

CITY OF ANAHEIM

TEMPORARY PAID LEAVE PROGRAM IN RESPONSE TO COVID-19

Revised January 1, 2022

1. The purpose of this policy is to implement and amend temporary programs addressing the impact to employees and operations arising from to the COVID-19 outbreak and to comply with applicable legal mandates, including the obligations under California Code of Regulations Title 8 Section 3205 (c)(9).
2. The City supports efforts to ensure a healthy and safe workplace for all employees (full-time, part-time, and probationary employees). This policy is established to ensure that employees are able to address healthcare concerns related to the COVID-19 outbreak with limited or no loss of income and to implement the provisions of relevant legislation.
3. The provisions of this amended policy are effective January 1, 2022, unless otherwise specified throughout the policy.
4. The programs and provisions established by this policy beyond those that are mandated by federal or state law (hereinafter, LOCAL PROGRAMS) are intended to be temporary. The terms for LOCAL PROGRAMS established by this policy are effective as stated herein and will terminate effective 12:01 a.m. April 15, 2022, unless terminated or extended by the City Manager. The City Manager, in his sole discretion, has the authority to make necessary changes to the provisions of the policy not governed by Federal or State law.
5. **LOCAL PROGRAM SPECIAL SICK LEAVE:** The revised LOCAL PROGRAM special sick leave benefits implemented effective October 1, 2021 shall remain in effect through April 14, 2022, unless terminated, amended, and/or extended by the City Manager, in his sole discretion.
 - 5.1. The Finance Department/Payroll shall develop appropriate procedures for paying leave hours and complying with CalPERS rules for reporting leaves under these programs.
 - 5.2. These programs shall operate in coordination with existing City leave policies and benefits, temporary telecommuting policies, and legal requirements as appropriate. Use of approved LOCAL PROGRAM special sick leave benefits will not be considered in assessing compliance with City of Anaheim Administrative Regulation (A.R.) 286 concerning attendance standards. Furthermore, the City will treat LOCAL PROGRAM special sick leave benefits in the same manner it treats Family Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL), and other qualifying leaves as counting towards eligibility for Affordable Care Act (ACA) health insurance for part-time employees.

5.3. The LOCAL PROGRAMS paid leave benefits established by this policy herein shall run concurrent to any paid benefit programs mandated by the federal or state government specifically in response to the COVID-19 outbreak and containment efforts to the extent allowable.

5.4. An **employee is eligible for paid sick time under this program** as indicated below, to the extent the employee is unable to work or telework due to a need for leave because:

5.4.1. The employee is subject to an applicable Federal, State, or local agency isolation order after being identified as a “COVID case” as defined under 8 CCR §3205 or to a self-quarantine order related to COVID-19 that arose from a work-related “close contact” as defined under 8 CCR §3205. Or

5.4.2. The employee is attending an appointment to receive a vaccine that has been FDA approved or has emergency use authorization from the FDA for protection against contracting COVID-19. Or,

5.4.3. The employee is experiencing symptoms related to receiving a COVID-19 vaccination that prevent the employee from reporting to work.

In addition, the employee must meet the following applicable requirement:

5.4.4. The employee, if full-time, has used less than 80 (eighty) hours of LOCAL PROGRAM special sick leave under this policy since October 1, 2021 or as provided in 5.5.1. Or

5.4.5. The employee, if part-time, has not used LOCAL PROGRAM special sick leave under this policy since October 1, 2021 for an amount necessary to cover the total hours the employee was scheduled to work for a two week time period, the employee is scheduled to work in a two week period or as provided in 5.5.5.

5.5. **Maximum hours of eligibility** for LOCAL PROGRAM special sick leave benefits and maximum value of paid LOCAL PROGRAM special sick leave time is subject to the following limitations. Employees become eligible for leave under this program upon date of hire:

5.5.1. **Full time employees** shall be eligible for up to 80 (eighty) LOCAL PROGRAMS paid leave hours for the period October 1, 2021 through the expiration or termination of this program for need for leave related to 5.4.1 except that a full-time employee serving in a sworn firefighter position scheduled to work 56 hours per week shall be eligible for up to the total number of hours the employee is scheduled to work in the two week period commencing with the first day of a covered isolation or self-quarantine period. Effective January 1, 2022, the 80 (eighty) hour limit set forth in

5.4.4 shall not be exceeded. Employees not eligible for workers' compensation benefits for the need for leave related to 5.4.1 and with insufficient accrued sick leave (including paid leave in lieu of sick leave) balances to cover a period of time the employee is required to be excluded from work under 8 CCR §3205(c)(9) for reason 5.4.1 above (COVID case or close contact at work), shall be covered under 8 CCR §3205(c)(9)(C), only after exhaustion of any accrued sick leave hours available to an employee.

5.5.2. For occurrences for a need for leave during the period October 1, 2021 through the expiration or termination of this program related to 5.4.2, a Full time employee is eligible for up to two (2) hours of LOCAL PROGRAM special sick leave for the purposes of obtaining a COVID-19 vaccine subject to the eligibility requirements in 5.4.4 and 5.5.1. Such leave shall be retroactively applied to any absence for the purpose obtaining a vaccine only after a fully vaccinated employee submits a City of Anaheim Employee Self-Attestation of Vaccination Status – COVID-19 and the City of Anaheim Employee Authorization for City of Anaheim Use and Disclosure of Vaccination Status – COVID-19 (Confidential Medical Information). To qualify for such retroactive adjustment of leave time, an employee must submit these forms and a request such retroactive adjustment no later than 30 days after the expiration or termination of the program.

5.5.3. For occurrences for a need for leave during the period October 1, 2021 and the expiration or termination of this program related to 5.4.3, a Full time employee is eligible for up to two (2) consecutive working days of LOCAL PROGRAM special sick leave subject to the eligibility requirements in 5.4.4 and 5.5.1. Such leave shall be retroactively applied to any absence due to and adverse reaction to a vaccine only after a fully vaccinated employee submits a City of Anaheim Employee Self-Attestation of Vaccination Status – COVID-19 and the City of Anaheim Employee Authorization for City of Anaheim Use and Disclosure of Vaccination Status – COVID-19 (Confidential Medical Information). To qualify for such retroactive adjustment of leave time, an employee must submit these forms and a request such retroactive adjustment no later than 30 days after the expiration or termination of the program.

5.5.4. Effective the pay period including November 12, 2021, **the maximum any full time employee** shall be paid under this provision for an occurrence of a need for leave is **\$5,110 in the aggregate**.

5.5.4.1. The aggregate maximum value of paid LOCAL PROGRAM special sick leave benefits as provided in 5.5.4 shall not apply in the event the employee has an accepted workers' compensation claim for COVID-19 related illness. Following the first two weeks of leave for any such claim, paid time off required

for an accepted workers' compensation claim for COVID-19 related illness shall not be paid under this LOCAL PROGRAM but rather shall be provided in accordance with applicable law and Memorandum of Understanding or City Resolution.

- 5.5.5. **Part-time employees** shall be eligible for LOCAL PROGRAMS paid leave hours for need for leave related to 5.4.1 up to the number of hours the employee was scheduled to work in the two week period commencing with the first day of a covered isolation or self-quarantine period. Effective January 1, 2022, this total hours limit set forth in 5.4.5 shall not be exceeded. Employees not eligible for workers' compensation benefits related to the need for leave related to 5.4.1 and with insufficient accrued sick leave balances to cover a period of time the employee is required to be excluded from work under 8 CCR §3205(c)(9) for reason 5.4.1 above (COVID case or close contact at work), shall be covered under 8 CCR §3205(c)(9)(C) only after exhaustion of any accrued sick leave hours available to an employee.
- 5.5.6. For occurrences for a need for leave during the period October 1, 2021 and the expiration or termination of this program related to 5.4.2, a Part-time employee is eligible for up to two (2) hours of LOCAL PROGRAM special sick leave for the purposes of obtaining a COVID-19 vaccine subject to the eligibility requirements in 5.4.5 and 5.5.5. Such leave shall be retroactively applied to any absence for the purpose obtaining a vaccine only after a fully vaccinated employee submits a City of Anaheim Employee Self-Attestation of Vaccination Status – COVID-19 and the City of Anaheim Employee Authorization for City of Anaheim Use and Disclosure of Vaccination Status – COVID-19 (Confidential Medical Information). To qualify for such retroactive adjustment of leave time, an employee must submit these forms and a request such retroactive adjustment no later than thirty days after the expiration or termination of this program.
- 5.5.7. For occurrences for a need for leave during the period October 1, 2021 and the expiration or termination of this program related to 5.4.3, a Part-time employee is eligible for up to two (2) consecutive working day of LOCAL PROGRAM special sick leave subject to the eligibility requirements in 5.4.5 and 5.5.5. Such leave shall be retroactively applied to any absence due to and adverse reaction to a vaccine only after a fully vaccinated employee submits a City of Anaheim Employee Self-Attestation of Vaccination Status – COVID-19 and the City of Anaheim Employee Authorization for City of Anaheim Use and Disclosure of Vaccination Status – COVID-19 (Confidential Medical Information). To qualify for such retroactive adjustment of leave time, an employee must submit these forms and a request such retroactive adjustment no later than thirty days after expiration or termination of this program.

- 5.5.8. The **maximum any part-time employee** shall be paid under this program is **\$511 per day and \$5,110 in the aggregate**.
- 5.5.8.1. The daily and aggregate maximum value of paid LOCAL PROGRAM special sick leave benefits time as provided in 5.5.8 shall not apply in the event the employee has an accepted workers' compensation claim for COVID-19 related illness. Following the first two weeks of leave for any such claim, paid time off required for an accepted workers' compensation claim for COVID-19 related illness shall not be paid under this LOCAL PROGRAM but rather shall be provided in accordance with applicable law and Memorandum of Understanding or City Resolution.
- 5.5.9. The **rate of pay** for **LOCAL PROGRAMS** special sick leave shall be equivalent to the employee's rate of pay for Sick Leave or Paid Leave (in lieu of Sick Leave or Vacation) under the applicable Memorandum of Understanding (MOU) or Personnel Rules.
- 5.5.10. LOCAL PROGRAM special sick leave benefits do not carry over from one year to the next and have no cash value to the employee.
- 5.5.11. Eligibility for LOCAL PROGRAM special sick leave benefits shall cease upon expiration or termination of this program or the employee's exhaustion of the hours limit set forth herein.
- 5.5.12. An employee is not required to search for or find a replacement to cover the employee's absences eligible under the LOCAL PROGRAM special sick leave programs.
- 5.5.13. An employee may **return to work** following a period of LOCAL PROGRAM special sick leave benefits under this section after presenting appropriate evidence of the ability to safely return to work. An employee continuing on leave may use his/her unused sick time for covered occurrences of need for leave. Appropriate evidence is generally considered to be a release by a medical provider **or alternate appropriate return to work protocols authorized by the City of Anaheim Infection Control Officer following Orange County Health Department and CDC guidelines and in compliance with return to work criteria set forth in 8 CCR §3205(c)(10)** .
- 5.5.14. An employee with available accrued leave balances may opt to use such accrued leave in lieu of LOCAL PROGRAM special sick leave benefits paid time.
- 5.5.15. An employee continuing on leave beyond the period of LOCAL PROGRAM special sick may use his/her unused sick time to receive full pay. If an employee does

not have a sick leave balance, unused vacation time , other paid leave, or comp time may be used. If the employee has no accrued leave, time off shall be Leave Without Pay.

5.5.16. An employee who separated from work, is laid off, or furloughed at the time the need for leave exists, is not eligible for benefits under the program.

6. Each employee is encouraged to take actions in the best interests of their own health, the health of their co-workers, and the general public. Each department and manager is responsible for maintaining safe and healthy working conditions and ensuring that this policy is fairly and consistently followed. The programs established hereunder shall be administered in accordance with A.R. 243 addressing a workplace free from harassment, discrimination, and retaliation.