



COVID-19

FREQUENTLY ASKED QUESTIONS

Guidance for Department Personnel Officers

Updated as of 3/31/2020 at 10:00 AM and may be amended.

Many questions are addressed in the employee FAQ that is regularly updated and can be found here: <https://sfdhr.org/covid-19-faqs>

EMPLOYEE LEAVE AND COMPENSATION

- 1. Should departments send employees in vulnerable populations home even if they are deemed essential (and cannot telecommute)?**

No. Departments should not unilaterally decide who is vulnerable or who to send home due to COVID-19 associated risks. Wait for employees to request leave or telecommuting in connection with the current public health crisis, and then decide whether the employee performs essential functions and must be in the workplace, can telecommute, or whether leave is appropriate.

- 2. Where would we find the latest description of what is considered ‘vulnerable population’? More and more employees are stating they are ‘vulnerable’ when we send them EOC requests.**

The definition of “vulnerable population” varies among health care organizations and may depend on whether the degree of health risk is assessed from a physical, psychological or social perspective. Employees refusing DSW assignments because they are vulnerable are not required to submit doctor’s notes verifying conditions creating a substantial risk of harm related to COVID-19, and they do not need to disclose their medical conditions.

Essential employees and DSWs are required to report to work in adverse conditions and during emergencies to ensure that essential public services continue uninterrupted. Departments should talk with vulnerable essential employees and DSWs who do not want to work about their concerns. The conversation should include exploring options that address identified concerns, and that may enable them to continue working, such as temporary workstation relocation, wearing protective equipment, or job modifications that minimize contact with others. Departments should take reasonable steps to accommodate vulnerable employees who are concerned about COVID-19 exposure. Employees who refuse DSW assignments due to vulnerability cannot remain

on paid furlough, and departments should allow those employees to use sick leave or other paid time off balances, as provided elsewhere in this guidance.

3. Are there any templates or processes/protocols for making decisions regarding essential employees, who can telecommute, or who to furlough, and documenting the decision-making process?

- Generally health care workers and first responders are essential employees. Departments should identify others essential to continuing government operations, and ensuring public health, safety and welfare.
- DHR recommends departments document decision-making processes for identifying essential employees.
- If a department creates a template for this purpose, they are free to share it with other departments

4. What guidance is there for employees about responding if a department needs to deploy an employee on paid furlough for a DSW assignment?

- Employees on paid furlough must be available for work, including deployment as a DSW
- Employees will receive information about the DSW assignment from the DHR Departmental Operations Center. They will get specific instructions and any necessary training before the DSW assignment.
- Departments may not expect employees to report for work immediately if called on short notice, but if employees are notified by 6 pm the night before, it's reasonable to expect them at work the next day.
- If employees say they are not available for the DSW assignment, then they cannot remain on paid furlough, and departments should allow those employees to use sick leave or other paid time off balances, as provided elsewhere in this guidance.

5. What if an employee is non-essential but can telecommute? They have the equipment and job duties that allow them to telecommute, but with the department shut down, there is not enough work to do at home? Can departments offer their employees to the DOC/EOC to be DSW workers if they are nonessential and don't have enough work? Can someone be on paid furlough part-time?

- Yes. Departments can give the EOC the names and classifications of employees who are available for DSW assignments. However, while awaiting deployment to the EOC these employees should remain at home telecommuting or on paid furlough.
- Employees should work to the extent work is available that they can perform remotely. When they have finished that work, then the remainder of their time is paid furlough.
- Note that paid furlough is only for the time an employee is ready and available to work. If an employee is working part of the day and providing childcare the rest

of the day, they would not receive paid furlough for a full shift. They would use their own accruals for the time spent providing childcare.

6. How long will the City be offering paid furlough?

Mayor Breed, DHR and everyone else involved will continue to evaluate the need for paid furlough as the situation evolves and will provide additional guidance when necessary.

7. Can employees use sick leave if they or a family member contracts COVID-19, displays symptoms of COVID-19, or is otherwise sick?

Yes. Employees can – and should – use paid or unpaid sick leave for any illness, including a diagnosed case of COVID-19 or COVID-19 symptoms. Employees may use sick leave for their own illness or the illness of a family member. If an employee has exhausted paid sick leave balances, then departments have discretion to approve use of other accrued leaves (i.e. vacation, floating holidays, or compensation time) for absences for these reasons, in lieu of unpaid sick leave. Eligible employees may also request an advance on sick leave with pay for COVID-19 related illnesses. Effective April 1, 2020, eligible employees with COVID-19 symptoms who are seeking a diagnosis may request up to 80 hours of Emergency Sick Pay under the FFCRA. If employees have exhausted all paid time off balances, then departments should approve unpaid sick leave.

8. Will employees be able to use sick leave or other benefits under the federal Families First Coronavirus Response Act?

The federal government passed the Families First Coronavirus Response Act (FFCRA) on March 18, 2020. That law becomes effective on April 1, 2020, and expires on December 31, 2020. The Department of Labor has issued an employee notice and some guidance on this new law. The notice is posted on the COVID-19 and Employee Leaves webpages. Employees have two new paid leave options under the Act.

- **Emergency Paid Sick Leave**

Up to 2 weeks (80 hours, prorated for part-time employees) of paid sick leave for any employee:

Reasons

- (1) Government ordered quarantine or isolation
- (2) Health care provider advised quarantine or isolation
- (3) COVID-19 symptoms and seeking diagnosis
- (4) Caring for an individual subject to a government or health care ordered/advised quarantine or isolation
- (5) Care for a son/daughter due to COVID-19 school or childcare closure
- (6) Substantially similar condition specified by HHS

Pay Required

Required pay for reasons (1), (2) and (3) is 100% of regular pay, up to \$511/day

Required pay for reasons (4), (5) and (6) is 2/3 of regular pay, up to \$200/day

The City will supplement required pay with available accrued sick leave, unless employee elect not to supplement. As-Needed employees with regular schedules may receive pay equal to their weekly hours averaged over a six-month period.

- **Emergency Expanded FMLA**

Up to 12 workweeks of job-protected leave for employees with at least 30 days of service.

Reason

COVID-19 related school and childcare provider closures

Pay Required

The first 2 weeks are unpaid, but employees may elect to use Emergency Paid Sick Leave or accrued leave balances

An additional 10 weeks must be paid at 2/3 of the employee's regular pay, up to \$200/day

The City will supplement required pay with available accrued leave balances, unless employees elect not to supplement.

9. Can a department send an employee home if the employee is sick?

Yes. Employees who are sick should not be in the workplace, where they may expose others to illness. If an employee comes to work and exhibits observable signs of illness, supervisors or managers should instruct the employee to go home. The department must be able to support the decision to send an employee home with observable evidence that the employee is unable to work without risk of harm to the employee, coworkers or the public.

- The department should allow employees to use their paid sick leave balances.
- If employees exhaust paid sick leave balances, employees may use other accrued paid leave or take unpaid sick leave.
- Eligible employees may request up to 80 hours of advance sick leave for COVID-19 symptoms or illness.

10. Can employees use sick leave if they are placed in quarantine by public health officials?

Yes. Civil Service Rules allow employees to use paid or unpaid sick leave for quarantine ordered by DPH or another government officer or authority. If an employee has exhausted paid sick leave balances, then departments have discretion to approve use of other accrued leaves (i.e. vacation, floating holidays, or compensation time) for absences for these reasons, in lieu of unpaid sick leave. If employees have exhausted all paid time off balances, then departments should approve unpaid sick leave. Eligible employees may request up to 80 hours of advance sick leave for COVID-19 related quarantine or illness. Effective April 1, 2020, these eligible employees may request up to 80 hours of Emergency Sick Pay under the FFCRA.

11. During this COVID-19 emergency, should departments require a doctor's note for absences due to illness that are in excess of five (5) days?

Not if the illness is COVID-19 related, otherwise yes. As recommended by the federal CDC, the City will not require a doctor's notes or other verification for absences due to a COVID-19 diagnosis or COVID-19 symptoms, such as fever, cough, or shortness of breath. During the public health crisis, medical offices and clinics may advise patients with these symptoms not to come into medical offices or may not provide timely medical verification due to increased office visits and other demands. Employees are not required to submit medical verification for COVID-19 related absences or medical clearance for return-to-work from such absences. This exemption applies to employees on Sick Leave Restriction.

For absences due to other types of illness or injury, employees must submit a doctor's note for more than five days of medical leave, during periods of Sick Leave Restriction, and when requested for medical clearance to return to work following absences of more than five days.

Employees requesting Emergency Sick Pay or FMLA under the FFCRA for school or childcare provider closures may be required to submit medical certification or other verification to support the request.

12. When employees call in sick and ultimately improve, how can departments be sure they are well enough to return to work?

Employees taking leave for COVID-19 diagnosis or COVID-19 related symptoms should follow the advice of their personal health care providers on when they should return to work. But these employees are not required to provide a medical clearance note to return to work, regardless of the length of the absence. Consequently, departments must return these employees to work based on the employees' self-certification that they are ready to work. However, supervisors should observe all employees for symptoms of illness that raise concerns that the employee may present a danger or risk of infection to self or others while performing job duties. Supervisors can look for symptoms such as persistent cough, shortness of breath, and lethargy. See Question 3 about sending sick employees home.

13. When should departments place employees on paid administrative leave for COVID-19 related purposes?

Departments may use paid administrative leave (PAL) for COVID-19 related circumstances only in limited cases. Before sending employees home due to possible workplace exposure call the Nurse Triage/Injury Hotline at 855-850-2249 for advice. If a department sends an employee(s) home due to possible workplace exposure to COVID-19, and the employee(s) cannot telecommute, the department should place the employee(s) on PAL (time reporting code "AIP"). Departments will determine whether employees can telecommute (for example, doing phone consultations) and, if so, employees will remain on regular paid status.

14. Other COVID-19 Specific Scenarios:

a) If an employee has been advised to self-isolate by a medical provider to avoid exposure to COVID-19 but does not have symptoms consistent with COVID-19:

- Allow the employee to telecommute if possible
- If the employee cannot telecommute, allow the employee to use paid sick leave or any other paid leave (vacation, floating holidays, compensatory time off)
- If the employees exhaust paid leave balances, the employee may take unpaid sick leave
- These employees are eligible for an advance of up to 80 hours of sick leave.
- Effective April 1, 2020, these eligible employees may request up to 80 hours of Emergency Sick Pay under the FFCRA.

b) If essential employees self-identify as in the vulnerable population and request to stay home, and are not able to telecommute, do departments need to grant that request and would they be placed on paid furlough or would they use sick leave?

Essential employees and DSWs are required to report to work in adverse conditions and during emergencies to ensure that essential public services continue uninterrupted. Departments should talk with vulnerable essential employees and DSWs who do not want to work about their concerns. The conversation should include exploring options that address identified concerns, and that may enable them to continue working, temporary workstation relocation, wearing protective equipment, or job modifications that minimize contact with others. Departments should take reasonable steps to accommodate vulnerable employees who are concerned about COVID-19 exposure.

Employees in the vulnerable population who do not want to work due to concerns about exposure to COVID-19, and who cannot telecommute, may use vacation or other accrued leave, if operationally feasible. If the vulnerable condition is also a qualifying disability, then the department must allow the employee to use accrued sick leave.

- If an employee with a qualifying disability that creates vulnerability exhausts their paid leave balances, the employee may take unpaid sick leave, or use other accrued leaves.
- Eligible employees may request an advance of up to 80 hours of paid sick leave.

c) What if an employee requests to withdraw a vacation, sick or child-bonding leave request because they want to elect paid furlough instead?

Employees cannot request paid furlough; departments make that determination. To qualify for paid furlough, an employee must be ready, willing and able to work, but have a job that is not essential under these emergency circumstances and that the employee cannot perform remotely. Remind employees that when on paid furlough they are subject to recall or deployment as a DSW at any time; they must remain available for work.

Generally, employees may rescind vacation and child bonding leave requests to return to work status. However, departments should carefully review requests to rescind or abridge an approved medical leave for an employee's own condition for evidence of changed circumstances. If an employee is unable to work for medical reasons unrelated to the COVID-19 public health emergency, then the department should continue the employee's approved paid or unpaid sick leave.

d) If an employee is on an approved educational leave and requested to end their leave during the shelter in place order, how would you advise us to respond in that case?

If the employee is unable to continue the educational course, then the department can consider abridging the educational leave. However, if the semester has not ended and classes may resume, then there is no basis for abridging or suspending the employee's educational leave. If an employee states that their classes are cancelled due to COVID-19, then they should be allowed to abridge their leave and return to work, which may include reporting to an essential assignment, telecommuting, or furlough.

e) If an employee was out on sick leave before the COVID-19 emergency, and the employee exhausts their leave balances, then can they use sick leave advance or go on paid furlough? What about employees who are trying to get advance VA/SP or paid furlough where they are out for reasons unrelated to COVID-19 symptoms?

- If an employee is already on leave, then the department is not required to change the leave from a general medical leave to a COVID-19 related leave. Departments should carefully review requests to abridge an existing medical leave and then start a new COVID-19 related leave, for evidence of changed circumstances.
- The City's program to advance sick leave and vacation is for COVID-19 related purposes only; departments should review the criteria for advance of leaves under that program to determine if the employee meets them.
- Employees off work on medical leave are not eligible for paid furlough, because they are not ready, willing and able to work.

f) If employees are unable to work because they need to provide childcare, are they eligible for paid furlough?

No. If an employee is unable to work, then they are not eligible for paid furlough. But departments should consider the following:

- Allow the employee to telecommute if possible, and if the employee can still work a full day while providing childcare.
- If the employee cannot telecommute, allow the employee to use paid sick leave or any other paid leave (vacation, floating holidays, compensatory time off)
- If the employee exhausts paid leave balances, allow the employee to take unpaid leave.

- Eligible employees may request up to 80 hours of advance sick leave or vacation to care for a child during a COVID-19 related school closure.
- Effective April 1, 2020, eligible employees may request up to 12 workweeks of job-protected FMLA leave, which includes up to 10 weeks of partial pay, to care for a child during a COVID-19 related school closure.
- Effective April 1, 2020, these eligible employees may request up to 80 hours of Emergency Sick Pay under the FFCRA.

g) What happens if an employee cannot come to work due to transportation disruptions caused by the COVID-19 public health emergency?

- Allow the employee to telecommute if possible.
- If telecommuting is not possible, consider temporary reassignment to an alternate shift or a flexible schedule to allow additional commute time.
- Encourage the employee to consider alternative methods of commuting.
- If the employee cannot come to work at all, consider approving vacation, compensatory time off, or floating holidays. Employees may not use sick leave for this reason.

h) Are employees eligible for [State Disability Insurance](#) for COVID-19 related absences?

Some employees may be eligible. They should contact the California Employment Development Department.

i) Are employees on paid furlough earning vacation and sick at the same rate?

Yes, employees on paid furlough accrue vacation and sick pay at their usual rate. In fact, the time reporting code for paid furlough is the same code used for Paid Administrative Leave – AIP. This code allows employees to accrue vacation and sick pay.

j) If employees with as-needed schedules are exposed and require quarantine, how should they be compensated?

As-needed employees quarantined due to exposure at work may be eligible for PAL. These employees must have a regular work schedule. Employees without a regular schedule will receive compensation only for those days they were previously scheduled to work. As-needed employees may be eligible for some paid sick leave under the federal Families First Coronavirus Response Act, which is effective on April 2, 2020. We will provide advice on that Act soon, including how it applies to as-needed employees.

k) When would a Cat 16 receive furlough pay? Do they need to work a minimum number of hours?

- If a department calls a Category 16 as needed employee when they are needed but they don't have a schedule, they are not eligible for paid furlough

- If the Cat 16 employee has a regular schedule, is not needed in the workplace to perform essential functions and cannot telecommute, but is otherwise ready, willing and able to work, then they should receive paid furlough for scheduled hours.

I) What does the City mean when it says staff are home on "full pay"?

Employees with regular schedules who are ready, willing and able to work, but who are not required in the workplace to perform essential tasks and cannot telecommute, are eligible for paid furlough. Departments must determine which employees need to remain at work performing essential services, who can telecommute, and who will receive paid furlough.

DISASTER SERVICE WORKERS

1. Should departments stop approving vacations for the time being?

Departments should review all time off requests, and continue to approve vacations and other discretionary time off based on staff availability and current departmental needs.

2. Will the City lift the "Z" symbol to allow for overtime compensation for DSWs?

If employees are required to work a significant number of hours in excess of their normal work schedules for a prolonged period, with a limited ability to use compensatory time off, the City may suspend the Z symbol in these instances. Please see the following link for more detail, and be sure to ask employees performing DSW work to track and report their

hours: <https://sfdhr.org/sites/default/files/documents/Classification-and-Compensation/Suspension-of-the-Z-Symbol.pdf>

3. Are we able to conduct health checks (temperature checks, screening for symptoms) prior to letting employees enter facilities?

Given the pandemic, the law permits us to perform non-invasive health checks on employees. We may implement temperature checks (preferably using either a temporal thermometer or other non-invasive method). We may also screen employees for symptoms, such as cough. All employees at a work site should be treated equally, so if we are checking one employee before they enter, we must be screening everyone. If employees are exhibiting any symptoms, they can be sent home. Your department should develop a specific plan for implementing these checks and review with your City Attorney.

LABOR RELATIONS

1. Will employees assigned as DSWs earn out of class pay if they are working outside their normal classification work? Can acting assignment be applied to those working out of class as a DSW?

- Employees who are deployed as a DSW may be assigned work that is outside their normal duties or the duties of their classification. The City will not ask employees to perform DSW work for which they are not qualified.
- If employees are assigned DSW duties outside the scope of their appointed classifications, then they *may* be eligible for additional pay, such as acting assignment pay, if the duties are associated with those of a higher paying classification and the conditions laid out in the appropriate MOU are met.

2. If departments reassign employees internally to support the disaster response, do departments need to follow MOU notice requirements?

When practical, departments should follow MOU notice requirements before reassigning employees to support disaster responses. However, in the event of an emergency notice requirements may follow temporary reassignments.

3. Is the City looking at offering special pay or incentives to employees serving as DSWs?

The City is not looking into this at this time. Serving as a DSW is part of every City employee's job. Any extra incentive such as removing accrual caps, lifting the Z symbol or offering extra pay would have serious financial consequences.

HIRING

1. How should departments proceed with job offers and appointments during the City's COVID-19 emergency declaration?

Departments are urged to delay job offers and appointments for all positions that are not mission critical or actively supporting disaster service work (Note: DHR conviction history review and appointment processing efforts are being fully utilized to support DPH 'surge' hiring and DSW deployments).

Departmental decisions on delaying job offers and appointments should include:

- Whether the candidate can be onboarded and start work (or would just have to be furloughed)
- Whether resources and training are currently available
- Whether candidate is an "internal" (current City employee) hire, or external hire
- Whether the position was difficult to fill

For job offers in which candidates already received conviction history clearance and a start work date was mutually agreed upon (in writing), please contact your department's assigned DHR Client Services Consultant for guidance.

2. Are background checks being done and APs being processed?

Currently, the DHR Operations Team's primary focus is on processing essential public health/safety-related appointments, in response to the local emergency. Departments can still submit Conviction History (CH) and Appointment Processing (AP) Electronic Service Requests (ESRs) for non-essential appointments. However, at this time, the team cannot commit to processing non-essential appointments in a timely manner.

3. How can departments identify priority hires needed to support essential operations during this public health emergency? For instance custodians and others for which there is a critical need?

Public health and public safety employees, including custodians, are considered essential staff at this time. Departments who believe they have other positions that should be considered essential should make their requests to the DHR DOC by emailing DHR-DOC@sfgov.org.

4. In regards to hiring priority, other than hires related to emergency response, will DHR consider hires related to field operations in keeping power, sewer and power running a priority?

Currently, the DHR Operations Team's primary focus is on processing essential public health/safety-related appointments, in response to the local emergency. Departments can still submit Conviction History (CH) and Appointment Processing (AP) Electronic Service Requests (ESRs) for non-essential appointments. However, at this time, the team cannot commit to processing non-essential appointments in a timely manner.

Departments who believe they have other positions that should be considered essential should make their requests to the DHR DOC by emailing DHR-DOC@sfgov.org.

5. Will DHR have the resources to adopt eligible lists?

Currently, the DHR Operations Team's primary focus is on processing essential public health/safety-related appointments, in response to the local emergency. Departments can still submit requests for non-essential score report postings and list adoptions. However, at this time, the team cannot commit to processing non-essential processing of score reports/eligible lists in a timely manner.

6. Are referrals being extended?

Currently, the DHR Operations Team's primary focus is on processing essential public health/safety-related appointments, in response to the local emergency. Departments can still submit requests for referral extensions and DHR's Operations Team will review prior to closing it out.

7. Are there changes to the fingerprinting process for departments conducting their own process?

In compliance with the Public Health Order, DHR is recommending that departments who conduct their own fingerprinting:

- Have their live scan machine stations in separate rooms or, at minimum, six feet apart in a large room.
- Candidates should be instructed to apply hand sanitizer before and after fingerprinting.
- Fingerprint technicians should wear new latex gloves for all appointments.
- Live scan machines, as well as any other equipment or surfaces that may have been used, including pens, should be sanitized at the end of each appointment.

Workers Compensation

- 1. Ergo items are being asked from employees telecommuting. Any guidelines on this? Are we to comply with everyone's request? Are these to be sent to worker's comp?**
Telecommuting employees must work in an environment that allows them to perform their duties safely and efficiently. Employees are responsible for ensuring that their in-home workstations comply with health and safety requirements covered in the telecommute eLearning module.