



LEAVE BENEFITS FOR NONESSENTIAL TRAVEL AND COVID-19 RELATED QUARANTINE

Updated February 3, 2021

With the winter holiday season well underway, federal, state, and local public health agencies are doubling down on stay-at-home guidance. The guidance ranges from strong recommendations to strict mandates that affect individuals across the county. City employees are subject to state and local public health orders that promote and protect health within our communities. Recent local public health orders require individuals traveling outside of the 10 bay area county region to quarantine for 10 days upon returning from travel. Because quarantine is mandatory under the new order, City departments can require employees to take time off work following nonessential travel outside of the region. The current travel-related quarantine requirement remains effective.

No Sick Leave for Quarantine Associated with Nonessential Travel

City employees engaging in nonessential travel may not use sick leave if they are unable to work because of the 10-day quarantine requirement in the updated public health order. Employees may telecommute, if feasible, or use vacation, or other discretionary leaves for quarantine periods. Supervisory personnel should advise employees that sick leave is not available for quarantine periods associated with nonessential travel, and that approved discretionary leaves, such as vacation, must cover quarantine periods occurring before, during, or after nonessential travel, unless the employee can work remotely during that time. Employees using discretionary paid time off for essential travel may request sick leave for periods of required quarantine or isolation.

FAQs

QUESTION 1: What do the current Public Health Orders say about travel?

ANSWER: The current San Francisco Public Health Order requires individuals to quarantine for 10 days following return from travel to any destination outside of the 10 bay area county region. The 10 bay area counties in which employees may travel without quarantining are: San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Sonoma, Napa, Marin, and Santa Cruz. The state and local public health orders advise individuals to avoid travel for vacation or pleasure. Individuals who engage in leisure travel should check with local health departments along their route and at their planned destination for local public health safety orders. Any additional time off required for quarantine must be included in an employee's vacation request unless remote work is approved while quarantining.

QUESTION 2: Can departments prohibit employees from travelling out-of-state or to areas where COVID-19 is surging?

ANSWER: No, but discretionary time off remains subject to prior approval and may be denied for operational reasons. Certain travel, including out-of-state, is permitted under both state and local public health orders. Consequently, City departments cannot and should not restrict lawful off-duty conduct, including travel. But departments may deny discretionary leave for quarantine purposes if it is operationally impractical to approve such leaves in addition to approved time off for vacation. Employees taking unauthorized leaves may be subject to discipline, even if the leave is required for quarantine before or after an approved vacation.

QUESTION 3: Can departments exclude employees from the workplace if they regularly commute to work from outside the 10 county bay area region?

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No. Departments must consider whether employees who commute to work are exempt from travel-related quarantine requirements. Exempt employees include critical infrastructure workers, such as transit operators, and medical professionals, first responders and others essential government workers.

QUESTION 4: In reviewing time off requests, can departments require employees to disclose planned travel out of the 10 county bay area region?

ANSWER: No. Departments cannot require employees to disclose travel plans. However, the City's Health Screening protocol and safety rules require employees to disclose travel outside of the 10-county bay area when reporting to work on-site or in the field. Employees who report travel outside of the region on the health screening form, or otherwise, may be excluded from the workplace and required to use discretionary paid time, other than sick leave.

QUESTION 5: If employees travel out of the region what should departments do when they return to work?

ANSWER: Departments should follow the City's Health Screening protocol, which allows City departments to exclude employees who pose a risk to the health of others from the workplace. Before entering the workplace each day, employees must answer questions pertaining to the following four COVID-19 risk factors:

1. Whether employees have experienced specified COVID-19 symptoms within the 24-hour period before reporting to the workplace.
2. Whether employees have had close contact with anyone who has a confirmed COVID-19 diagnosis within the 14-day period before reporting to the workplace.
3. Whether employees have been diagnosed or tested positive for COVID-19 within the 10-day period before reporting to the workplace.
4. Whether employees have travelled outside of the 10 bay area county region within the past 10 days.

If employees give negative responses to each of these inquiries, then they are considered safe to enter the workplace. Employees working in health care or social service settings may be subject to additional screening, including temperature checks and periodic COVID-19 testing. Employees who fail the City's health screening due to travel outside the region may be excluded from the workplace and sent home. Before sending employees home City departments must consider whether an exemption to the travel-related quarantine requirement applies, such as exemptions for medical professionals, first responders, essential infrastructure worker, and others.

QUESTION 6: What should departments do if employees have concerns about their coworkers returning to work after traveling?

ANSWER: Departments may remind employees that the City continues to take reasonable steps to stop COVID-19 from spreading in the workplace. In addition to supervisors observing employees for visible symptoms of COVID-19, all employees must pass the City's health screening process before entering the workplace. Employees who pass the screening are considered safe to be in the workplace.

QUESTION 7: If employees quarantine before, during, or after nonessential travel, can they use paid sick leave or the new allocation of sick leave (COV)?

ANSWER: No. The City interprets Civil Service Rule 120.7.2, which provides sick leave for quarantine, as authorizing quarantine in connection with essential activities. Employees may not use sick leave, including COV, for quarantine that is incidental to nonessential travel.

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QUESTION 8: An employee requests two weeks of vacation pay for a vacation to Las Vegas, and two weeks of paid sick leave for quarantine orders imposed on all persons returning from travel outside of the region. All together the employee seeks four weeks of paid leave. Are employees entitled to any paid sick leave benefits for COVID-19 related quarantine or isolation orders imposed on persons travelling out of the region?

ANSWER: No. Neither City paid sick leave nor the City's COVID-19 paid sick leave (COV) benefit is available to employees who are unable to work due to quarantine in connection with nonessential travel, such as a vacation. Employees who choose to travel outside of the region and make themselves unavailable for work, must use accrued discretionary leaves. Civil Service Rule 120.7.2, which provides City paid sick leave for official quarantine orders, does not apply to employees engaging in nonessential travel.

QUESTION 9: If an employee returns home following travel outside of the region, and is subsequently diagnosed with COVID-19, or otherwise becomes ill, can the employee use COV or regular sick leave?

ANSWER: Yes. Once employees return from nonessential travel, they are eligible for COV and City paid sick leave for COVID-19 related illness. They are also eligible for City sick leave for any other illness or medical reasons arising following non-essential travel.

QUESTION 10: Are there types of travel for which an employee can use sick leave benefits?

ANSWER: Yes, employees may use sick leave for essential travel associated with reasons covered in Civil Service Rules, or other laws that provide paid sick leave. Employees should refer to current local public health orders to determine if their travel is "essential." Currently, essential travel includes travel required to care for elderly, minors, dependents, or persons with disabilities; manage after-death arrangements and burial; comply with a court order; comply with parental custody arrangements; or avoid domestic violence or child abuse. Employees taking leave for some of the reasons designated as essential travel in the local public health order may use accrued City paid sick leave.