting Agreement that was created for the COVID-19 pandemic, rather it is to replace the County's current/existing policy regarding the regular Telecommuting Program to meet the evolving needs of Departments.

To supplement the revised policy, a dedicated website that includes the Telecommuting Program Guide has been developed to focus on the finer details of the telecommuting policy and how it is intended to be implemented. All details regarding the new components of the County's Telecommuting Program can be found here: <https://rc-hr.com/HR-Services/Employee-Support/Telecommuting-Toolkit>

COVID-19 Testing and Vaccinations

The County's goal is to get as many people to test and vaccinated as possible to move more fully towards reopening in the state's tiered system. Therefore, the Executive Office has approved the allowance of employees who are already at work (as opposed to employees on vacation or sick or off work etc.) to COVID test or obtain COVID vaccinations while on County time. To schedule an appointment for testing please visit <https://gettested.ruhealth.org>. To schedule an appointment to get vaccinated please visit <https://www.rivcoph.org/COVID-19-Vaccine>

This allowance applies to employees physically at work and those telecommuting; however, supervisor/manager approval is required. This benefit does not include coverage for mileage, nor does it allow the use of a County vehicle to get COVID tested or vaccinated. For additional information regarding this matter please consult with your supervisor/manager to ensure scheduling does not impact business operations.

COVID-19 Guidance and Resource Site

In order to provide employees with access to report any COVID-19 related workplace concerns, the County has created the following website:

https://rivcounty.sharepoint.com/sites/COVID_OSHACompliance

We are committed to keeping you apprised regarding the laws, policies and resources related to COVID-19.

We encourage 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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