COVID 19
Human Resources Q&A: (Updated 9/15/20)

Q7. How should we pay employees that we send home for showing symptoms related to COVID-19? (Modified 9/15/20)

A. As the employer, if we sent an employee home, we will pay COVID/Admin leave for the remainder of the shift.

Q8. How should full-time employees be handled who marked off sick, advising their doctor told them to self-quarantine? (Modified 9/15/20)

A. Employees should provide:
   (1.) The name of the government entity that issued the quarantine or isolation order to which the employee is subject, or
   (2.) The name of the health care provider who advised him or her to self-quarantine for COVID-19 related reasons

On or after April 1, employees should complete the Emergency Paid Sick Leave Request Form (See HR Intranet Page, under Forms). It is recommended that Divisions continue to track all COVID related absences on a spreadsheet.

Q12. Will PRI, step increases, or merit increases occur during the emergency? (Modified 9/15/20)

A. We will not be processing any requests for pay adjustments for equity, discretionary/merit or across-the-board actions.

Q14. If an employee appears ill, can a supervisor inquire about the nature of the employee’s illness? (This answer has been modified from previous information)

A. Yes. During this pandemic, a supervisor may ask an employee if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. The supervisor must maintain all information about employee illness as a confidential medical record, but should report this information to their Human Resources Officer immediately.

Q16. Did the City suspend its Drug and Alcohol Testing Program?

A. No. The City will continue to administer its Drug and Alcohol Testing Program. WorkHealth has implemented procedures for increased sanitation and social distancing at each of its clinics in accordance with new state and local public health mandates.
Q18. How will the contractual sick leave incentive/reciprocity programs be impacted? (Modified 9/15/20)

A. It is unclear at this time. It is an issue that will need to be discussed with the respective bargaining units.

Q25. What medical documentation should be received for a quarantine?

A. Refer to information provided in The City of Columbus COVID-19 Safe Work Practice Guidance. These are reviewed and updated by CPH and OSHP on a regular basis. This will provide the most up to date information on the type of documentation you may expect.

Q31. If a non-essential employee is on probation during the Mayor’s State of Emergency Declaration (or during a pandemic) will their probationary period be extended once the emergency declaration is lifted?

A. Should the Mayor’s Declaration of Emergency exceed 30 days and the employee has not been working during these 30 days or longer, the Appointing Authority at his/her discretion could request to extend the probationary period in accordance with Civil Service Rules.

Q32. When should employees return to work following a reported illness or returning from isolation? (Question modified 9/15/20)

A. Do not require a healthcare provider’s note to validate the illness or return to work of employees sick with acute respiratory illness; healthcare provider offices and medical facilities may be extremely busy and not able to provide such documentation in a timely way. Additionally, do not require a negative COVID-19 test result for an employee to return to work. The CDC has guidance regarding return to work for employees who are not in healthcare settings at https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html. In the absence of recommendations from a local health department or employee’s healthcare provider, the following criteria can be used:

Persons with suspected COVID-19 who have symptoms and were directed to care for themselves at home may discontinue home isolation when:

- At least one day (24 hours) has passed since recovery (temperature below 100.4°F without the use of fever-reducing medications) AND
- There is an improvement in symptoms AND
- At least 10 days have passed since symptoms first appeared.
Persons with suspected COVID-19 who do not have symptoms (i.e., asymptomatic) and were directed to care for themselves at home may discontinue home isolation when:

- At least 10 days have passed since the date of their first positive COVID-19 test, assuming they have not subsequently developed symptoms since their positive test.
- If you begin to experience any symptoms during the 10 days of isolation period, you may discontinue home isolation when:
  - At least one day (24 hours) has passed since recovery (temperature below 100.4°F without the use of fever-reducing medications) AND
  - There is an improvement in symptoms AND
  - At least 10 days have passed since symptoms first appeared.

**Please note:** Employees with COVID-19 who either experience severe and critical illness or are severely immunocompromised may remain infectious for up to 20 days. In such situations, the employee should seek consultation with their healthcare provider and/or infection prevention and control experts to determine the exact duration of isolation and the potential need for repeat testing prior to release from isolation.

**Q41.** If an employee invokes the following COVID-19 related reason: “I am caring for an individual who has been ordered to quarantine or isolate or has been advised by a health care provider to self-quarantine related to COVID-19” to what extent does the employee actually have to care for the individual to be eligible for leave?

**A.** The individual must depend on the employee for care during the quarantine or self-quarantine, and be unable to care for him or herself, and but for providing care, it prevents the employee from working and from teleworking. We would not suggest this kind of leave to be available for an employee to stay home with a vulnerable individual if that individual is capable of taking care of themselves. We suggest asking the following question if there are doubts: Is the individual unable to care for him or herself, and do they depend on you for care to the extent that providing care prevents you from working and from teleworking?

Refer to the *Emergency Paid Sick Leave Request* form. (Sent via e-mail from Brooke Carnevale on 4/12/20 and posted on the HR Intranet page, under Forms)

**Q42.** What documentation should I be requiring to document a COVID-related absence?

**A.** An employee requesting sick leave for a COVID-19 related reason must provide:
- For self - Either (1) or (2)
  - (1.) The name of the government entity that issued the quarantine or isolation order to which the employee is subject, or
  - (2.) The name of the health care provider who advised him or her to self-quarantine for COVID-19 related reasons
For care for an individual - Either (1) or (2)
(1.) the government entity that issued the quarantine or isolation order to which the individual is subject or
(2.) the name of the health care provider who advised the individual to self-quarantine, depending on the precise reason for the request.

For care for his or her child - All of the following information:
(1.) the name of the child being care for;
(2.) the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; and
(3.) a statement representing that no other suitable person is available to care for the child during the period of requested leave.

Q45. If employees are working a reduced work schedule, how do I calculate overtime eligibility?

A. Employees will not be eligible for overtime until they have worked (as defined by the appropriate contract) 40 hours.

Q46. If an essential remote employee is sick or requests other time away from his/her duties, are the leave banks deducted? (Modified 9/11/20)

A. Yes.

Q47. Are we required to track FFCRA leave for essential remote employees? (Modified 9/15/20)

A. Yes, if the qualifying reason prevents the employee from remote/telework.

Q49. When would an employee be eligible for leave under the FFCRA for a “substantially similar condition”?

A. The U.S. Department of Health and Human Services (HHS) has not yet identified any “substantially similar condition” that would allow an employee to take paid sick leave. If HHS does identify any such condition, the Department of Labor will issue guidance explaining when you may take paid sick leave on the basis of a “substantially similar condition.”

Q51. Are reduced schedules permitted for parents who are home schooling their children full time in addition to full time work?
A. Yes, agreed-upon telework and scheduling arrangements are encouraged to reorganizing work time to accommodate the employee’s needs related to COVID-19.

Q55. When an employee calls off on the basis that their health care provider (HCP) advised them to self-quarantine/isolate because they are particularly vulnerable to COVID-19, can the employer call the HCP to confirm that advice?

A. No. An employer would not be permitted to ask the HCP for confirmation that they have been advised to self-quarantine/isolate and would not be permitted to require medical documentation or doctor’s notes beyond what the FFCRA requires.

Q56. When an employee calls off on the basis that their health care provider (HCP) advised them to self-quarantine/isolate because they are particularly vulnerable to COVID-19, can the employer offer additional protections like barriers, masks, gloves, internal social distancing, etc. as an accommodation in lieu of leave?

A. No. The employee is entitled to the time off, despite the fact that the employer may be able to offer some arrangements that could permit an employee to continue to work.

Q57. Do COVID-19 related reasons qualify for FMLA such that it counts toward the 12-month allotment?

A. With the exception of the EFMLEA for childcare, it depends. An employee would still need to meet the requirements under FMLA to qualify for it. So an analysis will still have to take place. This FFCRA paid sick leave is not a form of FMLA leave and therefore does not necessarily count toward the 12 workweeks in the 12-month period cap, absent a FMLA qualifying condition. Our normal protocol is to send FMLA paperwork after an employee is off for three days, which is still appropriate. However, just because someone is off on a COVID-19 related paid sick leave, doesn’t mean they are incapacitated from a serious health condition. Employees who contracted COVID-19 but suffer only mild or no symptoms, will probably not be eligible for FMLA. On the other hand, employees that contract COVID-19 and experience serious symptoms and/or require inpatient care, including hospitalization, will probably be deemed to have a serious health condition under the FMLA.

Q59. What if an employee has marked off work, presented medical documentation of a health condition that makes them high risk, but refuses to complete the Emergency Paid Sick Leave Request Form?

A. It is the employee’s discretion to take the leave under the FFCRA. If the employee chooses not to fill out the Emergency Paid Sick Leave Request form, then they can use any other available leave they have. They still would need to fill out the usual City request for leave form so that the Departments can clearly track this and so that the
employees know the time is coming out of their leave banks. The usual and customary requirements for requesting and taking leave should not be suspended, including (if normally appropriate) FMLA paper work after 3 days (our process in the CBA) and track it as FMLA if it doesn’t come back. We would caution that before you would take action on someone because of a belief that they have exhausted FMLA for what could be considered COVID related reasons, that we have a review with the CAO.

An additional caution, these employees who have submitted documentation should clearly understand that their leave qualifies under the FFCRA, they are entitled to use that and the time won’t be charged to their leave banks. If they understand that and still decide not to request the Leave under FFCRA, it is at their discretion. The Departments need to keep in mind that the employee would still be eligible to use this Paid Sick Leave benefit through the end of the year.

New Q&A’s 9/15/20

Q60. Under the City’s COVID Travel Policy, what if the state that the employee traveled to comes off the list during their stay?

A. The employee is still required to quarantine for 14 days and use their own leave time for their time away from work if remote work is not available.

Q61. If an employee left on a Sunday to a state that’s not on the list, and when the list was updated on Wednesday, the state was added to the list while they are there - how does this now apply?

A. If an employee returns from a state that was added to the list during their travel, they will not be required to use their own time. However, they should not return to the workplace and risk the safety and health of their co-workers. If remote work is not available, departments should place and track them on COVID/Admin leave. Employees who knowingly travel to a state on the Governor’s Travel advisory are subject to using their own leave.

Q62. What changes were made to the City’s COVID related leave policies, effective 9/20/20?

A. The City’s Coronavirus Disease 2019 (COVID-19) Workplace Policy, dated March 12, 2020, was supplemented following the FFCRA in April. Various updates to the City’s Policy and Q&As have been issued and distributed in the past five months. The City has followed the EPSLA and EFMLEA and has provided paid leave benefits related to those COVID-19 reasons. However, the City’s current policy went beyond the terms of the EPSLA and EFMLEA and enhanced the leave benefits by providing full pay instead of 2/3 the employee’s regular rate of pay, uncapped the 80 hour limit to the leave benefit for
each COVID-19 related reason, and provided COVID-19 related leave for scenarios not covered by the FFCRA.

The City will follow the EPSLA and EFMLEA as implemented.

- At this time, the City is not exercising its right to exempt any employees from the federal benefit. The City reserves its right to do so at a later date.
- Employees that have exhausted the benefit limits under the EPSLA and/or EFMLEA since April 1, 2020 will not be eligible for additional leave.
- Employees that have used some of the leave benefits under the EPSLA and/or EFMLEA since April 1, 2020 will only be eligible for the balance of leave provided under the law.
- The City will not cap wages. Pay will either be at 100% of the employee’s regular rate or 2/3rds of the employee’s regular rate, depending on the qualifying reason.

Q63. **We have employees who are out per a doctor’s excuse; e.g. pregnancy, cancer, prepping for surgery. Some of these will go beyond the 80-hours of EPSLA. In these cases, as of September 20, the EPSLA will no longer be available or limited to any remaining balance. How should these employees be handled?**

A. Employees should use any leave time that would normally be available to them under their contract or department/division policies. If no leave is available, they should be carried without pay, but not disciplined (at least through 12/31/20).

Q64. **If an employee goes in unpaid leave after exhausting leave under FFCRA, will they continue to receive health insurance?**

A. Yes. Employees should not be required to pay premiums up front. Rather, repayment arrangements may be made when the employee returns to work.

Q65. **Will there be a general announcement of this change through an email like you usually do with the safe work practices changes or do you want the departments to make the announcements?**

A. No, the Unions and People Team were advised of the change on 9/4/20. The Employee Notification form should be used for individual notification to employees who are on leave and impacted by this change. The revised FFCRA Request form should be used for any employee getting ready to take leave.

Q66. **After an employee has used the first 80 hours, is there an order by which we should use leave?**

A. Follow the collective bargaining agreement or department/division policies.
Q67. Does everyone get a new 80 hours of 100% paid leave as of Sept 20th?

A. No. If you have a FFCRA Leave Form completed by the employee, it can be attached to the Employee Notification Form. You will ultimately need to demonstrate that you have previously provided the benefit under the law.

Q68. If the employee is on 2/3 rate of pay, can they supplement up to 100% using their leave balances?

A. No.

Q69. If an employee has exhausted his/her FMLA already, but needs to be off for COVID child care, can they use vacation/comp/sick/personal days?

A. If an employee previously exhausted FMLA, they may still be eligible for EPSLA. Child care is not an appropriate use of sick leave under any of the CBA’s. Follow your department/division leave policies.

Q70. If an employee has exhausted benefits under the FFCRA, and they request time off for child care, but the operation needs them at work, can the leave request be denied? Or if the operation needs them at work and they really need to be off, can that be unpaid time (with or without discipline)? Can they go unpaid without discipline, even though their FMLA has expired?

A. During these unprecedented times and hardships on families, we would not want a parent to have to choose between their child and keeping their job. Under this fact pattern, leave – paid and unpaid – should only be denied in very rare cases and for extreme operational purposes. Unpaid leave, for these circumstances, is an acceptable option. Discipline should not be considered merely for unpaid leave in these rare cases.

Q71. If an employee has used their 80 hours already, and they are sick, how do you want managers to handle this situation? Can we send them home if they are obviously ill?

A. All employees should have completed the health assessment. As provided in all previous guidance:

If the employee answers “Yes” to any of the questions or they display obvious symptoms, they should be sent home immediately. The employee’s supervisor should contact the Department/Division Human Resources representative to notify
them of any employees sent home or needing to remain at home due to responding yes to these questions. An employee sent home by management will be carried on admin leave for the remainder of their shift (Q6 &7). Appropriate leave balances or unpaid leave should be used as provided in the CBA or department/division policy.

Follow the direction that has previously been provided and published in the *City of Columbus COVID-19 Safe Workplace Practices*. These are reviewed and updated by CPH and OSHP on a regular basis.

Q72. What if they return too quickly to work and are still sick – can we send them home?

A. Follow the direction that has previously been provided and published in the *City of Columbus COVID-19 Safe Workplace Practices*. These are reviewed and updated by CPH and OSHP on a regular basis.

Q73. Can we require the COVID test results as part of the COVID sick/quarantine leave?

A. Follow the most up to date direction that is published in the *City of Columbus COVID-19 Safe Workplace Practices*. This guidance is updated based on testing availability and capacity.

Q74. An employee has used 80 hours of EPSLA. This employee gets sick or is under a mandatory quarantine for exposure. Because the employee would need to use his own leave, he doesn’t bother to tell us, doesn’t bother to get tested (if sick), doesn’t bother to stay home, doesn’t bother to do any responsible course of action. Turns out he was COVID + and has just infected a whole work location. Can we deal with this situation? What are the repercussions if the employee isn’t being responsible and infects others?

A. If a specific incident occurs related to COVID, such as the scenario above, contact labor relations to discuss any potential disciplinary action for violating Citywide Safety Guidance and CWR #9.

Q75. Why doesn’t the Expanded Family and Medical Leave section of the form reference a ROLLING 12 month period for calculating FMLA/EPSLA eligibility?

A. The rolling 12 month period does not apply to EPSLA. There is nothing that otherwise changed how we handle FMLA. However, it is important to note that the EFMLEA applies to employees of covered employers if such employees have been employed by the employer for at least 30 calendar days.
Q76. In the new Dayforce System, do we have a code to properly classify people out on these various types of FFCRA leaves? And will Dayforce do the 2/3 calculation?

A. Yes, there will be payroll code for EPSLA and EFMLA. It will calculate the 2/3 rate.

Q77. If a High Risk employee has a doctor’s note out to a date beyond Sept 20th and they want to return to work on Sept 20th so their leave balances don’t get burned, do they need a RTW note from their physician to come back early?

A. Yes. The department should do what they would normally do before letting an employee come back to work with conflicting medical documentation.

Q78. An employee has a doctor’s note stating they could not wear any type of face covering due to their health condition. Because there is no way to accommodate them under the City’s policy, they have been off work. How will this employee be handled moving forward?

A. Follow the doctor’s note. If no accommodation is available, and unless the note advises the employee to quarantine, the employee will be required to use their own leave time to be off work.

Q79. An employee has exhausted their 80 hours of EPSLA. They have now applied for child care leave for their kid’s school. The school is running a hybrid model for schooling. So sometimes the child is at school and sometimes not. Walk me through how she might get paid for this child care leave.

A. The first 80 hours are unpaid under the EFMLEA, and she may supplement those hours with her banked leave because her EPSLA is exhausted. Only on days when the child is prohibited from coming to school is she eligible for FFCRA leave. The additional 10 weeks is paid at 2/3rd the regular rate of pay – assuming she is eligible for FMLA.

Q80. Employees have been teleworking productively since mid-March without any issues. Now, several employees claim they need to take paid sick leave and expanded family and medical leave to care for their children, whose school is closed because of COVID-19, even though these employees have been teleworking with their children at home for four weeks. Can I ask my employees why they are now unable to work or if they have pursued alternative child care arrangements?

A. You may require that the employee provide the qualifying reason he or she is taking leave, and submit an oral or written statement that the employee is unable to work because of this reason, and provide other documentation outlined in section 826.100 of
the DOL’s rule applying the FFCRA. While you may ask the employee to note any
changed circumstances in his or her statement as part of explaining why the employee is
unable to work, you should exercise caution in doing so, lest it increase the likelihood
that any decision denying leave based on that information is a prohibited act. The fact
that your employee has been teleworking despite having his or her children at home does
not mean that the employee cannot now take leave to care for his or her children whose
schools are closed for a COVID-19 related reason. For example, your employee may not
have been able to care effectively for the children while teleworking or, perhaps, your
employee may have made the decision to take paid sick leave or expanded family and
medical leave to care for the children so that the employee’s spouse, who is not eligible
for any type of paid leave, could work or telework. These (and other) reasons are
legitimate and do not afford a basis for denying paid sick leave or expanded family and
medical leave to care for a child whose school is closed for a COVID-19 related reason.

This does not prohibit you from disciplining an employee who unlawfully takes paid sick
leave or expanded family and medical leave based on misrepresentations, including, for
example, to care for the employee’s children when the employee, in fact, has no children
and is not taking care of a child.

Q81. An employee’s child’s school is operating on an alternate day (or other hybrid-
attendance) basis. The school is open each day, but students alternate between days
attending school in person and days participating in remote learning. They are
permitted to attend school only on their allotted in-person attendance days. Can the
employee take paid leave under the FFCRA in these circumstances?

A. Yes, the employee is eligible to take paid leave under the FFCRA on days when the child
is not permitted to attend school in person and must instead engage in remote learning, as
long as they need the leave to actually care for the child during that time and only if no
other suitable person is available to do so. For purposes of the FFCRA and its
implementing regulations, the school is effectively “closed” to the child on days that he
or she cannot attend in person. The employee may take paid leave under the FFCRA on
each of the child’s remote-learning days.

Q82. A child’s school is giving a choice between having the child attend in person or
participate in a remote learning program for the fall. The employee signed the child
up for the remote learning alternative because they were worried that the child
might contract COVID-19 and bring it home to the family. Since the child will be at
home, can the employee take paid leave under the FFCRA in these circumstances?

A. No, the employee is not eligible to take paid leave under the FFCRA because the child’s
school is not “closed” due to COVID–19 related reasons; it is open for the child to attend.
FFCRA leave is not available to take care of a child whose school is open for in-person
attendance. If the child is home not because his or her school is closed, but because the
parent chose for the child to remain home, they are not entitled to FFCRA paid leave.
However, if, because of COVID-19, the child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, you may be eligible to take paid leave to care for him or her.

Q83. A child’s school is beginning the school year under a remote learning program out of concern for COVID-19, but has announced it will continue to evaluate local circumstances and make a decision about reopening for in-person attendance later in the school year. Can the employee take paid leave under the FFCRA in these circumstances?

A. Yes, the employee is eligible to take paid leave under the FFCRA while your child’s school remains closed. If your child’s school reopens, the availability of paid leave under the FFCRA will depend on the particulars of the school’s operations. See Q 81 & 82.

Q84. We have an employee who has been identified as a COVID+ close contact. How should this employee be carried?

A. A close contact is defined as:

Any employee who was within 6 feet of a laboratory-confirmed or clinically diagnosed case for at least 15 minutes of when the COVID+ person was symptomatic, asymptomatic, within 2 days prior to person being symptomatic, or within 2 days prior to the COVID+ person being tested. These employees would be determined by their Department/Division HR working with CPH. Use of preventative measures (i.e., face coverings, distancing, and barriers) may reduce the need to quarantine; however, this will ultimately be decided by Columbus Public Health.

If an employee is at work when then learn of this, they should be sent home in an effort to protect the workplace. They will be carried on administrative leave for the remainder of their shift/work hours. Employees will be required to use their own leave. However they will become eligible for FFCRA leave:

- If they become the subject to state, federal or local quarantine or isolation order related to COVID-19.
- If they have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- If they have symptoms of COVID-19 and they are seeking a diagnosis.

Unfortunately, when local cases are surging, many local health departments are overwhelmed and there may be a lag in contact tracing. Employees should not report to work. They should contact their health care provider who will provide guidance based on the contact with the COVID+ person.
If an employee ultimately qualifies for FFCRA leave for one of the three reasons listed above, and they still have FFCRA leave available, it may be applied from the date of eligibility if the employee chooses/elects to use the leave.

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