CITY OF RANCHO CUCAMONGA

2019 NOVEL CORONAVIRUS (PANDEMIC) POLICY

POLICY NO: 200-28
PAGE 1 OF 11
EFFECTIVE: 3/12/2020
REVISED: 4/1/2020

2019 NOVEL CORONAVIRUS (COVID-19):

On January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency in the United States related to COVID-19. On March 4, 2020, California declared a state of emergency related to COVID-19. On March 10, 2020, The County of San Bernardino declared a public health emergency. On March 18, 2020, the City of Rancho Cucamonga passed a Resolution proclaiming existence of a local emergency due to COVID-19. Effective April 1, 2020 the Families First Coronavirus Response Act (FFCRA) goes into effect prospectively (see appendix). Eligible employees may use their leave to supplement the FFCRA related paid leave up to their daily pay amount if it is greater than the FFCRA set pay for eligible leave.

Coronaviruses are a large family of viruses that are common in people and many different species of animals, including camels, cattle, cats, and bats. Outbreaks of novel virus infections among people are always of public health concern. The risk to the general public from these outbreaks depends on characteristics of the virus, including how well it spreads between people; the severity of resulting illness; and the medical or other measures available to control the impact of the virus (for example, vaccines or medications that can treat the illness). That this disease has caused severe illness, including illness resulting in death is concerning, especially since it has also shown sustained person-to-person spread in several places. These factors meet two of the criteria of a pandemic. As community spread is detected in more and more countries, the world moves closer toward meeting the third criteria, worldwide spread of the new virus.

The World Health Organization has declared COVID-19 a pandemic. This is a rapidly evolving situation and Center for Disease Control’s (CDC) risk assessment will be updated as needed - https://www.cdc.gov/coronavirus/2019-ncov/index.html.

SYMPTOMS (According to current CDC information):

Reported illnesses have ranged from mild symptoms to severe illness and death for confirmed COVID-19 cases.

The following symptoms may appear 2-14 days after exposure.

- Fever
- Cough
- Shortness of breath
PURPOSE:

To establish a policy related to the COVID-19 Pandemic to meet our duty to provide a safe work environment for our employees.

POLICY PROVISIONS:

This is an emergency policy in accordance with Government Code 3504.5 subdivision b that allows the City an emergency exception to the normal meet and confer process. A notice was provided to all of the affected employee association and Unions, and the City will provide them with the opportunity to meet and confer on this policy at the earliest practicable time. This policy may change as additional information from the CDC, the California Department of Education (CDE), and/or the San Bernardino County Health Department (SBCHD), The Occupational Safety and Health Administration (OSHA), The California Division of Occupational Safety and Health, better known as Cal/OSHA, and/or Any Other Formerly Recognized Government Related Agency.

A. Employees Exhibiting Symptoms Common to COVID-19

In order to provide for the safety of other employees and in furnishing a suitable and safe place of work, any employee showing symptoms associated with COVID-19 (such as fever, coughing and/or shortness of breath) should stay at home and notify their supervisor or Department of the absence and the reason. For that same reason, employees showing symptoms associated with COVID-19 who come to work will be sent home. Whether determined by the employee or the City, employees exhibiting the symptoms of COVID-19 can return to work with a doctor’s note releasing them to return to work or, if that is not practicable, can provide an affidavit signed by the employee that they have been asymptomatic, meaning that the employee is – free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 72 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants).

Full-time employees who are self-quarantined in accordance with Section A of this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use Families First Coronavirus Response Act (FFCRA) sick leave – if eligible, any regular sick leave, or vacation leave and then be placed on paid Administrative Leave, if the other leaves are not available, for up to fourteen calendar days total. Part-time employees with scheduled hours and Executive employees who are self-quarantined in accordance with this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use FFCRA sick leave – if eligible, any regular sick leave available to them and any other available leave. After using FFCRA sick leave – if eligible, employees with leave balances may choose to be in an unpaid leave status instead of using their leave balances but doing so would make them ineligible for paid Administrative Leave. In either case employees may return to work if they have not exhibited any symptoms and are asymptomatic as defined above and provide a doctor’s note or, if that is not practicable, an affidavit.
1. What if the employee insists it is just a cold or allergies?
   
a. In order to ensure safe and healthy working conditions for all employees, the City will consistently apply the same standard to all employees who are symptomatic. If an employee provides a certification from their treating physician that the symptoms are non-communicable, the City will rely on such assurances and allow the employee to return to work.

2. Full-time regular employees may request a post-deprivation due process meeting (Skelly) with their supervisor.

B. Travel or Employees That Have Been in Close Contact With Someone Who Has Tested Positive for COVID-19

If the City has reason to believe that an employee was exposed to COVID-19 as outlined below and therefore poses a threat to other employees, the City will place the employee on leave as outlined below.

For individuals returning from international travel from a level 3 or higher area as defined by the CDC, from a State where the CDC has issued a Domestic Travel Advisory – other than California, or from travel on a cruise ship, (https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html and https://www.cdc.gov/travel/page/covid-19-cruise-ship) the City will require employees to remain at home and away from work for no less than 14 days after such travel. Employees who have returned from a level 3 or higher area as defined by the CDC in the last 14 days, will be sent home for the remainder of their time until the 14 days from their return has tolled.

For individuals who have known or suspected close proximity and extended exposure to an individual who has tested positive for COVID-19, the City will require self-quarantine away from work for 14 days after such potential exposure.

Full-time employees who are self-quarantined in accordance with Section B of this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use FFCRA sick leave – if eligible, any regular sick leave, or vacation leave and then be placed on paid Administrative Leave, if the other leaves are not available, for up to fourteen calendar days total. Part-time employees with scheduled hours and Executive employees who are self-quarantined in accordance with this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use FFCRA sick leave – if eligible, any regular sick leave available to them and any other available leave. After using FFCRA sick leave – if eligible, employees with leave balances may choose to be in an unpaid leave status instead of using their leave balances but doing so would make them ineligible for paid Administrative Leave. In either case employees may return to work after fourteen (14) calendar days if they have not exhibited any symptoms and are asymptomatic as defined above in Section A.
Should the known or suspected exposure be affirmatively determined to be work-related and lead to an employee contracting COVID-19, the appropriate workers compensation paperwork will be filed.

1. Full-time regular employees may request a post-deprivation due process meeting (Skelly) with their supervisor.

C. Employees Who Request Leave Not Related to Other Sections of this Policy During the Declared Emergency

The City will use best efforts to work with employees who request paid leave (comp time, admin leave, and vacation) during this time and approve it as operations reasonably permit, bearing in mind that all city employees are disaster service workers and government services are an exempt sector of business determined to be essential.

The City will also strive to provide remote work opportunities where feasible depending on the position. In certain circumstances, the City may ask for employees to provide a remote work plan to help them understand how the employee can perform Remote Work. Ultimately it is the Departments who determine and approve Remote Work eligibility.

The City uses reasonable care to provide for the safety of employees and in furnishing a suitable and safe place of work. This includes providing employees safety devices that are reasonably necessary in order to protect their health and safety. Safety devices related to COVID-19 would be in accordance with CDC, OSHA, and/or Cal/OSHA related guidelines.

Employees should report any safety concerns or wellness concerns about other Team RC members to their Supervisors, Managers, Department Head or Human Resources. All safety concerns will be followed-up on, but absent an employee exhibiting symptoms associated with COVID-19, having traveled to areas or interacted with persons known to have COVID-19—which would place them at increased risk of exposure to COVID-19, or any other CDC based COVID-19 related requirement, the City will not subject an employee suspected by another employee of being infected to medical tests or removal from the workplace.

The City will view an employee’s refusal to work, despite the employer’s reasonable steps to ensure safe and healthy working conditions, as an unexcused absence and/or insubordination.

Furthermore, all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by superiors following a declaration of emergency. Failure to follow a lawful emergency assignment shall be grounds for discipline for insubordination.
D. Employees at a Higher Risk

According to the CDC, preliminary data suggests that older adults and those with underlying health conditions or compromised immune systems might be at greater risk for severe illness from the virus.

On Sunday, March 15, 2020, Governor Newsom issued new guidance for California, calling for home isolation of everyone in the state over age 65 and people with chronic disease, both high-risk populations. While not an edict, the governor said, “I have all the expectations in the world the guidelines will be followed on this.”

In order to provide a safe work environment for those affected by the governor’s announcement, we are offering the following options for employees who fall under this guidance. Employees at a higher risk can continue to work as normal, but must follow all CDC recommendations on how to protect themselves (https://www.cdc.gov/coronavirus/2019-ncov/prepare/prevention.html) to the best of their ability. If employees at a higher risk would like to work from home and their job permits it, we will work with employees to make this possible. If employees at a higher risk would prefer to stay home or if remote work is not a possibility those employees can use leave as outlined in this section for COVID-19 home-isolation.

While older adults are not strictly protected under either the Americans with Disabilities Act (“ADA”) or the Fair Employment and Housing Act (“FEHA”) under these circumstances, FEHA allows employees with known pre-existing conditions, including underlying health conditions or compromised immune systems, to request a reasonable accommodation that will allow them to work remotely as opposed to returning to work. The City will engage in the interactive process with employees who request reasonable accommodations and provide the needed documentation.

Full-time employees who are self-quarantined in accordance with Section D of this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use FFCRA sick leave – if eligible, any regular sick leave, or vacation leave and then be placed on paid Administrative Leave, if the other leaves are not available, for up to fourteen calendar days total. Part-time employees with scheduled hours and Executive employees who are self-quarantined in accordance with this policy, may work remotely if possible – with the approval of their supervisor; if not, they may use FFCRA sick leave – if eligible, any regular sick leave available to them and any other available leave. After using FFCRA sick leave – if eligible, employees with leave balances may choose to be in an unpaid leave status instead of using their leave balances but doing so would make them ineligible for paid Administrative Leave. In either case employees may return to work if they have not exhibited any symptoms and are asymptomatic as defined above and provide a doctor’s note or, if that is not practicable, an affidavit.
E. Time off due to COVID-19 Related Closures and to Care for a Family Member Due to COVID-19

In order to address any family related COVID-19 issues such as school closures, or to care for an immediate family member (child (includes any age or dependency status, or for whom the employee is a legal ward or stands in loco parentis), parent (includes person who stood in loco parentis of the employee as a child), parent-in-law, spouse, registered domestic partner, grandparent, grandparent-in-law, great-grandparent, great-grandparent-in-law, grandchild, greatgrandchild, or sibling), full-time employees, part-time employees with scheduled hours, and Executive employees may request to work remotely if possible. If remote work is not possible, employees can use FFCRA sick leave and FFCRA Expanded Family Medical Leave (for childcare issues related to school closures only - see appendix A for details) – if eligible. In addition, employees may use any available paid leave, or request an unpaid leave of absence.

F. Sick Leave Advance Policy

The City has developed a Sick Leave Advance Policy that allows full-time employees to have up to 80-hours of sick time advanced to them for COVID-19 related issues when their leave balances are depleted. See Appendix B for complete information on the policy.

G. This Policy May Be Amended as Needed to Meet the Best Practices as Outlined by the CDC, CDE, SBCHD, OSHA, Cal/OSHA or Any Other Formerly Recognized Government Related Agency.

The City may from time to time amend this policy as needed in accordance with Government Code 3504.5 subdivision b. Should changes occur, a notice will be provided to all of the affected employee associations and Unions, and the City will provide them with the opportunity to meet and confer on policy changes at the earliest practicable time.

The City provides access to water and soap at all facilities. We will work to provide additional hand sanitizer, disinfectant wipes, and ongoing cleaning in compliance with CDC recommendations - https://www.cdc.gov/coronavirus/2019-ncov/community/home/cleaning-disinfection.html.

Employees with questions or concerns regarding this policy or COVID-19 can speak to their Supervisor, Manager, Department Head, and/or Human Resources (Extension 2418).

The Employee Assistance program is available for all employees and can be reached at 877-851-1631 to confidentially discuss stress or anxiety related to COVID-19 with you and your immediate family.
CDC COVID-19 Definitions

Symptoms compatible with COVID-19, for the purpose of these recommendations, include subjective or measured fever, cough, or difficulty breathing.

Self-observation means people should remain alert for subjective fever, cough, or difficulty breathing. If they feel feverish or develop cough or difficulty breathing during the self-observation period, they should take their temperature, self-isolate, limit contact with others, and seek advice by telephone from a healthcare provider or their local health department to determine whether medical evaluation is needed.

Self-monitoring means people should monitor themselves for fever by taking their temperatures twice a day and remain alert for cough or difficulty breathing. If they feel feverish or develop measured fever, cough, or difficulty breathing during the self-monitoring period, they should self-isolate, limit contact with others, and seek advice by telephone from a healthcare provider or their local health department to determine whether medical evaluation is needed.

Active monitoring means that the state or local public health authority assumes responsibility for establishing regular communication with potentially exposed people to assess for the presence of fever, cough, or difficulty breathing. For people with high-risk exposures, CDC recommends this communication occurs at least once each day. The mode of communication can be determined by the state or local public health authority and may include telephone calls or any electronic or internet-based means of communication.

Close contact is defined as:
- a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case.
  - or -
- b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on).

Public health orders are legally enforceable directives issued under the authority of a relevant federal, state, or local entity that, when applied to a person or group, may place restrictions on the activities undertaken by that person or group, potentially including movement restrictions or a requirement for monitoring by a public health authority, for the purposes of protecting the public’s health. Federal, state, or local public health orders may be issued to enforce isolation, quarantine or conditional release. The list of quarantinable communicable diseases for which federal public health orders are authorized is defined by Executive Order and includes “severe acute respiratory syndromes.” COVID-19 meets the definition for “severe acute respiratory syndromes” as set forth in Executive Order 13295, as amended by Executive Order 13375 and 13674, and, therefore, is a federally quarantinable communicable disease.

Isolation means the separation of a person or group of people known or reasonably believed to be infected with a communicable disease and potentially infectious from those who are not infected to prevent spread of the communicable disease. Isolation for public health purposes may be voluntary or compelled by federal, state, or local public health order.
Quarantine in general means the separation of a person or group of people reasonably believed to have been exposed to a communicable disease but not yet symptomatic, from others who have not been so exposed, to prevent the possible spread of the communicable disease.

Controlled travel involves exclusion from long-distance commercial conveyances (e.g., aircraft, ship, train, bus). For people subject to active monitoring, any long-distance travel should be coordinated with public health authorities to ensure uninterrupted monitoring. Air travel is not allowed by commercial flight but may occur via approved noncommercial air transport. CDC may use public health orders or federal public health travel restrictions to enforce controlled travel. CDC also has the authority to issue travel permits to define the conditions of interstate travel within the United States for people under certain public health orders or if other conditions are met.

Congregate settings are crowded public places where close contact with others may occur, such as shopping centers, movie theaters, stadiums.

Social distancing means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible.

COVID-19 related CDC websites:


According to the CDC: Should I wear a facemask?

If you are sick: You should wear a facemask when you are around other people (e.g., sharing a room or vehicle) and before you enter a healthcare provider’s office. If you are not able to wear a facemask (for example, because it causes trouble breathing), then you should do your best to cover your coughs and sneezes, and people who are caring for you should wear a facemask if they enter your room.

If you are NOT sick: You do not need to wear a facemask unless you are caring for someone who is sick (and they are not able to wear a facemask). Facemasks may be in short supply and they should be saved for caregivers.
Employee Affidavit – COVID-19 (May be used if a Doctor’s Note is not practicable)

I, ___________________________, certify that I have been asymptomatic – free of
fever (100.4°F [37.8°C] or greater using an oral thermometer), signs of a fever, and any
COVID-19 related symptoms (Fever, Cough, Shortness of Breath) for at least 24 hours,
without the use of fever-reducing or other symptom-altering medicines (e.g. cough
suppressants).

______________________________
Sign Your Name Here
Appendix A: Department of Labor Families First Coronavirus Response Act Poster:
EMLOYEE RIGHTS
PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

❖ PAID LEAVE ENTITLEMENTS
Generally, employers covered under the Act must provide employees:
Up to two weeks (80 hours, or a part-time employee’s two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

• 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
• 2/3 for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
• Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

❖ ELIGIBLE EMPLOYEES
In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below).

Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

❖ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19
An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

❖ ENFORCEMENT
The U.S. Department of Labor’s Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

For additional information or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

WH1422 REV 03/20
Families First Coronavirus Response Act

The Families First Coronavirus Response Act (FFCRA) was signed into law on March 18, 2020. The FFCRA requires certain employers, including Cities, to provide eligible employees with paid leave under two provisions: The Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act.

The FFCRA provides 80 hours of paid sick leave at a specified amount and up to 12 weeks of paid Sick Leave and Emergency Family and Medical Leave at a specified amount to a qualified employee who is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Please see the DOL poster and the following two pages for specifics about the FFCRA Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. The last two pages contain forms for interested employees to use for these leaves.

Human Resources, 909-774-2418, is available to answer specific questions you may have.

If the amount of pay provided for in these leaves is less than employees normal pay, the City and Fire District will allow eligible employees to use their paid leave to make up the difference, if they so choose.
Families First Coronavirus Response Act: 
Employee Paid Leave Rights

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020. (https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave)

Generally, the Act provides that employees of covered employers are eligible for:

- Two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or

- Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee’s regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and

- Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee’s regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Covered Employers: The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees.[1] Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Eligible Employees: All employees of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. Employees employed for at least 30 days are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.[2]

Notice: Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

Qualifying Reasons for Leave:

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:
1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

Duration of Leave:

For reasons (1)-(4) and (6): A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay:[3]

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to $511 per day and $5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to $200 per day and $12,000 in the aggregate (over a 12-week period). [4]

[1] Certain provisions may not apply to certain employers with fewer than 50 employees. See Department FFCRA regulations (expected April 2020).
[3] Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.
[4] An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.
Employee Certification of Need for Paid Emergency Sick Leave under the Family First Coronavirus Response Act

I, ___________________________, certify that I am unable to work (or telework) for one of the following reasons:

______ 1. I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19. (For Time Entry: JL 8030-5001)

______ 2. I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (For Time Entry: JL 8030-5002)

______ 3. I am experiencing symptoms of COVID-19 (e.g., fever [defined as 100.4° F [37.8° C] or greater using an oral thermometer], coughing, and/or shortness of breath) and seeking a medical diagnosis. (For Time Entry: JL 8030-5003)

______ 4. I am caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. Relationship to individual ____________________________________________
(For Time Entry: JL 8030-5004)

______ 5. I am caring for my child whose school or place of care has been closed, or whose childcare provider is unavailable, due to COVID-19 precautions. (For Time Entry: JL 8030-5005)

______ 6. I am experiencing another 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. (For Time Entry: JL 8030-5006)

I understand that if my circumstances change, I must immediately inform my supervisor and the City of Rancho Cucamonga and I may be directed to report back to work (or remote work).

____________________  ________________  ___________________________  ___________________
Beginning Date  Ending Date

________________________
If Intermittent (please explain)

Yes ( ) No ( ) Please use my paid leave (Sick, Vacation, Comp-time – circle one) to make up the difference between what I will get from the leave and my normal pay.

____________________  ________________
Signature  Date
Employee Certification of Need for Emergency Family and Medical Leave under the Family First Coronavirus Response Act

I, ___________________________, certify that I have a child who is under the age of 18, whose school or place of care has been closed, or whose child care provider is unavailable due to a COVID–19 emergency declared by either a Federal, State, or local authority. Due to the need to care for my child, I am unable to work (or remote work). I understand that if my childcare needs change, I must immediately inform my supervisor and the City, and I may be directed to report back to work (or remote work).

____________________  ____________  __________________________  ____________
Beginning Date       Ending Date

If Intermittent (please explain)

Yes ( ) No ( ) Please use my paid leave (Sick, Vacation, Comp-time – circle one) to make up the difference between what I will get from the leave and my normal pay.

____________________  __________________
Signature       Date
Appendix B: Sick Leave Advance Policy:
CITY OF RANCHO CUCAMONGA

SICK LEAVE ADVANCE POLICY

POLICY NO: 200-29
PAGE 1 OF 4
EFFECTIVE: March 30, 2020
REVISED:

APPROVED: ____________________________

PURPOSE:

Protect the health of the City workforce and mitigate the financial impacts to City employees from COVID-19 related absences from work by advancing sick leave to eligible City employees who are unable to be in the workplace due to COVID-19 illness or impacts.

AUTHORITY:

This policy will remain in effect under the City of Rancho Cucamonga Resolution 2020-14, proclaiming the existence of a local emergency due to COVID-19, and Executive Order 2020-1, dated March 18, 2020 and March 19, 2020 respectively. This procedure will cease to have effect by further Resolutions or acts by the City Council or City Manager declaring the end of the local emergency, or other action ending the local emergency.

POLICY PROVISIONS:

This is an emergency policy in accordance with Government Code 3504.5 subdivision (b) that allows the City an emergency exception to the normal meet and confer process. A notice was provided to each affected employee association and/or union; further, the City will provide each with the opportunity to meet and confer on this policy at the earliest practicable time.

Eligible Employees:
Employees must be full-time and have a regular work schedule.

Criteria for Leave Advancement:

**Sick Leave:**
Employees are eligible for this leave advancement if they meet the following criteria:
Employees are *unable* to be in the workplace because of the COVID-19 public health emergency (Please refer to the City’s COVID-19 policy that outlines all qualifying uses of sick leave related to the COVID-19 pandemic); and

Employees have no remaining paid leave balances (including, but not limited to vacation, sick pay, compensatory time, and floating holidays).
Sick Leave Advance Policy

Page 2 of 3

Sick Leave Advancement:

The City may advance up to 80 hours of sick leave to eligible employees, based on criteria set by Human Resources Director.

If the City advances sick pay to an employee, the employee will not accrue additional sick pay until the City has recovered the hours advanced (e.g., if an employee is advanced 40 hours of sick leave with pay, the employee will forgo earning the 4.6 regular hours of sick leave with pay per pay period for the next 9 pay periods).

Procedure:

1. Employees must apply by submitting the “SICK LEAVE-Employee Request and Agreement” form.

2. The employee must describe how the request falls under the City’s COVID-19 policy.

3. The employee must submit the completed form to their Supervisor, Manager, Department Head or the Human Resources Department (HR).

4. The Human Resources Department representative shall review each advance request and confirm that the employee meets the criteria for a leave advance for reasons related to COVID-19; has exhausted or will exhaust all accrued leave; and the employee lacks sufficient accrued paid leave to cover an absence related to COVID-19.

5. Upon meeting the requirements, the Human Resources Department representative shall notify the employee that the request has been approved.

6. The total amount of sick leave advanced may not exceed eighty (80) hours for COVID-19 related illness or impacts.

Reimbursement:

The employee must acknowledge a responsibility and agree to repay sick leave advanced in the following order:

Upon return from leave the employee will not accrue additional sick, as applicable, until the City has recovered the total hours advanced (e.g. if an employee is advanced forty (40) hours of Sick Leave Advance, the employee with forgo earning the 4.6 regular hours of Sick Leave per pay period for the next nine (9) pay periods).
If an employee separates from City employment, by authorizing the City to deduct the remaining balance due from any final pay or other compensation due to the employee upon separation.

If an employee separates from City employment and does not have sufficient compensation to repay the balance, the employee will repay any remaining unpaid balance within sixty (60) calendar days.
SICK LEAVE ADVANCE-Employee Request and Agreement (COVID-19)

Name: ____________________________________________ (Contact Phone)
(Please print)

Address: __________________________________________
(Street) (City, State, ZIP)

Department: ________________________________________ (Department Name)

Due to COVID-19, I request a Sick Leave Advance of _____ hours (not to exceed 80 hours to cover my leave from:

Dates of Leave: Start: ___________ End: ________________

I am requesting leave for the following circumstances related to City’s COVID-19 policy:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

I have read and understand the SICK LEAVE ADVANCE PROCEDURE. I understand that any sick leave advanced is a loan of time not yet earned that I am required to repay by forgoing accruing sick leave as it is earned, until such time as I have repaid the entire amount advanced. I further understand that as a condition of receiving a leave advance, I will repay the remaining unpaid balance, if any:

- At the time of separation; I hereby voluntarily agree and authorize the City to deduct any remaining balance due from my final pay or other compensation due to me at separation, and
- If the amount due to me upon separation does not fully repay the remaining balance, I agree to repay the full remaining amount directly within 60 days of receipt of a demand for repayment.

Should I fail to repay any sick leave advanced to me when due, I understand and agree that the City will take appropriate action to collect the unpaid balance, which may subject me to additional costs and interest as allowed by the law.

Signature: ___________________________ Date: ___________________________

Return this completed form to your Supervisor, Manager, Department Head, or HR Department.

cc. Employee Personnel Folder

(Human Resources/Designee) ____________________________

Accrued Leave Exhausted
