UC San Diego Health

UC San Diego
HEALTH SCIENCES

Health HR Guidance on COVID-19 Related Leaves, UC Job Protections, Workplace Concerns, and Telecommuting

The health and well-being of our employees continue to be our foremost priority during the COVID-19 pandemic. As we continue to navigate the COVID-19 situation, we are pleased to provide updated information regarding recent announcements concerning the University of California (UC) COVID-19 leave programs and job protections. Below is a summary of these announcements:

- On March 16, 2020, President Napolitano issued an executive order whereby eligible employees would receive a "*one-time allotment of up to 128 hours of paid administrative leave*," subject to specific conditions;

- On March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was signed into law, which created two new emergency paid leave programs – the Emergency Paid Sick Leave Act (EPSLA), and the Emergency Family and Medical Leave Expansion Act (EFMLEA)*. **Please note that the EFMLEA provisions of the act exclude healthcare workers. All employees assigned to Health System and Health Sciences (School of Medicine, School of Public Health, and Skaggs School of Pharmacy are designated as healthcare workers by the University of California and are excluded from the EFMLEA.***

- On April 2, 2020, President Napolitano and the ten Chancellors issued a job protections letter;

- UC San Diego campus social distancing guidelines extended through May 15, 2020.

The health care services and programs provided by UC San Diego Health (UCSDH) enhance the lives of patients and residents of the community in many ways. UCSDH delivers medical care to those in need, as well as programs and services that promote health and healing in response to identified community needs. UCSDH must continue to operate and provide care to patients during the COVID-19 emergency. Some new roles and functions have been created in response to COVID-19, as well as gaps in staffing due to school closures, illness, etc. As such, UCSDH will redeploy employees as required to perform other roles, and everyone's help in filling critical gaps is appreciated.

Due to specialized training, licensure, certification requirements, and unique access needed for certain software systems, Health System labor pools are not redeploying Health Sciences staff at this time. This is subject to change should the COVID-19 pandemic cause a significant interruption to the Hospital's functioning that would elevate the current level of emergency. Health Sciences staff in need of alternative assignments due to lack of work may explore other options via the UCSD Work Opportunity Clearinghouse.

Summary of COVID-19 Leaves

	UC COVID-19 Paid Administrative Leave	FFCRA Emergency Paid Sick Leave (EPSL)
Key Information		
Allotment	Full-Time Employees: 128 Hours Part-Time Employees: Prorated by appointment percentage	Full-Time Employees: 80 hours Part-Time Employees: 2 work week equivalent
Time Period for Use	March 1 – December 31, 2020	April 1 – December 31, 2020
EcoTime Leave Code	"Admin Leave – COVID-19"	Currently in Development
Leave Usage	Leave may be used in full day increments for exempt employees and intermittently (e.g., hourly increments) for non-exempt employees	Employees may only take EPSL as a block leave
Eligibility	UCSDH/UCSDHS employees who have been impacted by COVID-19 are eligible, regardless of their length of employment or appointment type.	
COVID-19 Eligibility Reasons		
An Employee is unable to work due to own COVID-19 related illness	✓	✓
An Employee is unable to work because they are experiencing COVID-19 symptoms and seeking diagnosis	✓	✓
An Employee is unable to work due to family member's COVID-19 related illness	✓	✗
An employee is unable to work because they were directed not to come to the worksite (e.g., stay-at-home orders) for COVID-19 related reasons and telecommuting is not operationally feasible	✓	✗
An employee is unable to work due to self-quarantine and/or isolation orders, and telecommuting is not operationally feasible	✓	✓
An employee is unable to work due to COVID-19 related school or daycare closure which requires the employee to be at home with a child or dependent and it is not operationally feasible for the employee to work in conjunction with childcare commitment	✓	✗
Other substantially similar condition specified by the Health and Human Services Secretary	✗	✓

The answers to the below FAQs will be updated as the COVID-19 situation evolves. New and updated FAQs are noted in red.

Contents

This Table of Contents is linked. To view information on a specific topic, simply click on one of the subjects below:

UC COVID-19 Paid Administrative Leave

1. What alternatives should be considered before using the Paid Administrative Leave?

Telecommuting or assignment to the labor pool (discussed later in this document) should be the primary consideration before authorizing the use of paid administrative leave.

2. *NEW:* Is an employee required to exhaust or use the paid administrative leave even though they have work that can be performed through their normal work assignment?

No. The UC Executive Order states that the paid administrative leave may be used for specific COVID-19 related reasons (e.g., lack of work due to suspended operations, etc.). Employees are required to work to the fullest extent they can before requiring the use of paid administrative leave.

3. *NEW:* If an employee is unable to work due to COVID-19 related reasons, are they required to use the Paid Administrative Leave and EPSL in a specific order?

Employees can choose the order in which they use COVID-19 leaves, and any other paid leave accruals.

4. Under what circumstances should supervisors consider authorizing the Paid Administrative Leave?

The use of paid administrative leave shall not adversely affect the delivery of essential university services, including, in particular, the clinical services delivered by UCSDH. If the employee cannot telecommute, and alternative work within the unit is not available, and the labor pool is full, then the supervisor should authorize the paid administrative leave.

5. Is a form required to use the Paid Administrative Leave?

No. Requests to use the paid administrative leave for COVID-19 related circumstances should be discussed with supervisors for approval.

6. Is an employee required to provide documentation to take the Paid Administrative Leave?

Under local regulations, and guidance from the UC Office of the President, we will not require documentation for absences related to COVID-19.

7. Is a positive COVID-19 test required to use the Paid Administrative Leave?

No.

8. Can the paid administrative leave be taken intermittently?

Yes. Intermittent leave is a series of absences, separated by days during which the employee is at work. Non-exempt employees may take administrative leave in hourly increments, while exempt employees take the leave in full days.

9. If an employee exhausts the Paid Administrative Leave and cannot return to work due to COVID-19 related reasons, can the employee go on "leave without pay" instead of using accrued vacation, sick leave, comp time, or other COVID-19 leaves?

No. Employees must use all forms of available paid leave before going on unpaid status due to COVID-19 related reasons.

10. Can the Paid Administrative Leave be used for a non-COVID-19 related injury or illness?

No. Standard policies and procedures apply.

11. *Updated:* **Can an employee use the Paid Administrative Leave if they are unable to work due to personal or business post-travel precautions (e.g., COVID-19 self-isolation orders), and telecommuting is not operationally feasible?**

Yes. The new EPSL also covers this situation.

12. **Can the Paid Administrative Leave be used due to a lack of volume/work due to COVID-19?**

Yes, if alternative assignments in the unit are not available in the labor pool, and telecommuting is not an option.

13. *Updated:* **How is the paid administrative leave calculated for per-diems?**

A lookback of actual time worked in the periods defined below:

- January 1, 2020 – February 29, 2020, for monthly
- January 12, 2020 – March 7, 2020, for bi-weekly

Supervisors and employees can verify the allotment of paid administrative leave hours in EcoTime under employee leave balances.

14. *Updated:* **How are the 128 hours calculated for less than full-time (1.0) career employees?**

The allotment is prorated according to the employee's appointment percentage. The UC Office of the President recently issued an official interpretation in this regard. Therefore, COVID-19 Admin Leave hour balances in EcoTime will be adjusted accordingly.

15. **For Health System employees, are COVID-19 related absences counted as occurrences under UCSDH Policy 670.1 Work Time Attendance?**

No.

FFCRA Emergency Paid Sick Leave (EPSL)

16. *New:* **Does EPSL need to be taken in one continuous block of time, or can it be used intermittently?**

Employees may only take EPSL as a block leave.

17. *New:* Is a form required to use EPSL provided under the FFCRA?

Yes. Employees will need to complete the EPSL Request Form to specify pertinent information that may include the name of the physician provider to determine eligibility for an FFCRA leave. The signed form should be returned to the supervisor for final approval.

18. *New:* How is the EPSL leave reported?

This leave code is currently in development and should be available in EcoTime for use before May 2, 2020.

19. *New:* What is the maximum amount of hours an employee can take under EPSL?

The total number of hours for which an employee can take EPSL is capped at 80 hours for full-time employees and the number of hours equal to the average number of hours over a typical two-week period for part-time employees.

20. *New:* How is the EPSL allotment calculated for part-time employees and per-diems?

The allotment is calculated based on the average number of hours the employee is typically scheduled to work in a two week period. If the regular hours scheduled are unknown, or if the part-time employee's schedule varies, a six-month average can be used to calculate the average daily hours.

If this calculation cannot be made because the employee's regular hours typically scheduled are unknown, and the employee has not been employed for at least six months, the allotment should be prorated according to the employee's appointment percentage.

Job Protection

21. *New:* Does the April 2, 2020, letter regarding job protections apply to all UC faculty, academic appointees and staff, or are there exceptions?

This applies to all current academic and career staff employees. Career staff employees are defined as working a fixed or variable percentage of time at 50 percent or more of full-time, and the position is expected to continue for a year or more. All academic appointees, including faculty, both full- and part-time, are covered. Those excluded are Casual Restricted, Floater, Limited, and Per Diem employees.

22. _New:_ Does the April 2, 2020, letter apply to student employees?

Yes, this applies to some student employees, including but not limited to Academic Student Employees, Graduate Student Researchers, and students in career staff positions. Students on work-study will continue to receive financial aid during this time. Supervisors are instructed to do all they can to find work-study jobs for these students.

23. _New:_ What does the April 2, 2020, letter mean if employees are unable to work?

In some circumstances, career employees will receive normal pay through June 30, 2020. Employees are expected to work to the fullest extent that they can, which includes redeployment to another assignment they are capable of doing. Managers should prioritize available work for career staff by not utilizing contract labor and only schedule per-diems when absolutely necessary.

24. _New:_ Does the April 2, 2020, letter provide pay continuation through June 30, 2020?

An employee may be eligible for pay continuation through June 30, 2020, subject to the following conditions:

I.   The employee is a current career staff or academic appointee (including faculty, researchers, and students employed in academic positions);

II.   The employee was directed not to work on-site by the department because of facility closures, curtailed operations, or other disruptions due to COVID-19, and telecommuting is not operationally feasible;

III.   The employee must have used all of the COVID-19-related paid leave options that they are eligible to use (e.g., Paid Administrative Leave and EPSL) and have not refused an assignment they are capable of working;

IV.   The employee must use 40 hours of accrued vacation or comp time (not sick). If accrual balances are less than 40 hours, the employee must exhaust remaining available leave accruals (not sick).

Employees will not be eligible for pay continuation if they do not satisfy all of the requirements stated above. Career employees who do not satisfy requirements iii and iv above will be required to use their own accruals as appropriate before being placed on an unpaid leave of absence if they are still not able to work on site or remotely in any capacity.

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UC San Diego Health HR

In some situations, pay continuation may end sooner than June 30, 2020. These are generally situations related to the normal course of business. For example:

- Employees with appointments or employment contracts that expire before June 30 will be subject to the current terms and conditions of their appointments or employment contracts;

- Employees on research contracts or grants will be subject to the current terms and conditions of their appointments or employment contracts if the contract or grant funding expires or is depleted before June 30, 2020;

- There may be reductions in hours, and in some cases staff, as a part of the University's typical student and career employee summer staffing and clinical workforce adjustments. For example, if an employee's work hours or pay are typically seasonally adjusted before June 30, 2020, those adjustments will still occur.

25. *New:* What happens if an employee refuses an assignment they are capable of working?

The employee will be required to use available vacation and/or comp time or go on an unpaid leave of absence. If an employee refuses to work when work is available, the supervisor should consult with Health HR Employee Relations.

26. *New:* What happens after June 30, 2020?

Should this be necessary, UCSDH will engage appropriate stakeholders to consider appropriate measures that ensure the best possible stewardship of our workforce.

27. *New:* Are new employees being hired during this time?

Effective immediately, UCSDH has implemented a vacancy management program. UCSDH is not in a hiring freeze as hiring and onboarding continue for critical positions necessary for the COVID-19 pandemic. Instead, this program helps ensure financial stewardship and enables UCSDH to consider redeployment opportunities for colleagues who may benefit from being reassigned.

28. *New:* What does it mean to "redeploy"?

This means utilizing employees whose regular work assignments are not available and reassigning them to other departments or clinical units who are in need.

Labor Pool

29. What is the Labor Pool?

The labor pool is a source of available staff from which clinical needs are filled on an inpatient and ambulatory basis. For additional information on the labor pool process, please visit the [Pulse intranet](#) site and click on the "Ambulatory & Inpatient Labor Pool Operations" guide under the "Labor Pool" section.

Health Concerns/Possible Exposures

30. *Updated:* When can an employee return to work after calling out sick for COVID-19 like symptoms or have tested positive for COVID-19?

Given the seriousness of the COVID-19 pandemic and the need to create a safe environment for our employees and patients, employees are to follow the return to work protocols outlined in the "[Employee Testing, Exposure and Return-to-Work Guidelines.](#)" Employees who test positive for COVID-19 at an outside facility (e.g., Kaiser, Sharp, etc.) are required to self-report to the Center for Occupational and Environmental Medicine (COEM), as described in the "[CEO and CMO Message: Reporting of Employee Test Results.](#)"

31. *Updated:* Can an employee with no medical work restrictions refuse available work assignments because they fear COVID-19 infection?

Health/Health Sciences employees are critical to UCSDH's operations and the ability to provide care to patients during the COVID-19 pandemic. If telecommuting is not operationally feasible due to the nature of work, employees and supervisors should work together to ensure that UCSDH infection control precautions and protocols are followed. Employees who refuse an assignment they are capable of performing negate the job protection benefits discussed in FAQ # 24.

32. *Updated:* What options are available for employees who have medical work restrictions due to autoimmune or other conditions that may make them more medically sensitive to a COVID-19 infection?

Employees may telecommute if operationally feasible. If telecommuting is not operationally feasible, an employee can use the paid administrative leave without requiring a physician statement. Should the request for time off extend past the 128 hours, the employee will need to provide a work status note to their supervisor to determine appropriate next steps.

33. *Updated:* Can an employee refuse available work assignments because they have concerns about a family member's autoimmune or chronic condition that may make them more medically sensitive to a COVID-19 infection?

Health/Health Sciences employees are critical to UCSDH's operations and the ability to provide care to patients during the COVID-19 pandemic. If telecommuting is not operationally feasible due to the nature of work, employees and supervisors should work together to ensure that UCSDH infection control precautions and protocols are followed. Employees who refuse an assignment they are capable of performing negate the job protection benefits discussed in FAQ # 24.

34. What resources are available for employees who are experiencing fear and anxiety?

The Pulse intranet site lists available emotional support resources, including but not limited to, Optum Health (our Employee Assistance Program provider) and the HEAR Program.

35. Are there any precautionary measures that need to be taken for employees returning from personal or business-related travel?

The CDC issued travel guidance and precautions for travelers returning from specific locations. An updated list of these locations is available on the CDC website.

Workers' Compensation and Disability

36. Is an employee who is exposed to COVID-19 at work entitled to workers' compensation benefits?

Workers' compensation temporary disability benefits are available to employees who are injured or become ill as a result of their work. The decision about work-related causation may be delayed up to 90 days, while UCSDH's workers' compensation carrier, Sedgwick, determines if the exposure occurred in the course and scope of employment.

Leave Exhaustion Options

37. How does an employee request Catastrophic Leave?

Policy information, required forms, and information about applying for Catastrophic Leave is available at the Blink website. Employees applying for Catastrophic Leave may submit their forms to Health HR using the HHR website "Contact Us" option.

38. How does an employee donate to catastrophic leave?

Donation information and forms are available on the [Blink website](). Eligible donors may submit their forms to Health HR using the [HHR website]() "Contact Us" option.

39. Are there additional benefits that employees may be entitled to outside of UCSDH specific programs?

California's unemployment benefits are expanded to address the impact of COVID-19. Information is available on the [EDD website]().

40. Who determines eligibility for EDD?

EDD representatives determine eligibility on a case-by-case basis.

Telecommuting

Telecommuting is a critical tool for reducing the spread of sickness by minimizing face-to-face contact and maintaining business continuity. These temporary telecommuting arrangements are expected to end by May 15, 2020. UCSDH will continue to monitor guidance from health officials and the need for remote work arrangements; this date may be extended if necessary. If the date above is extended, an employee and supervisor will not need to complete a new Temporary Telecommuting Agreement. All temporary telecommuting individuals should anticipate returning to regular, in-office work at any time. This is a temporary measure only and will be reviewed continuously during the COVID-19 response period and does not change any other terms and conditions of an employee's employment.

41. Who is eligible to telecommute?

For Health System staff and students, department leadership in conjunction with the Executive Team member determine which positions are critical and non-critical for purposes of telecommuting eligibility. For Health Sciences staff and students, Chairs/DBOs determine eligibility. When approving telecommuting, a primary consideration for an approval is the supervisor's ability to monitor productivity and quality of work.

42. Which positions are considered to be critical and not eligible for this temporary program?

Positions that require direct patient care, support patient care, business continuity, or that rely on specific equipment or supplies to work on-site are considered critical. Examples of critical positions include, but are not limited to, healthcare workers, patient service support staff, security agents, positions that support the daily operations of the health system, and other

employees that provide critical services to the Health Enterprise.

43. If approved, what is the process to document temporary Telecommuting agreements?

There are two steps to this process, and both must be completed:

1. For approved temporary telecommuting, complete the [UC San Diego Telecommuting Agreement](#) and the [Home Office Safety Checklist](#). These forms are to be kept within the department.

2. After completing the above, the employee name, department, and approver must be submitted to Health Human Resources via the following submission form [COVID-19 Temporary Telecommuting Program Reporting](#). No further HHR approval is required after completing step two.

44. What happens if an employee was already approved for telecommuting before the COVID-19 temporary telecommuting program began?

The temporary telecommuting program in response to the COVID-19 pandemic does not change pre-COVID-19 approved agreements. Supervisors may approve additional telecommuting hours verbally without the need to complete a new agreement.

45. Do supervisors have to physically inspect an employee's temporary telecommuting location?

No.