

**Updated Guidance for City Agencies on Leave Policy Applicable During the
Outbreak of Coronavirus Disease 2019 (COVID-19), eff. December 29, 2021**

This document sets forth City leave policy with respect to City employees to mitigate the risk of the spread of Coronavirus Disease 2019 (COVID-19). It is effective December 29, 2021 and until further notice, and supersedes the September 13, 2021 guidance.

I. Definition

A. “Symptoms of COVID-19” means the following physical symptoms:

- Fever of 100.0 F or greater or chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue
- Muscle or body aches
- Headache
- Loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

B. “Two workweeks” means the number of hours that an employee is regularly scheduled to work in a two-week period. Examples: for an employee whose regular schedule is 40 hours per week, two workweeks is 80 hours; for an employee whose regular schedule is 35 hours per week, two workweeks is 70 hours.

C. “COVID-19 diagnostic test” means 1) a NAAT or molecular test, such as PCR, or 2) a lab-based antigen test, or 3) an in-home test. For in-home tests: If an employee tests positive using an at-home test, they may qualify for COVID-19 Excused Leave by submitting the following additional information:

- Date of positive test
- Name/manufacturer of at-home test kit
- Lot number of at-home test kit
- Photo of staff ID with test result

D. “Close contact” means someone who was within six feet of someone with COVID-19, for at least 10 minutes over a 24-hour period, starting from two days before

illness onset (or, for an asymptomatic person, two days prior to test specimen collection) until the time the person is isolated.

- E. “Fully vaccinated” means at least two weeks have passed after a person received a single-dose of an FDA- or WHO- authorized or approved COVID-19 vaccine or the second dose of an FDA- or WHO- authorized or approved two-dose COVID-19 vaccine.

II. General Policy Concerning Attendance of Employees in the Workplace

- A. City employees must report to work at their assigned work sites in accordance with “Managing the Office in the Age of COVID-19.”
- B. An employee may not report to work other than telework in the following circumstances (the employee may be eligible for excused leave as outlined in Section (III) with any additional leave charged to applicable leave balances):
 1. The non-healthcare, non-critical employee has exhibited symptoms of COVID-19 and has not tested positive for COVID-19

An employee who has any known symptom of COVID-19 and is not a close contact must not report to work, until the below conditions are met:

- a. Their symptoms have resolved or if still with residual symptoms, then all are improving,
- b. They have been fever-free for at least 24 hours without the use of fever-reducing drugs; **and**
- c. They have received a lab-confirmed negative PCR (not rapid antigen) diagnostic test.

OR

- a. It has been at least 10 days since their symptoms began.

An employee who has any known symptom of COVID-19 and is a close contact must not report to work for at least 10 days from when their symptoms began, even if they test negative.

2. The non-healthcare, non-critical employee has tested positive for COVID-19

An employee who has tested positive through a COVID-19 diagnostic test must not report to work other than telework, until all of the conditions are met:

- a. It has been at least 10 days since their symptoms began, OR if

- asymptomatic, since a positive test result;
- b. They have not had a fever for at least 24 hours without the use of a fever-reducer; **and**
- c. Other respiratory symptoms (cough, shortness of breath) have improved.

3. The non-healthcare, non-critical employee has been in close contact with another person who had COVID-19

An employee who in the past 10 days, has been in close contact with anyone while they had COVID-19 may not report to work other than telework unless:

- a. The employee has been fully vaccinated **and**
- b. The employee has remained asymptomatic since the last COVID-19 exposure.

OR

- a. The employee is asymptomatic, **and**
- b. The employee's human resources department has confirmed, in writing, that the employee's physical presence in the workplace is critical to operations or safety of the workplace and has provided the employee with requirements for returning to work after exposure.

An employee who has any known symptom of COVID-19 and is a close contact must not report to work for at least 10 days from when their symptoms began, even if they test negative.

4. If the employee is a healthcare worker or other employee whose physical presence in the workplace is critical to operation or safety of the workplace.

The employee may return to work after five days following symptom onset, and/or positive test if:

- a. The employee is fully vaccinated; **and**
- b. The individual is asymptomatic, or, if they had mild symptoms, when they return to work they must:
 - Not have a fever for at least 72 hours without fever-reducing medication
 - Have resolution of symptoms or, if still with residual symptoms, then all are improving
 - Not have rhinorrhea (runny nose)
 - Have no more than minimal, non-productive cough (i.e., not disruptive to work and does not stop the person from wearing their mask continuously, not coughing up phlegm)

5. The employee developed a fever after receiving a vaccination for COVID-19

A non-healthcare, non-critical employee who develops a fever within three days after receiving a vaccination for COVID-19 may not report to work other than telework unless:

- a. The fever lasted less than 24 hours,
- b. The employee has been fever-free for the last 24 hours (without using fever-reducing medication), **and**
- c. The employee has not had any of the other COVID-19 symptoms listed above.

OR

- a. The fever lasted less than 24 hours,
- b. The employee has been fever-free for the last 24 hours (without using fever-reducing medication), **and**
- c. The employee has received a lab-confirmed negative PCR (not rapid antigen) diagnostic test.

OR

- a. It has been at least 10 days since their symptoms began;
- b. They have not had a fever for at least 24 hours without the use of a fever-reducer; **and**
- c. Any other symptoms have improved

If the employee is a healthcare worker or other employee whose physical presence in the workplace is critical to operation or safety of the workplace, the employee may return to work after five days if:

- a. This vaccine reaction is to their booster shot; **and**
- b. The individual is asymptomatic, or, if they had mild symptoms, when they return to work they must:
 - Not have a fever for at least 72 hours without fever-reducing medication
 - Have resolution of symptoms or, if still with residual symptoms, then all are improving
 - Not have rhinorrhea (runny nose)
 - Have no more than minimal, non-productive cough (i.e., not disruptive to work and does not stop the person from wearing their mask continuously, not coughing up phlegm)

6. The Employee developed other symptoms after receiving a vaccination that are consistent with vaccination

A non-healthcare, non-critical employee who develops other symptoms that are consistent with vaccination (fatigue, a headache, chills, muscle aches, joint pain, nausea or vomiting) within three days after receiving a vaccination for COVID-19 may not report to work other than telework until all of the conditions are met:

- a. Employees whose symptoms last three or fewer days may return to work when they are feeling well enough to work.

OR

- a. Employees whose symptoms last more than three days may return to work after:

- 1) Testing negative for COVID-19 using a PCR test (not a rapid antigen test) with improving symptoms.

OR

- 1) It has been at least 10 days since their symptoms began; and
- 2) All symptoms have improved.

If the employee is a healthcare worker or other employee whose physical presence in the workplace is critical to operation or safety of the workplace, the employee may return to work after five days following symptom onset, COVID-19 exposure, and/or positive test if:

- a. The vaccine reaction is to their booster shot); **and**
- b. The individual is asymptomatic, or, if they had mild symptoms, when they return to work they must:
 - Not have a fever for at least 72 hours without fever-reducing medication
 - Have resolution of symptoms or, if still with residual symptoms, then all are improving
 - Not have rhinorrhea (runny nose)
 - Have no more than minimal, non-productive cough (i.e., not disruptive to work and does not stop the person from wearing their mask continuously, not coughing up phlegm)

7. The employee is subject to a governmental or a healthcare provider's quarantine or isolation order.

- C. The employee may be eligible for Excused Leave as outlined in Section III with any additional leave charged to applicable leave balances.

III. Leave Policy

A. Excused Leave

1. General Provisions

- a. Excused leave at full pay under this Policy is available to an employee who is unable to work or telework without regard to length of service.
- b. Length of excused leave: Excused leave for an employee who tests positive with a COVID-19 diagnostic test shall be available until the employee is cleared to return to work as outlined in Section II above, such excused leave is not to exceed four workweeks (20 workdays); provided that an employee who remains hospitalized or in a rehabilitation facility shall continue to receive excused leave until ten workdays after the employee is released from the hospital or rehabilitation facility have passed. Employees who test positive within three months after recovering from the first COVID infection will not receive COVID-19 excused leave during that three-month period unless they have new COVID-19 symptoms.
- c. Except as set forth in subparagraphs “b” of this paragraph, effective April 1, 2021, all excused leave provided pursuant to this guidance is limited to a cumulative total of two work weeks in each calendar year while this guidance remains in effect.
- d. Part-time employees may receive excused leave for the number of bi-weekly hours that the employee was expected to work. Where expected hours cannot be readily determined, part-time employees may receive excused leave for the average number of bi-weekly hours that the employee worked over the six months preceding the leave.
- e. Excused leave under this Policy is in addition to existing rules and entitlement regarding leave, i.e. annual leave and sick leave.
- f. Agencies shall not require employees to charge absences to other accrued leave during the period of excused leave authorized by this policy.
- g. An eligible employee may utilize excused leave intermittently as agreed upon by the agency and the employee. This leave must be taken in full-day increments if the employee is not teleworking. Excused leave may be taken in partial-day increments if the employee is teleworking, or has been sent home by the agency, and by agreement between the employee and the agency.

- h. An employee may be required to submit medical documentation of the reason for sick leave if the absence is for more than three consecutive days.
- i. After the first workday (or portion thereof) that an employee receives excused leave under this Policy, the agency may require the employee to follow reasonable notice procedures to continue receiving excused leave.
- j. Employees who exhaust sick leave may be advanced additional sick leave at the discretion of the Agency Head. Until further notice, the provision of advanced sick leave does not require the employee to be a permanent employee or to have more than 10 years of service.

Employees who are able to telework under the conditions outlined in Section III (2) Excused Leave at Full Pay and Section III (3) Excused Leave at Partial Pay should do so. The employee must submit appropriate documentation of their condition to HR, as outlined in the respective Sections and confirmation from their supervisor that their work can be completed successfully.

2. Excused Leave at Full Pay for Exposure to or Diagnosis or Symptoms of COVID-19

An employee is eligible for excused leave at full pay as follows:

- a. An employee is eligible for excused leave at full pay for a maximum of four workweeks with a documented positive COVID-19 diagnostic test; except that an employee who is hospitalized or in a rehabilitation facility shall continue to receive excused leave during such care and for ten workdays after the employee is released from the hospital or rehabilitation facility. Employees who test positive within three months after recovering from the first COVID infection will not receive COVID-19 excused leave during that three-month period unless they have new COVID-19 symptoms
- b. An employee is eligible for excused leave at full pay for up to two workweeks, with any additional leave charged to applicable leave balances as follows:
 - i. The employee is exhibiting symptoms of COVID-19 but does not, at the time symptoms develop, have a positive COVID-19 diagnostic test. To be eligible for excused leave, an employee must provide documentation that they have exhibited symptoms of COVID-19 and that they sought diagnosis of COVID-19 with a COVID-19 diagnostic test within three days from symptom onset. Employees must use their own sick leave for

any additional time taken after receiving a negative COVID-19 test result or if they do not seek COVID-19 testing. **Please note, if the employee has a negative rapid antigen test, advise them they will need to confirm this negative result with a PCR test that is also negative before they can return to work.**

- ii. The employee is subject to a governmental quarantine or isolation order or healthcare provider's quarantine order and is unable to telework while observing the quarantine or isolation order.
 - iii. The employee has been exposed to COVID-19 and is seeking or awaiting the results of a diagnostic test for COVID-19. The employee must obtain documentation of the exposure, or, have been advised by a City agency responsible for testing and tracing or their own agency that they have been in close contact with someone who has tested positive and has to quarantine. Please note that employees who have had close contact exposure and have to quarantine as a result of that exposure cannot test out of quarantine early. They must complete the full quarantine regardless if they obtain a negative result from a PCR test before their quarantine period is complete.
3. Excused Leave at Partial Pay. Employees are eligible for twelve workweeks of excused leave at partial pay (two-thirds of the employee's regular rate of pay, not to exceed \$200 per day or a total of \$12,000), as follows:
- a. The employee is exhibiting symptoms of COVID-19 but does not, at the time symptoms develop, have a positive COVID-19 diagnostic test. To be eligible for excused leave, an employee must provide documentation that they have exhibited symptoms of COVID-19 and that they sought diagnosis of COVID-19 with a COVID-19 diagnostic test within three days from symptom onset. Employees must use their own sick leave for any additional time taken after receiving a negative COVID-19 test result or if they do not seek COVID-19 testing. **Please note, if the employee has a negative rapid antigen test, advise them they will need to confirm this negative result with a PCR test that is also negative before they can return to work.**
 - b. The employee is subject to a governmental quarantine or isolation order or healthcare provider's quarantine order and is unable to telework while observing the quarantine or isolation order.
 - c. The employee is caring for an individual subject to a governmental quarantine or isolation order and the employee must demonstrate that the individual depends on the employee for care and that they are unable to telework while caring for an individual under the governmental quarantine or isolation order.

- d. The employee is caring for an individual who has been advised by a licensed health care provider to self-quarantine either because of exposure to COVID-19 or because of heightened risk associated with exposure to COVID-19. The employee must provide documentation of the licensed health care provider's advice and must demonstrate that the individual depends on the employee for care and that they are unable to telework while caring for an individual in self- quarantine.

- e. The employee is caring for a son or daughter under the age of 18 years whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions. The employee must provide documentation that they are unable to telework while caring for the child. For childcare leave, the employee must provide documentation containing the following information:
 - i. Employee's name;
 - ii. Date(s) for which leave is requested;
 - iii. Qualifying reason for the leave;
 - iv. Oral or written statement that the employee is unable to work because of the qualified reason for leave (in this case care for a child);
 - v. The name and age of son or daughter being cared for;
 - vi. The name of the school, place of care or childcare provider that has closed or become unavailable;
 - vii. A communication from the school that provides the remote/hybrid learning schedules for the child, if applicable; and
 - viii. A representation that no other suitable person will be caring for the child during the period of the leave.

- g. An eligible employee may utilize leave at partial pay intermittently as agreed upon by the agency and the employee. This leave must be taken in full-day increments if the employee is not teleworking. Excused leave may be taken in partial-day increments if the employee is teleworking, or has been sent home by the agency, by agreement between the employee and the agency.

B. Leave for Vaccine Reactions (including boosters)

1. Employees who exhibit a cough, shortness of breath, runny nose, congestion, sore throat or loss of taste must follow the existing COVID-19 leave policy outlined above.
2. Employees who exhibit any other symptoms that are consistent with vaccine side effects (fever, headache, chills, muscle aches, joint pain, nausea or vomiting) are eligible for excused leave as follows if symptoms develop within three days after receiving the vaccine:

1. Fever

- a. Employees who exhibit a fever lasting less than 24 hours after receiving the vaccine are eligible for excused leave at full pay for up to two workdays.
- b. Employees who exhibit a fever lasting more than 24 hours after receiving the vaccine are eligible for excused leave for up to two workweeks.
- c. To be eligible for excused leave at full pay, employees who stay out of work for more than three consecutive days must provide documentation showing they sought a COVID-19 diagnostic test during their leave and the date they received their test results. Employees must use their own sick leave for any additional time taken after receiving a negative test result or if they do not seek diagnostic testing.

2. Fatigue, a headache, chills, muscle aches, joint pain, nausea or vomiting

- a. Employees who exhibit fatigue, a headache, chills, muscle aches, joint pain nausea or vomiting (and no fever) after receiving the vaccine and are not feeling well enough to work are eligible for excused leave at full pay for up to two workweeks.
- b. To be eligible for excused leave at full pay, employees who stay out of work for more than three days must provide documentation showing they sought a COVID-19 diagnostic test during their leave and the date they received their test results. Employees must use their own sick leave for any additional time taken after receiving a negative test result or if they do not seek diagnostic testing.

3. Other side effects

- a. Employees who exhibit other symptoms that are consistent with vaccine side effects are eligible for excused leave at full pay for up to two

workdays. Employees must use their own sick leave for any additional time taken.