

ATTACHMENT “B”



Resources and Policies for Employees Related to the COVID-19 Pandemic

Nevada County is dedicated to promoting a healthy workplace and environment for all our employees. We want to afford all County staff an opportunity to live to the fullest potential by making them aware of and working together to prevent the spread of communicable diseases/illnesses in the workplace. As such, and in response to the Governor of California’s Proclamation of a State of Emergency, we have worked proactively to prepare the County to implement new Federal Leave Protections, as well as, put in place other programs to eliminate some leave rules on a limited term basis to better support our employees during this time. This leave policy is valid March 22, 2020 through December 31, 2020 (or sooner shall it be deemed so by the Federal Government). The County recognizes that the Department of Labor may mandate changes to this policy and the County will comply and with mandates.

The County does not discriminate against or tolerate discrimination against any employee who may be exhibiting symptoms of a communicable disease/illness. Rather, we are being proactive to address questions employees may have with respect to our policies regarding promoting a healthy workplace for all our employees and the protections of those with illness.

I. General Employee Guidance

A. When to stay home

1. If you feel flu like symptoms, run a fever, body aches, headache, or any respiratory symptoms. You should stay home and contact your physician via phone or tele-doc.
2. If you have been exposed to someone who has been diagnosed with COVID-19, you should stay home for 14 days.
3. If you have been ordered to self-isolate or quarantine due to your own exposure or the exposure of someone in your family.
4. If you have been advised by a health care provider to self-quarantine due to COVID-19 related concerns.
5. If you are experiencing COVID-19 symptoms and you are seeking or awaiting a medical diagnosis.
6. If you have traveled abroad and have been advised by travel officials to self-isolate or quarantine.

B. Can I elect not to work and reduce my exposure because I am concerned/nervous about contracting the coronavirus?

1. Yes, if you are in a high-risk category (65 or older or suffer from a chronic health condition that puts you at risk, please see benefits available under leave section below)
2. Yes, if you are not in a high-risk category but you wish to elect not to work, you will be required to use your own leave balances.
3. Telework may also be available, please work with your supervisor to determine if this is an option.
4. Certain classifications are exempt from this option as their role in public safety/health care professionals and are critical to our organization and community.
5. All County employees are designated as Emergency Service Workers and are subject to the possibility of being called back to duty to serve in some capacity. As an Emergency Service Worker your responsibilities could include reporting to your workplace or another location to work in support of County operations.
 - The authority for the Emergency Service Worker Program stems from California Government Code section 3100. This Government Code designates all public employees as emergency service workers allowing them to be given disaster related activities assigned to them by their supervisors.
 - [Government Code Section 3100](#)
 - County employee's [Guide to being a Disaster Service Worker](#)

II. Emergency Time Off (ETO)

1. Effective March 22, 2020, each regular full-time employee will receive a new leave bank titled ETO with 80 hours of leave.
2. Part-time employees will receive a pro-rated amount of leave based on their full-time equivalent.
3. ETO is available for use immediately.
4. ETO will not be withdrawn after the public health crisis and can be used for any reason.
5. Should an employee separate prior to the exhaustion of their ETO bank, the balance will be cashed out.
6. Temporary employees will receive additional sick leave in lieu of ETO based on their normal hours scheduled in a two-week period over an average of 6 months or the hours schedule intended at date of hire.
7. Temporary employees will retain the sick leave bank not used should/when they separate and upon rehire (if done so within 18 months) will have the balance available to them.

III. Leave Advance/Borrow Program (80 hrs max)

1. Regular employees will be allowed to borrow sick or personal leave from themselves, up to an 80-hour maximum.

2. Employee leave bank will show a negative balance when they borrow leave.
3. Leave accruals will pay back the negative balance until repaid before new accruals start.
4. This option is not available to temporary employees.

IV. Emergency Sick Leave Act (ESLA)

The Emergency Paid Sick Leave Act begins effective April 1, 2020 through December 31, 2020. The County will provide up to 80 hours of paid sick leave for each full-time regular or temporary employee (amount is pro-rated for part time employees) if the employee is unable to work or telework because the employee:

1. Is subject to federal, state, or local quarantine or isolation order related to COVID-19;
 2. Has been advised by a health care provider to self-quarantine due to COVID-19 related concerns;
 3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 4. Is caring for an individual who meets the specifications in (1) or (2) above;
 5. Is caring for a son or daughter if the school or place of care has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
 6. Is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- Compensation for sick leave granted for reasons (1), (2), or (3) above are to be based on your regular rate of pay but shall not exceed \$511/day or \$5,110 in the aggregate.
 - Compensation for reasons listed in (4), (5) or (6) above shall be 2/3 of the regular rate of pay and shall not exceed \$200/day or \$2,000 in aggregate.
 - The sick leave is available for immediate use regardless of how long you have worked with the County.
 - You do not have to use other leave balance before using Emergency Paid Sick Leave.
 - An [election form](#) is to be used to elect how you would like to supplement the 2/3 EPSL. Use this form to elect the use of EPSL. It must be completed by the employee and routed to Human Resources and the employee's department Personnel Representative.
 - "ERSick" is a pay-code electable on your timesheet despite your bargaining unit.

V. Emergency Family Leave Act (EFMLA) Provisions

Effective April 1, 2020, Emergency Family and Medical Leave Expansion Act establishes emergency job protected leave under FMLA when an employee is unable to work or telework due to a need to care for a minor son or daughter if the school or place of care has been closed or the child care provider is unavailable due to a public health emergency. This is in effect for temporary and regular employees.

1. The County will pay employees for the leave in an amount of at least 2/3 of the employee's regular rate of pay for the hours the employee would normally be scheduled to work, but not to exceed \$200/day and \$10,000 in aggregate.
2. Provides that the first 10 days of the leave may be unpaid (but employees can choose to use other leave including new emergency sick leave allowing for up to another \$2,000 in aggregate max ESL for a total possible \$12,000 maximum cap) and the period will not exceed 12 weeks.
3. Applies to all employees who have been employed at least 30 calendar days.
4. To trigger this leave employees must provide reasonable notice to their supervisor and complete this [election form](#). It must be completed by the employee and routed to Human Resources and the employee's department Personnel Representative.
5. EFMLA is only for the specific qualifying reasons outlined above.
6. If an employee has exhausted their FMLA entitlement within their FMLA year, they do not qualify for an additional FMLA period. Contact Human Resources if you have questions.
7. If an employee is already on FMLA or Intermittent FMLA for themselves or to care for a family member and have available FMLA hours available, they may still be eligible for Emergency FMLA under the new law.
8. If you have exhausted your FMLA entitlement for your designated FMLA year, you may not be eligible for EFMLA but may be eligible for Emergency Sick Leave benefits described above.
9. Employees out on EFMLA are entitled to restoration or reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave. (FMLA Sec. 110(d).) If the County is unable to restore the employee to an equivalent position or to the employee's prior position, the County will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employees address on file.
10. For more information about other FMLA qualifying events visit the [Section P-3](#) of the Nevada County Personnel Code or contact Human Resources.
11. [Official DOL EFMLA Poster](#)
12. Employees are not eligible to stay home under the FMLA to avoid getting the pandemic influenza. The FMLA protects eligible employees who are incapacitated by a serious health condition, as may be the case with the flu where complications arise, or who are needed to care for covered family members who are incapacitated by a serious health condition. Leave taken by an employee for the purpose of avoiding exposure to the flu would not be protected under the FMLA.

VI: Exemptions: for Emergency Paid Sick Leave and Emergency Family Medical Leave

The Department of Labor has issued the following guidelines on March 28, 2020. They clarify that there are two categories of employees not eligible to participate in EPSL and EFMLA, "Health care providers" and "Emergency responders". These categories are broadly defined, so please read carefully.

Employers have the ability to provide ESL and EFMLA to employees in this category beyond the requirements of the law. These definitions are also subject to change or be clarified further by the Department of Labor.

1. "Health care provider" is a broader definition to read as follows: anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions. This definition includes any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the highest official of a state or territory, determines is a health care provider necessary for that state's or territory's response to COVID-19.
2. "Emergency Responder" is also defined very broadly and would include a number of public employees deemed essential: an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual that the highest official of a state or territory, determines is an emergency responder necessary for that state's or territory's response to COVID-19.

VII. Temporary Employee Leave Options

1. There is no longer a waiting period to use sick leave.
2. There is no longer a cap to the number of sick leave days you may utilize from your sick leave bank, until March of 2021.
3. The County has advanced you approximately two weeks of your normal scheduled hours of sick leave for your use during this crisis effective March 22, 2020.

4. You are now eligible for Emergency Sick Leave under the Emergency Sick Leave Act (see above).
5. You are now eligible for protected leave under the Emergency Family Leave Provision (see above).