

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

As we continue to navigate the COVID-19 pandemic, we are providing updated information regarding COVID-19 leaves, Workplace Concerns, and Telecommuting. The information below is as of **July 10, 2020**. Information is subject to change at any time. If you have specific questions not explicitly addressed in the information below, please contact [Health HR \(HHR\)](#).

The health care services delivered by UC San Diego Health (UCSDH) enhance the lives of patients and residents of the community in many ways. UCSDH must continue to provide outstanding patient care during this time. 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, 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](#).

[Return-to-Work Protocol/Extended Telecommuting Date](#)

Over the past week, we've observed a significant increase in COVID-19 cases and community outbreaks of COVID-19 in San Diego County. We anticipate that we will continue to see this viral infection in our patients, employees, and communities until a vaccine is available. Our employees' well-being remains a top priority. With that goal, telecommuting remains a critical tool for reducing the spread of sickness by minimizing face-to-face contact and maintaining business continuity. The record increase of outbreaks requires re-evaluation and careful consideration of the work that has been done on UCSDH's return-to-work protocols and physical distancing guidelines. Out of an abundance of caution and to prevent the spread of infection - temporary telecommuting arrangements have been extended through **September 30, 2020**. During this time, HHR and key partners will continue to review our return-to-work strategy. We recognize that some departments may need to return to the office sooner. Managers are reminded to consult with Health Employee Relations if they have a critical need to return employees before September 30, 2020. UCSDH remains committed to enforcing and maintaining a work environment that complies with applicable laws and regulations.

Summary of COVID-19 Leaves

	UC Paid Administrative Leave	FFCRA Emergency Paid Sick Leave (EPSL)
Authority	President Napolitano Executive Order	FFCRA
Benefit	Full-Time Employees: 128 Hours Part-Time Employees: Prorated by appointment percentage	Full-Time Employees: 80 hours Part-Time Employees: Typical 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”	“Sick-FFCRA ESL COVID19”
Approval Process	Supervisor Approval – No form required	Supervisor Approval and EPSL Request Form
Leave Usage	Exempt employees use in full day increments. Non-exempt employees may use intermittently (e.g., hourly increments)	Exempt employees use in full day increments. Non-exempt employees may use intermittently
Eligibility	UCSDH/UCSDHS employees who have been impacted by COVID-19 are eligible, regardless of their length of employment or appointment type	
Employee is unable to work due to own COVID-19 related illness	✓	✓
Employee is unable to work because they are experiencing COVID-19 symptoms and seeking diagnosis	✓	✓
Employee is unable to work due to family member’s COVID-19 related illness*	✓	✗
Employee is unable to work because they were directed not to come to the worksite (e.g., lack of work, curtailed operations) for COVID-19 related reasons*	✓	✗
An employee is unable to work due to self-quarantine and/or isolation orders*	✓	✓
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 *	✓	✗
Other substantially similar condition specified by the Health and Human Services Secretary	✗	✓

*** Telecommuting should be the primary consideration before authorizing the use of leave, if it is operationally feasible.**

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

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General COVID-19 Leave FAQs

1. Will UC health benefits continue for employees on any of these paid leaves?

Yes, employees will continue to have any existing health benefits while on paid leave.

2. Will employees on paid leave related to COVID-19 (i.e., UC Expanded Paid Administrative Leave, EPSL, etc.) continue to accrue service credit for purposes of UCRP and continue to accrue vacation and sick leave, if applicable?

Yes, employees on paid leave will continue to accrue vacation and sick leave, as well as service credit for purposes of UCRP, as they normally would while on pay status.

3. NEW: With COVID-19 increased workloads and restrictions on travel, are policy covered employees able to obtain an exception to their vacation accrual maximum?

Under the [Absence from Work Policy](#) (PPSM-2.210), policy-covered staff who reach the maximum accrual stop earning vacation leave until their balance falls below the maximums. On June 29, 2020, President Napolitano approved a temporary suspension of the vacation max cap retroactively from June 1 through December 31, 2020. The extension will be applied automatically through UCPath.

(Continued)

Eligible employees will continue accruing vacation leave through December 31, 2020, even if they are over their maximum accrual. On January 1, 2021, policy-covered staff who are over their maximum accrued vacation leave will no longer accrue additional leave until they bring their vacation balance below the maximum. Represented employees will continue to follow the terms under their applicable collective bargaining agreement.

4. 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 any specific order?

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

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

No. Both UC and federal regulations provide leave protection for employees experiencing COVID-19 symptoms and/or seeking diagnosis regardless of the outcome.

6. NEW: What types of leaves can an employee use if they are being tested for COVID-19 and seeking a medical diagnosis?

Symptomatic Employees: An employee who is experiencing symptoms of COVID-19 and is seeking a medical diagnosis from a health care provider may use sick leave or COVID-19 related leaves (e.g., UC Paid Administrative Leave, EPSL, etc.).

Asymptomatic Employees/Routine Testing: An employee who is not experiencing symptoms of COVID-19, but is being tested on a pre-cautionary basis may not use COVID-19 related leaves. However, UCSDH has authorized the use of one (1) hour Paid Administrative Leave for this type of testing.

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

No.

UC COVID-19 Paid Administrative Leave

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

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

No. Standard policies and procedures apply.

15. 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.

16. 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.

17. How is the paid administrative leave calculated for per-diem and variable hour employees (e.g., less than 1.0 time-base)?

The number of hours for employees who work less than full-time shall be prorated according to their appointment percentage. If the employee's regular schedule (before COVID-19) varies greatly from appointment percentage, actual hours worked during the lookback period will be used to determine proration.

Lookback period:

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

For Health System, the "Employee Balances" page in EcoTime will show the COVID-19 Admin Leave allotment.

For Health Sciences/Campus EcoTime, the "Employee Balances" tab will show the total amount of COVID-19 Admin Leave the employee has used to date. Supervisors will need to monitor and manage usage.

FFCRA Emergency Paid Sick Leave (EPSL)

Although employers may exempt health care workers from taking both EPSL and EFML, the UC has determined that Health and Health Sciences (School of Medicine, School of Public Health, Student Health, and Skaggs School of Pharmacy) employees are eligible to take EPSL for certain reasons as stated in the table above regarding COVID-19-related leaves. Health and Health Sciences employees do not qualify for EFML.

Health and Health Sciences employees are still able to access other leaves that they may be eligible for, including UC Paid Administrative Leave, vacation, and comp time.

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

Exempt employees use in full-day increments. Non-exempt employees may use intermittently.

19. 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.

20. How is the EPSL leave reported?

EPSL is reported in EcoTime using the "Sick-FFCRA ESL COVID19" exception code.

21. Can an employee use EPSL if a health care provider has advised them to self-quarantine due to COVID-19 related concerns?

Yes. EPSL may be used if the health care provider believes that the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19, and self-quarantining prevents the employee from working. A physician's statement is not required to use EPSL.

However, if it is operationally feasible for the employee to telecommute, and there are no extenuating circumstances, such as COVID-19 severe symptoms that prevent the employee from working, then EPSL may not be used for this reason.

22. 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.

23. How is the EPSL allotment calculated for part-time employees and per-diem?

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.

Labor Pool

24. 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.

25. Can an employee call out from their home department using COVID-19 leave benefits and then volunteer to pick up assignments in the Labor Pool?

No. Employees should only request assignments from the Labor Pool when authorized to do so by their supervisor. An employee that calls out from their home department and then volunteers for the Labor Pool may negate their eligibility for certain pay benefits.

Health Concerns/Possible Exposures

26. 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.”](#)

27. 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.

28. 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.

29. What happens if an employee refuses an assignment they are capable of working?

If an employee refuses to work an assignment they are capable of performing, the supervisor should consult with [HHR Employee Relations](#).

30. 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 COVID-19 related leaves, vacation, sick leave, and comp time. (Note: EPSL requires [approved EPSL request form](#)). If an employee has exhausted these leave options, the employee should contact [HHR](#) for further assistance.

31. 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.

32. 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

33. 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.

Telecommuting

Updated: 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 **September 30, 2020**. UCSDH will continue to monitor guidance from health officials and the need for remote work arrangements. 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 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.

34. As UCSDH resumes deferred operations and stay at home orders are lifted, will guidance be provided on return to work protocols for non-clinical areas (e.g., administrative office spaces)?

The health and well-being of our employees continue to be our foremost priority during the COVID-19 pandemic. Returning employees to the workplace won't be as simple as announcing a return-to-the-workplace date and carrying on business as usual. Not only will many departments be altered initially, but some changes may also be long term, depending on the evolving COVID-19 situation and continued social distancing efforts.

The details of each department's plan to return will look different. However, UCSDH is currently analyzing critical issues concerning this topic and will provide further guidance over the next several months.

35. 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 approval is the supervisor's ability to monitor productivity and quality of work.

36. 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.

37. 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.

38. 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.

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

No.