



COVID-19 LEAVE PROCEDURES

This Procedure covers entitlements under the following state and City authorized emergency leave and benefit provisions:

- I. CITY COVID-19 PAID SICK LEAVE
- II. STATE COVID-19 PAID SICK LEAVE
- III. SICK LEAVE and VACATION ADVANCES

I. CITY COVID-19 PAID SICK LEAVE

- A. **Authority:** The Mayor's Compensation Plan effective March 31, 2020, amended last on January 11, 2021, and expiring on June 30, 2021.
- B. **Purpose:** To protect and support City employees by providing an additional allocation of paid sick leave for specified COVID-19 impacts.
- C. **Eligible Employees:**
 - 1. All City and County of San Francisco employees.
 - 2. Available upon appointment.

D. Criteria for CITY COVID-19 Sick Leave:

City COVID-9 Sick Leave Pay (Pay Code COV): Employees who are unable to work or telecommute due to:

- 1. a Federal, State or local quarantine or isolation order related to COVID-19
- 2. advice by a health care provider to self-quarantine due to concerns related to COVID-19.
- 3. experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- 4. caring for a family member who is subject to a federal, state or local quarantine or isolation order, or advised by a health care provider to self-quarantine due to concerns related to COVID-19.

5. caring for a son or daughter if the school or place of care of the son or daughter has been closed due to COVID-19.
6. attending an appointment scheduled for the employee or a family member to receive a vaccine for protection against contracting COVID-19.
7. experiencing side effects related to the COVID-19 vaccine that prevent the employee from working or telecommuting.

E. Paid Leave Available:

1. Up to 80 hours of paid sick leave for full-time employees
2. Prorated for part-time employees to an amount equal to the number of hours worked on average over a 2-week period.
3. Employees may use this new allocation of paid sick leave before using other accrued leave.

F. Procedure:

1. Employees must give notice that they are seeking to use City COVID-19 paid sick leave and should complete and return a COVID-19 LEAVE REQUEST FORM in advance of taking leave. Following department's call-in procedures is sufficient advance notice of the need for this paid leave.
2. In addition to advance oral notice, employees must submit a completed COVID-19 LEAVE REQUEST FORM to their supervisor, manager, or the department's human resources representative as soon as practical.
3. The department human resources representative shall review each COVID-19 LEAVE REQUEST FORM and confirm: (1) that the employee meets the criteria for receiving COV leave under the Mayor's Compensation Plan, and (2) how much sick leave pay to approve.
4. City COVID-19 Paid Sick Leave under the Mayor's Compensation Plan shall be coded on employee timesheets as COV pursuant to procedures developed by the Controller's Office Payroll and Personnel Services Division.
5. If employees exhaust their available allocation of COV, the department will substitute available accrued paid sick leave, or unpaid sick leave; however, employees may elect to use discretionary paid leaves or Sick Leave or Vacation Leave Advances in lieu of taking unpaid sick leave.

6. Employees may not cash-out the COV benefit and must forfeit any unused COV remaining at the earlier of the date of separation or effective end date for this benefit.

II. STATE COVID-19 PAID SICK LEAVE ACT

A. Authority: Labor Code Sections 248.2 and 248.3, effective March 29, 2021 (retroactive to January 1, 2021), and expiring on September 30, 2021.

B. Purpose: To provide supplemental paid sick leave for employees who are unable to work or telework due to specified reasons related to COVID-19.

C. Eligible Employees: All City employee

1. Available immediately effective March 29, 2021 (retroactive upon request to January 1, 2021) through September 30, 2021. Paid leave under this law may extend into early October 2021, as long as employees start a qualifying leave on or before September 30, 2021.
2. Regular schedule, part-time or as-needed.

D. Offset for Currently Available COV and COV Used Since January 1, 2021

1. Effective January 1, 2021 through September 30, 2021, employees are entitled to no more than two weeks of COVID-19 related paid sick leave from the combined City and the State COVID-19 paid sick leave entitlements.
2. The City will offset an employee's State COVID-19 Paid Sick Leave entitlement with any COV Paid Sick Leave used since January 1, 2021. This offset will result in the City receiving credit toward the required State COVID-19 Paid Sick Leave and a corresponding reduction in the amount of State COVID-19 Paid Sick Leave available to employees.
3. The City will offset an employee's State COVID-19 Paid Sick Leave entitlement with any unused and currently available COV Paid Sick Leave. This offset will result in employees receiving a reduction in the amount of State COVID-19 Paid Sick Leave required by the Labor Code.
4. In calculating the offset the City will count the number of COVID-19 Paid Sick Leave hours used and available to employees during the period from January 1, 2021 through September 30, 2021, and subtract the total hours from an employee's State COVID-19 Paid Sick Leave entitlement. Below are examples:

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Example #1: Full-time employee working 40 hours/week

COV Hours Used 1/25 to 2/5/2021 to Quarantine Pursuant to a Public Health Order	80 Hours
Offset Amount	80 Hours
State COVID-19 Paid Sick Leave Entitlement 3/29/2021	0 Hours

Example #2: Full-time employee working 40 hours/week

COV Hours Used 10/19 to 10/23/2020, to Care for Child Unable to Attend School Due to COVID-19 Closure	20 Hours
COV Hours Used 2/22 to 2/26/2021, to Care for Child Unable to Attend School Due to COVID-19 Closure	20 Hours
COV Hours Balance Available	40 Hours
Offset Amount	60 Hours
State COVID-19 Paid Sick Leave Entitlement 3/29/2021	20 Hours

Example #3: Full-time employee working 40 hours/week

COV Hours Used 5/11 to 5/22/2020 to Care for Child Unable to Attend School Due to COVID-19 Closure	80 Hours
Offset Amount	0 Hours
State COVID-19 Paid Sick Leave Entitlement 3/29/2021	80 Hours

Example #4: Part-time employee working 25 hours/week

COV Hours Used 3/8 to 3/12/2021	25 Hours
COV Hours Balance Available	25 Hours
Offset Amount	50 Hours
State COVID-19 Paid Sick Leave Entitlement 3/29/2021	0 Hours

E. Criteria for Leave:

State COVID-19 Paid Sick Leave (Pay Code CSP/CSU): Employees are eligible for this paid leave when unable to work or telework for the following reasons:

1. Employee is subject to a quarantine or isolation period related to COVID-19 and required by a federal, state or local public health order.
2. Employee is advised by a health care provider to quarantine or isolate due to concerns related to COVID-19.
3. Employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.
4. Employee is attending a scheduled appointment to receive a COVID-19 vaccination.

5. Employee is experiencing symptoms related to a COVID-19 vaccination that prevent the employee from working or teleworking.
6. Employee is caring for a family member who is subject to a quarantine or isolation period related to COVID-19 and required by a federal, state or local public health order.
7. Employee is caring for a family member who is advised by a health care provider to quarantine or isolate due to concerns related to COVID-19.
8. Employee is caring for a child whose school or place of care is closed or otherwise unavailable for reasons related to COVID-19.

F. Paid Leave Requirement:

1. Full-time employees receive up to 80 hours of state COVID-19 Paid Sick Leave. The pay is capped at \$511 per day or \$5,110 in total.
2. Active firefighters who are scheduled to work more than 80 hours in the two-weeks before taking state COVID-19 Paid Sick Leave can take as many hours as they were scheduled, but the maximum pay is limited to \$511 per day or \$5,110 in total.
3. The number of hours is prorated for part-time employee and employees working as-needed.
 - a. Part-time employees receive pay for the number of hours they are regularly scheduled to work in a two week period.
 - b. As-needed employees receive pay equivalent to fourteen times the average number of hours they worked each day in the six months preceding the date state COVID-19 Paid Sick Leave is taken. Employees averaging more than 40 work hours per week can receive a maximum of 80 hours of state COVID-19 Paid Sick Leave.

When calculating the average number of hours worked by an as-needed employee over the prior six months, use the total number of calendar days in the six-month period, not just the number of workdays. Below is an example from the California Department of Industrial Relations using a six-month period that includes a total of 182 calendar days:

Total Number of Hours Worked During 6-Month Period	520 hours
Total Number of Days in a 6-Month Period	182 calendar days
Average Number of Hours Worked Each Day in 6-Month Period	$520 \text{ hours} \div 182 \text{ days} = 2.857 \text{ hours}$
State COVID-19 Paid Sick Leave Entitlement	$2.857 \times 14 = 40 \text{ hours (Total entitlement)}$

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- c. Newly hired as-needed employees, with less than six months of service, are entitled to a number of state COVID-19 Paid Sick Leave hours equivalent the hours that they worked in the two weeks prior to the start of a qualifying leave.
4. Employees are entitled to receive the highest of the following:
 - a. Regular rate of pay for the workweek in which the leave is taken capped at \$511 per day and \$5110 in total (except for firefighters scheduled to work more than 80 hours in the two weeks prior to their leave).
 - b. A rate calculated by dividing the employee's total wages, excluding overtime premium pay, by the employee's total hours worked in the full pay periods of the prior 90 days of employment capped at \$511 per day and \$5,110 in total.

G. Procedure:

1. Employees must give written or oral notice of the need for leave and should complete and return a COVID-19 LEAVE REQUEST FORM. Leave and pay under this provision may be retroactive to January 1, 2021. Employees may request substitution of state COVID-19 Paid Sick Leave for qualifying leaves taken prior to March 29, 2021.
2. Departments must approve state COVID-19 Paid Sick Leave upon receiving an employee's oral or written request and cannot condition leave approval on submission of forms or documents.
3. Under limited circumstances departments may request documentation to support a request for state COVID-19 Paid Sick Leave. Such circumstances include when credible information indicates that an employee is not requesting this paid leave entitlement for a covered reason.
4. Employees are encouraged to use the state COVID-19 PAID SICK LEAVE FORM to record and track use of this state paid leave benefit.
5. State COVID-19 Paid Sick Leave will be recorded on employee timesheets as CSP.
6. Employees earning over the \$511 per day cap who elect not to supplement CSP with accrued paid time will enter CSU on timesheets for unpaid hours.

H. Responding to State COVID-19 Paid Sick Leave Requests

1. Departments must approve State COVID-19 Paid Sick Leave immediately upon receiving an oral or written request to use the

benefit for a qualifying reason.

2. Approval may be oral or written, but departments should use the COVID-19 LEAVE REQUEST FORM to record the number of leave hours used for each qualifying incident.
3. Departments will prioritize and pay employee requests for retroactive State COVID-19 Paid Sick Leave. Departments must pay retroactive State COVID-19 Paid Sick Leave on or before the next pay period following receipt of a request.

I. Integration with Accrued Leave

1. Employees earning above the \$511 per day cap can elect to use accrued leave to supplement State COVID-19 Paid Sick Leave and receive full salary during a qualifying leave.
2. The City cannot require employees to use accrued leave to supplement State COVID-19 Paid Sick Leave.

III. SICK LEAVE AND VACATION ADVANCES

- A. Authority:** This procedure will remain in effect under the Mayor’s February 26, 2020 Proclamation declaring a local emergency to exist in connection with the imminent spread within the City of COVID-19 (Proclamation), as supplemented by the Supplement to the Proclamation dated March 11, 2020. This procedure will cease to have effect by further Proclamations or acts by the Mayor declaring the end of the local emergency, or other action ending the local emergency.
- B. 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 with pay or vacation to eligible City employees who are unable or do not want to be in the workplace due to COVID-19 illness or impacts.
- C. Eligible Employees:**
1. Employees must have a regular work schedule.
- D. Criteria for Leave Advancement:**

Sick Leave with Pay (pay code SLP): Employees are eligible for this leave advancement if they meet the following criteria:

1. Employees are unable to be in the workplace because of the COVID-19 public health emergency (e.g., employee or qualifying family member is diagnosed or has symptoms consistent with COVID-19, medical provider approved self-isolation to avoid exposure to COVID-19, or employee needs to provide childcare due to school closure from COVID-19); and

2. Telecommuting is not available (employees who are sick or caring for a sick qualifying family member are not expected to telecommute).
3. Employees have no remaining paid leave balances (including, but not limited to vacation, sick pay, compensatory time, floating holidays and in-lieu legal holidays)

E. Vacation (pay code VAP): Employees are eligible for this leave advancement if they meet the following criteria:

1. Employees do not want to be in the workplace because of the COVID-19 emergency (e.g., employee is concerned about exposure to COVID-19 at work or while commuting); and
2. Taking such time off is operationally feasible (i.e., must be approved by the department) and telecommuting is not available.
3. Employees have no remaining paid leave balances except for paid sick leave (including, but not limited to vacation, compensatory time, floating holidays and in-lieu legal holidays)

F. Sick and Vacation Leave Advancement: The City may advance up to 80 hours of paid sick leave or vacation to eligible employees, based on criteria set by Human Resources Director. If the City advances sick pay or vacation to an employee, the employee will not accrue additional sick pay or vacation 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 regular hours of sick leave with pay per pay period for the next 10 pay periods).

G. Procedure: Employees must apply by submitting the “SICK LEAVE or VACATION ADVANCE – Employee Request and Agreement” form.

1. The employee must designate the type of leave requested, either sick or vacation leave, and describe the circumstance requiring leave.
2. The employee must submit the completed form to their supervisor, manager, or the department’s human resources representative.
3. The department human resources 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.
4. The department personnel representative shall forward the Employee Request and Agreement to the Appointing Officer, or designee, for approval.

5. Upon approval, the personnel representative shall notify the employee that the request has been approved and the type and amount of paid leave advance approved.
6. The total amount of sick leave or vacation leave advanced may not exceed eighty (80) hours for COVID-19 related illness or impacts and will be prorated for employees with less than a full time schedule (e.g., if an employee works a regular 20 hour a week schedule, they may receive up to 40 hours).

H. Reimbursement: The employee must acknowledge a responsibility and agree to repay sick leave and/or vacation leave advanced in the following order:

1. Upon return from leave the employee will not accrue additional sick or vacation leave, as applicable, until the City has recovered the hours advanced (e.g., if an employee is advanced 40 hours of SLP, the employee will forgo earning the 4 regular hours of SLP per pay period for the next 10 pay periods).
2. 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 60 days.