

**CORONAVIRUS DISEASE 2019 (“COVID-19”)
GUIDANCE FOR COUNTY EMPLOYEES
FREQUENTLY ASKED QUESTIONS
APPLICABLE UNTIL FURTHER NOTICE**

SUBJECT TO UPDATE AND EXTENSION-Version 10

The County values its employees and understands that the COVID-19 crisis may be creating a difficult and stressful situation for employees’ work and personal lives. The County is committed to providing employees with as much information as possible to help navigate a variety of uncertainties, and has developed guidelines, procedures and responses to frequently asked questions below.

If questions arise that are not answered below, please contact your Department Human Resources Manager (HR). Given the fluidity of the situation, the procedures described below are subject to change. This guidance will be updated as additional information becomes available.

Please note that the County is following State and Federal guidelines to promote a safe workplace during the COVID-19 crisis. Just as we are committed to our employees, as a local government, we are also committed to providing critical health and safety services to Orange County’s citizens.

Information distributed to employees will be maintained at the COVID-19 Employee Information Site at: <http://www.ocgov.com/gov/ceo/covid19employeeinfo> for future reference. In addition, an email address has been established for employee questions (CEOCOM@ocgov.com). Responses to the questions will be provided to all County employees and may be incorporated into future updates of this document.

FREQUENTLY ASKED QUESTION TOPICS

New and Updated Questions

New and updated questions are included under the appropriate Topic

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IV. Time Sheet Coding and Leave Usage Questions Updates

7. *My child's school is giving me a choice between having my child attend in person or participate in a remote learning program for the fall. I signed up for the remote learning alternative because, for example, I worry that my child might contract COVID-19 and bring it home to the family. Since my child will be at home, may I take paid leave under the FFCRA in these circumstances?*
 9. *How do employees code absences that are a result of COVID-19? (updated 9/29/20)*
 10. *Should Administrative Managers who work more than 80 hours in a pay period in response to COVID-19 post management overtime (SOT) on their timesheets? (updated 9/29/20)*
 11. *Will I be impacted by the newly enacted Families First Coronavirus Response Act (FFCRA)? (updated 9/29/20)*
 12. *What is California Assembly Bill 1867, and how does it affect the use of supplemental paid sick leave for COVID-19 related absences from work?*
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I. Medical Information and Questions

1. *If an employee is concerned that they may have symptoms consistent with COVID-19, what should they do? (updated 8/24/20)*

The employee should stay home and follow normal call-out procedures. If an employee begins to feel sick while at work, they should contact a supervisor about the possible need to go home as they would with any other illness. Employees should contact their primary care provider regarding their symptoms. Employees are to contact Employee Health at (714) 565-3780 to report a diagnosis of COVID-19.

2. *During a pandemic, how much information may a supervisor or manager request from employees who display or report symptoms? (updated 4/20/20)*

Because a pandemic has been declared, employers may ask employees if they are experiencing symptoms such as coughing, fever, or shortness of breath. Employers must treat all information about employee illness as confidential. In general, supervisors and managers are advised not to ask employees if they have COVID-19, although an employee may volunteer it. If there are specific concerns that an employee has a diagnosis of COVID-19 and has not disclosed it, HR should be contacted.

3. *If an employee has symptoms consistent with COVID-19, can management ask the employee to leave work? (Updated 5/15/20)*

Yes. If an employee is displaying symptoms consistent with COVID-19, they may be asked to leave work.

Employers must provide employees with a workplace that is safe and free from recognized hazards. Employers should require an employee to leave work if the employee displays or discloses symptoms consistent with COVID-19. According to the Center for Disease Control (CDC), symptoms include cough, shortness of breath or difficulty breathing, *Or at least two of these symptoms:* fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell. To confirm which symptoms require an employee to leave work, contact Employee Health Services at (714) 565-3780.

Importantly, managers and supervisors must be consistent in their approach and apply objective criteria to their decision when sending employees home. In other words, departments should take care not to make decisions that are or appear discriminatory based on illegitimate or non-relevant considerations.

4. *If an employee has COVID-19, can they be required to leave work?*

Yes. If an employee has a medical diagnosis of COVID-19, the employee must be required to leave the workplace. In light of the health risks posed by COVID-19, permitting an employee with the virus to be at work could threaten the health and safety of other employees.

In addition, if an employee is required to leave work, HR should be contacted to ensure the employee is afforded their due process rights where applicable.

5. *If an employee believes a coworker is displaying symptoms consistent with COVID-19, what should they do? (updated 8/24/20)*

The employee should notify a supervisor or manager so the situation can be assessed by Human Resource Services (HR). If an employee is displaying symptoms consistent with COVID-19, they may be asked to leave work.

6. *If there is a confirmed or likely case of COVID-19 in the workplace, will employees who have had direct contact be notified? (updated 8/24/20)*

Yes. Agency HR teams and County supervisors/management are to notify EHS of any reported employee cases of COVID-19. EHS will identify employees who had close contact (within six feet for 15 minutes or more) with a reported COVID-19 case in the workplace. Employees who were in close contact with a reported case of COVID-19 will be notified by EHS and provided directions to follow. Some employees may be ordered to self-quarantine by EHS. Employee medical information is confidential, so the identity of the reported or likely COVID-19 diagnosed employee will only be disclosed on a need-to-know basis.

7. *If there is a confirmed or likely case of COVID-19 in the workplace, will all potentially exposed employees automatically be sent home? (updated 8/24/20)*

No. Per the County Health Officer's amended Health Order (revised July 14, 2020) individuals who know that they have been in close contact, as defined below, or are notified by EHS of direct exposure, with a person diagnosed with or likely to have COVID-19 must take the following actions:

Quarantine themselves in their home or another residence until 14 days from the last date that they were in close contact with a person that has been diagnosed with or likely to have COVID-19. They may not leave their place of quarantine except to receive necessary medical care or to obtain such other goods or services necessary for their basic subsistence.

Close contact refers to any person who has been within 6 feet of an infectious COVID-19 positive person for 15 minutes or more. A person who is diagnosed with or likely to have COVID-19 is considered infectious from 48 hours before his or her symptoms first appeared until the person is no longer required to be isolated. For more information please review the OC Health Officer's Orders and Recommendations that can be found here: <https://occcovid19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

This self-quarantine SHALL NOT APPLY to health care providers and emergency responders, as defined by the U.S. Department of Labor (see Question 56 and 57, respectively, available at <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>).

8. *Can an employee who does not display symptoms of COVID-19, but is at high risk of having it due to travel, be asked or required to leave work? (updated 6/2/20)*

Because transmission is now widespread, employees will no longer be excluded due to travel history.

9. *When should an employee with COVID-19, or symptoms consistent with it, be allowed to return to work? (updated 8/24/20)*

In accordance with CDC guidelines, persons with COVID-19 who have symptoms and were directed to care for themselves at home may discontinue home isolation under the following conditions:

At least 3 days (72 hours) have passed *since recovery* - defined as resolution of fever without the use of fever-reducing medications and improvement in respiratory symptoms (e.g. cough, shortness of breath or difficulty breathing, *Or at least two of these symptoms*: fever, chills, repeated shaking with chills, muscle pain, headache, sore throat, new loss of taste or smell, shortness of breath); and,

At least 10 days have passed *since symptoms first appeared*.

An employee who has not been tested, but has experienced symptoms consistent with COVID-19, should follow the above guidance.

Employees are to consult with their medical provider to determine when it is safe to return to work. If the employee has taken leave under the Family Medical Leave Act (FMLA) due to COVID-19, consult with HR about the necessary medical clearances to return to work.

10. *When can an employee who did not display symptoms of COVID-19, but was compelled to leave work due to risk of exposure, be allowed to return? (updated 8/24/20)*

EHS will provide notice to employees compelled to leave work due to exposure in the workplace. EHS will indicate on the notice when an employee may return to work if the employee remains symptom free during the entire quarantine period.

If an employee develops COVID-19 symptoms during a quarantine period, the employee is not to return to work. The employee is to contact his/her personal physician for further guidance on when it is safe to return to work.

11. *What if an employee does not want to return to work because they have a compromised immune system or other medical condition potentially putting them at high risk of COVID-19 infection?*

Departments should engage in the interactive process with such employees. Employees who disclose a pre-existing medical condition, including an underlying health condition or compromised immune system, may request a reasonable accommodation, such as working from home. Employers have a legal obligation to provide employees with reasonable accommodations unless doing so would create an undue hardship for the Department. Departments should consult with their Return to Work Coordinator in such a situation.

12. *What if an employee is considered at high risk of COVID-19 infection because of age?*

Guidance from the State of California recommends that people who are age 65 and over self-isolate in order to avoid exposure to COVID-19. For that reason, employees 65 and over are strongly encouraged to telecommute if operationally feasible. This may not apply to employees who are essential to public health and safety as determined by each department. Accommodations for this population may require review on a case by case basis to meet the needs of the employee and department.

13. *What if an employee refuses to come to work because of a generalized fear of infection?*

If operationally feasible, the employee may be allowed to telecommute. The CDC is recommending physical distancing as an effective and critical means to mitigate the spread of COVID-19. However, an employee can be required to attend work, and the refusal to do so may be grounds for discipline.

14. What can you tell other employees about a coworker who has COVID-19?

Employee medical information is confidential, so the identity of the diagnosed employee should not be disclosed.

Individuals with COVID-19 or from countries of origin associated with the outbreak of COVID-19 should not be stigmatized. The County will continue to ensure that employees are not harassed or discriminated against based on a protected category. If an employee feels as though they have been harassed or discriminated against due to concerns related to COVID-19, they should speak with Human Resources or contact the EEO Access Office immediately.

15. During a pandemic, may an employer take employees' temperatures to determine whether they have a fever?

Generally, measuring an employee's body temperature is a medical examination that may only be performed under limited circumstances. Based on current CDC and local public health information and guidance, employers may measure an employee's body temperature for the limited purpose of evaluating the risk that employee's presence poses to others in the workplace as a result of the COVID-19 pandemic. However, Department Heads/Managers should consult with Employee Health prior to the implementation of any process to measure employees' body temperature.

16. My department/facility/building is requiring employees to go through a temperature screening in order to enter the facility/building. What does this mean to me?

A symptom associated with COVID-19 is a temperature at or above 100.4 F or higher. In order to reduce the spread of COVID-19 and ensure a safe and healthy workplace for employees, some County facilities/buildings are requiring employees go through temperature screening in order to enter the facility/building. Temperature readings are considered confidential information and will only be shared with individuals that have a legitimate business-related need to know the reading.

An employee who refuses to go through temperature screening may not be allowed to work and required to post their own balances to cover their absence.

If an employee has a temperature at or above 100.4 or higher, they will not be permitted to work and encouraged to talk with their medical provider to determine when it is safe to return to work. The employee will be asked to voluntarily leave work and required to post their balances to cover the absence. If the employee does not voluntarily leave and disagrees with posting balances to cover the absence, the employee will have the opportunity to appeal the decision. If you have any questions, please contact your HR representative for more information.

17. Will I be paid if I am ordered to self-quarantine from Employee Health Services?

Departments are strongly encouraged to allow employees to telecommute during self-quarantine if operationally feasible. Employees will continue to be paid if telecommuting during self-quarantine.

An employee who is directed by a EHS to be absent from duty due to an on-the-job exposure to a contagious disease may be eligible to receive full compensation for a period not to exceed eighty (80) working hours for a full time employee or fourteen (14) calendar days for a part time employee. Please contact your HR representative for more information.

18. *If I am notified by EHS that I have been possibly exposed to COVID-19 in the workplace, will the County provide me the opportunity to receive a COVID-19 test?*

Yes. When you are notified by EHS that you have possibly been exposed to COVID-19 in the workplace, you will have the opportunity to voluntarily be tested for COVID-19. You will receive directions from EHS on how to receive the test when you are notified of the possible exposure in the workplace.

19. *I heard that someone in my building/facility was diagnosed or likely to have COVID-19 but I wasn't notified. Why?*

The County is notifying employees that were in close contact with an employee diagnosed or likely to have COVID-19 in the workplace. Close contact refers to any person who has been within 6 feet of an infectious COVID-19 positive person for 15 minutes or more. Departments may provide further updates to its employees about COVID-19 exposure in its buildings/facilities.

If you were not notified by EHS of possible exposure in the workplace, it is because you were not identified as being in close contact to the employee diagnosed or likely to have COVID-19. If you believe you were in close contact with an employee diagnosed or likely to have COVID-19 while at work, please contact your HR representative.

There is an inherent risk of exposure to COVID-19 in any public area and/or where other people are present. Every employee is expected to follow safety measures to prevent the spread of COVID-19 while at work which includes frequent hand washing/use of hand sanitizer, ensuring six feet of physical distance from others, and wearing a face-covering or mask. The cloth face-covering order SHALL NOT APPLY to the following employees:

- Anyone who has trouble breathing, or who is unconscious, incapacitated or otherwise unable to remove the cloth face-covering without assistance; or
- Persons with a medical or mental health condition or development disability that prevents wearing a cloth face-covering.

20. *If I feel ill prior to the start of my shift should I go to work? Or, I am at work and start to feel ill should I stay at work? (*Including symptoms consistent with COVID-19 or other illness)*

No. Immediately notify your supervisor and leave work or contact you supervisor and inform him/her that you will not be attending work. Please contact your health care professional for guidance on when it is safe for you to return to work.

The County must ensure a safe and healthy workspace for all employees. If your supervisor or management observes you displaying signs of illness at work, you will be asked to voluntarily leave work and may post your balances to cover your absence. If you refuse to leave, you may be directed to leave work by your supervisor or management and may post your balances to cover your absence. If you disagree with posting your balances to cover your absence, you will have the opportunity to appeal the decision. If you have any questions, please contact your HR representative for more information.

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II. Safety Measures and Facility Planning Questions

1. In light of public health directives to limit large gatherings, should we cancel all meetings?

In keeping with public health guidelines, all non-essential public events, including public outreach events, should be postponed or cancelled. Physical distancing should be practiced to the greatest extent possible. Managers and supervisors should also encourage video and phone conferences as an alternative to in-person meetings when feasible. Meetings of small groups may be conducted in larger than necessary conference rooms if it is possible to provide for physical distancing (6 feet separation). Training should also be postponed or cancelled if it cannot be conducted by video or phone conferencing. Non-essential employee travel has also been cancelled/suspended.

More information on physical distancing may be found at:

<http://www.ochealthinfo.com/civicax/filebank/blobdload.aspx?BlobID=114186>.

2. What is the County doing to promote physical distancing (previously referred to as social distancing) of up to 6 feet in the workplace?

Each department has been asked to conduct an assessment regarding how to implement physical distancing in the workplace. Along with allowing telecommuting, County departments are being asked to identify large spaces such as conference and training rooms that can be used as alternative workspaces to allow for physical distancing. If an employee is concerned, however, they should contact their supervisor to discuss. More information on physical distancing may be found at: <http://www.ochealthinfo.com/civicax/filebank/blobdload.aspx?BlobID=114186>.

3. What is the County doing to protect its front-line employees who interact with the public and/or at-risk populations? (updated 8/24/20)

The County has taken a number of actions to protect its front-line employees in response to COVID-19. For example, in March 2020 the CEO authorized the closure of various County facilities to limit public access. Public events and activities have been cancelled or postponed. Various committee and commission meetings have been changed to teleconferences or have been cancelled or postponed. The County, in cooperation with other local governments and as needed, has requested waivers from the State to allow modified operations to minimize contact with clients in the workplace. Further, the County is following state and local guidance regarding the reopening of County facilities and offices when determined safe to do so.

The County has also requested resources from the State and Federal government to facilitate our receipt of protective equipment. However, we realize that each Department is unique so protective measures will be communicated to employees by their department management.

4. If an employee is 65 years of age or older or has an underlying medical condition that makes them at high risk for COVID-19, will they receive paid Administrative Leave?

No. Employees who are 65 years or older and/or have an underlying medical condition that makes them high risk may post balances or stay home on unpaid leave but will not receive paid Administrative Leave.

As outlined in the FAQ document emailed to all County employees on Monday, March 16, 2020, # I. 12, employees in high-risk groups are strongly encouraged to telecommute, if operationally feasible and if they are not essential to the public health and safety as determined by the department. Departments are strongly encouraged to allow employees in a high-risk group to telecommute and those unable to telecommute may choose to post leave balances or stay home on unpaid leave. The

County values all employees and if an employee has any questions related to this issue then they should feel free to direct them to their supervisor and/or HR as needed.

5. What does the Health Officer's Order mean for County employees? (updated 9/29/20)

All County employees are required to follow the Health Officer's Orders. The Orders are revised at times and may change the requirements for all County employees to follow. The Orders can be found here: <https://ocovid19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

If new Health Orders are issued that conflict with medical information provided in the Guidance for County Employees - Frequently Asked Questions document, the Health Orders shall supersede the FAQs.

As of September 8, 2020, the Health Orders include:

*“4. **Self-isolation of Persons with COVID-19:** All county residents who have been diagnosed with or are likely to have COVID-19, as defined below, shall immediately isolate themselves in their home or another residence under the following criteria, as applicable:*

- Individuals with COVID-19 symptoms shall isolate themselves until: (1) at least 3 days (72 hours) after they have recovered, meaning their fever has resolved without use of fever-reducing medications and their respiratory symptoms (e.g., cough, shortness of breath) have improved; AND (2) at least 10 days have elapsed from when their symptoms first appeared.*
- Individuals who have a positive COVID-19 PCR laboratory test result and are without COVID-19 symptoms shall isolate themselves for 10 days from the date when the specimen for the positive COVID-19 PCR laboratory test result was obtained.*

*5. **Self-Quarantine of Persons Exposed to COVID-19:** All county residents who know that they have been in close contact, as defined below, with a person diagnosed with or likely to have COVID-19 shall take the following actions:*

- Quarantine themselves in their home or another residence until 14 days from the last date that they were in close contact with a person that has been diagnosed with or likely to have COVID-19. They may not leave their place of quarantine except to receive necessary medical care or to obtain such other goods or services necessary for their basic subsistence.*

*This self-quarantine **SHALL NOT APPLY** to health care providers and emergency responders, as defined by the U.S. Department of Labor (see Question 56 and 57, respectively, available at <https://www.dol.gov/agencies/whd/pandemic/ffcr-questions>).*

*6. **Cloth Face-Covering:** All Orange County residents and visitors shall wear a cloth face-covering outside their home when they are not able to maintain at least 6 feet of physical distance from another person who is not a family/household member or does not reside in the same living unit. The cloth face-covering order **SHALL NOT APPLY** to the following persons:*

- Children under the age of 2;*
- Anyone who has trouble breathing, or who is unconscious, incapacitated or otherwise unable to remove the cloth face-covering without assistance; or*

- *Persons with a medical or mental health condition or development disability that prevents wearing a cloth face-covering.*

7. *Seasonal Flu Vaccination for Certain County Residents and Visitors:* *All county residents and visitors who are providers for congregate settings, health care providers, or emergency responders in Orange County shall obtain the seasonal flu vaccination unless a medical or religious exemption applies. See the U.S. Department of Labor's Families First Coronavirus Response Act Q&A (Questions 56 and 57, respectively, available at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>) for definitions of health care provider and emergency responder."*

If you schedule time to receive a flu vaccine within your normal working hours, please coordinate with your direct supervisor in advance of your appointment. Up to one hour of County time can be utilized for this purpose.

We recommend that you read the orders and recommendations and associated FAQs in their entirety. You may view the Health Officer's Orders and Strong Recommendations and FAQs at: <https://ocovid19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

If new Health Orders are issued that conflict with medical information provided in the Guidance for County Employees - Frequently Asked Questions document, the Health Orders shall supersede the FAQs.

Departments are implementing their telecommuting and physical distancing plans. The County is following state and local guidance regarding the reopening of County facilities and offices. The County has suspended the requirement for a doctor verification for those sick with respiratory illness until further notice or the COVID-19 crisis has resolved. This action was taken to allow medical providers to focus on the COVID-19 issue. Questions regarding doctor verification for sick or other leave should be directed to HR.

6. *Is the County working with my union regarding how COVID-19 is affecting employees?*

Yes, as suggested by the Board of Supervisors, HR has been communicating with all unions and has established an Ad-Hoc committee to facilitate collaboration as we work through this critical time as a County family.

7. *What should I do if the County building that I work in is closed? How will employees be returned to the workplace? (Updated 5/15/20)*

In March decisions were made to close some County buildings to protect the public and employees. While public access to some buildings and services may continue to be limited, County departments managing a specific building or service may begin to reintroduce some or all employees to the workplace. While each department will have unique operational issues, departments have been provided with guidance for planning and returning employees to the workplace safely.

Review the guidance and suggestions provided to departments at the following link: <https://www.ocgov.com/gov/ceo/covid19employeeinfo>

8. *Are masks and Personal Protective Equipment (PPE) necessary at work? (updated 8/24/20)*

Because of continuing PPE shortages nationwide, the County must reserve PPEs for those who need it based on appropriate risk assessment and guidelines. At this time, CDC recommendations do not support the use of PPE every time employees come into contact with every member of the public.

The County's Public Health Office continues to evaluate the need for PPE and will continue to provide updated guidance in the future. Washable face coverings have been purchased by the County and have been distributed to all employees.

As of July 14, 2020, the County of Orange Health Officer Orders require the use of cloth face coverings while outside of the home for all members of the public who are unable to maintain six feet of physical distancing from others during the COVID-19 emergency. These orders can be found at: <https://occovid19.ocaliforniahealthinfo.com/article/oc-health-officers-orders-recommendations>

9. *My department/facility/building is requiring employees to go through a temperature screening in order to enter the facility/building. What does this mean to me?*

A symptom associated with COVID-19 is a temperature at or above 100.4 F or higher. In order to reduce the spread of COVID-19 and ensure a safe and healthy workplace for employees, some County facilities/buildings are requiring employees go through temperature screening in order to enter the facility/building. Temperature readings are considered confidential information and will only be shared with individuals that have a legitimate business-related need to know the reading.

An employee who refuses to go through temperature screening may not be allowed to work and required to post their own balances to cover their absence.

If an employee has a temperature at or above 100.4 or higher, they will not be permitted to work and encouraged to talk with their medical provider to determine when it is safe to return to work. The employee will be asked to voluntarily leave work and required to post their balances to cover the absence. If the employee does not voluntarily leave and disagrees with posting balances to cover the absence, the employee will have the opportunity to appeal the decision. If you have any questions, please contact your HR representative for more information.

10. *Is it okay for an employee to go to their work site on a day off for non-work reasons, for example, to visit co-workers?*

No. Employees should not visit their work site outside of their regularly scheduled shift unless they are working authorized overtime or are directed to do so by a supervisor or manager. Departments are responsible for planning and scheduling of employees to maintain social distancing and minimize unnecessary contact in order to reduce the spread of COVID-19 and ensure a safe and healthy workplace for employees.

11. *Where can I find a summary of County Safety Measures and Facility Planning?*

Please view L&OD's video, "Welcome Back – Guidelines for Returning to the Office": <https://youtu.be/eWFGOWUQMc>

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III. Workers Compensation Questions

1. *What should I do if I think I was exposed to COVID-19 at work? (updated 8/24/20)*

An employee may report their concern to a supervisor and an injury or illness report (5020) will be filed. Supervisors and managers are also to file a 5020 when notified by EHS that an employee has

been exposed to an individual diagnosed or likely to have COVID-19 in the workplace. This report will be deemed a record only. An exposure is not an injury or illness and a claim will not be filed. However, CEO-Risk Management will maintain the form on file in the event you as the employee test positive for the disease and feel it is work related.

2. *Has the law regarding workers' compensation claims related to a diagnosis of COVID-19 changed? (Updated 9/29/20)*

Governor Gavin Newsom issued an Executive Order dated May 6, 2020 which expanded the workers' compensation presumption to employees who reported to their place of employment between March 19, 2020 and July 5, 2020 and who tested positive for or were diagnosed with COVID-19 within the following 14 days during that time period. Effective September 17, 2020, Governor Newsom signed SB 1159 which codified the Executive Order and extended the rebuttable presumption that illness or death related to COVID-19 is an occupational injury and therefore eligible for benefits beyond July 6, 2020 for first responders and certain health care workers. For all other employees, the rebuttable presumption only applies under certain circumstances where there is a COVID-19 "outbreak" at the employee's specific workplace. You may have rights under these new laws. Please see the additional frequently asked questions 69-75 for more information.

Review the Executive Order at the following link:

<https://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=115690>

Review SB 1159 at the following link:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB1159

3. *I have been diagnosed or tested positive with COVID-19. Is it work related? (updated 9/29/20)*

It is only work related if you believe that you contacted COVID-19 at work, you tested positive 14 days after you worked outside of the home at the County's direction from March 19, 2020 to January 1, 2023, and you file a Claim for Benefits. If you believe that you were not exposed to COVID-19 at work, do not file a claim. The County does have the right to investigate your claim and could delay your claim for up to 30 days while it is investigated.

4. *I work from home, am I covered by the Governor's Executive Order and/or SB 1159? (updated 9/29/20)*

No. Only employees required to work outside of the home at the County's direction are covered by the Governor's Executive Order and/or SB 1159. The order applies to work performed outside of the home from March 19, 2020 to January 1, 2023, 2020.

5. *I have symptoms, but my doctor won't test me. Am I covered by the Governor's Executive Order and/or SB 1159r? (updated 9/29/20)*

Yes. All employees who work outside the home or at the employer's direction from March 19, 2020 to January 1, 2023 are covered by the Executive Order and/or SB 1159. If your doctor will not provide a test any licensed physician in the State of California can test including a workers' compensation doctor. The Executive Order and SB 1159 cover employees who test positive within 14 days after the employee worked outside of the home at the County's direction from March 19, 2020 to January 1

2023, or after a diagnosis by a physician that is confirmed by testing within 30 days. This only applies during the stay-at-home period from March 19, 2020 to January 1, 2023.

6. *I am not considered an essential worker, am I still covered by the Governor's Executive Order and/or SB 1159? (updated 9/29/20)*

Yes. Every employee that was required to come into work by the County outside their home from March 19, 2020 to January 1, 2023 is covered under the Governor's Executive Order and/or SB 1159.

7. *What benefits am I entitled to if my injury is found to be work related?*

The employee is entitled to all workers' compensation benefits provided in the California Labor Code including, but not limited to, total temporary disability benefits, permanent disability benefits and medical treatment as long as it is supported by medical evidence. Workers' Compensation will take into consideration any other benefits paid for COVID-19 time off including paid sick leave benefits for COVID-19 (EPSL).

8. *How is temporary disability paid?*

Temporary disability is paid every 14 days, however you must use Emergency Paid Sick Leave (EPSL) specifically for COVID-19 first. Once you exhaust those 80 hours, temporary disability or 4850 benefits can be paid if your illness extends beyond the 14 days.

9. *What if I had COVID-19 and used my balances for my time away from work from March 19, 2020 to January 1, 2023? (updated 9/29/20)*

The Executive Order and SB 1159 cover all employees who work outside the home from March 19, 2020 to January 1, 2023. You may be entitled to reimbursement, contact your Department's Human Resources Representative.

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IV. Time Sheet Coding and Leave Usage Questions

1. *Does an employee have to use leave balances if they are compelled to leave work due to symptoms of COVID-19 or being in a high-risk category?*

No. An employee may choose to either use leave balances or take unpaid leave. However, if an employee chooses unpaid status, they may be responsible for both the County and the employee's share of medical benefits.

2. *What if an employee compelled to leave work is out of leave balances? (updated 4/20/20)*

Legally, the County can require an employee to leave work and go unpaid, but the employee would likely be entitled to an appeal. The employee should be encouraged to telecommute if operationally feasible and the employee is well enough. If telecommuting is not an option, they will be advanced up to 80 hours of additional sick/healthcare leave to use for this purpose.

Please see questions # IV. 11 & 12 for information about additional leaves an employee may qualify for if absences are for a qualifying reason related to COVID-19.

3. *If an employee must be absent from work due to any COVID-19 related issue (e.g. school closure, illness, suspected illness, care of a family member, etc.), how do they code the time on their timesheet? (updated 8/24/20)*

An employee who must be absent from work due to any COVID-19 related issue may first exhaust their sick/healthcare leave balances. This applies to all employees including those with annual leave balances. Once sick/healthcare leave is exhausted the employee will code any absence per the terms of the applicable Memorandum of Understanding. If an employee exhausts all balances, they will be advanced up to 80 hours of additional sick/healthcare leave for this purpose. An employee may be entitled to paid leave if compelled by direction of a County-designated physician to be absent from work due to an on-the-job exposure to a contagious disease. Please contact your HR representative for more information.

4. *What if the employee who is not compelled to leave but opts to leave work due to COVID-19 related issues (e.g. without symptoms but high risk) is out of leave balances?*

Legally, the County can require an employee to go unpaid, but this employee should also be offered the opportunity to telecommute if operationally feasible and they are well enough. If telecommuting is not an option, they will be advanced up to 80 hours of additional sick/healthcare leave for this purpose.

5. *What kind of due process is required for employees who are compelled to leave work and use their leave balances?*

Regular employees who are required to use their leave balances should be offered the opportunity to meet with designated personnel via telephone or video conference or provide a written response within a reasonable time after they have left the workplace if they disagree with the decision. This meeting would be similar to a *Skelly* hearing, during which the employee may present any relevant information in support of their position. HR will assist with this process.

6. *What if my child's school is conducting some or all of the school week remotely or childcare provider is fully or partially closed? (updated 8/24/20)*

As the school year begins, employees who are parents may be faced with children who are unable to physically attend school or daycare due to continued COVID-19 closures and may need supervision or educational assistance from parents.

Parents may be required to care for or assist their children with their schoolwork throughout the day, which may result in their inability to perform or complete their work duties or assignments as scheduled. If this is the case, the Department may consider any combination of the following options if conducive to the work unit:

- Full-time or part-time telecommuting schedule.
- Adjust their work schedules so they can complete their job duties (for example: take time off to assist their children during the day and complete their work later in the day or evening).
- Take time off each day or week in order to allow employees time to assist their children. If appropriate, you are reminded that EFMLA may also be available for intermittent use for eligible employees. Employees may contact Human Resources for further information regarding EFMLA.

Supervisors are expected to ensure that employees who are telecommuting and/or working an alternate schedule engage in work that is productive, measurable, and verifiable. Supervisors are also expected to ensure employees' time is accounted for and tracked by ensuring employees

regularly check in and supervisors provide support and guidance. The County provides various tools for supervisors and staff to effectively communicate and to share data. Please visit the HRS Learning & Organizational Development Resources section of the COVID-19 Employee Information page at: <https://www.ocgov.com/gov/ceo/covid19employeeinfo>

Please keep in mind that all employee work assignments must be conducive to telecommuting or working an alternate schedule, whether part time or full time. It is imperative that we remain productive and ensure that we are effectively servicing our customers.

Please see questions # IV. 11 & 12 for information about additional leaves an employee may qualify for if absences are for a qualifying reason related to COVID-19.

7. My child's school is giving me a choice between having my child attend in person or participate in a remote learning program for the fall. I signed up for the remote learning alternative because, for example, I worry that my child might contract COVID-19 and bring it home to the family. Since my child will be at home, may I take paid leave under the FFCRA in these circumstances?

No, you are not eligible to take paid leave under the FFCRA because your child's school is not "closed" due to COVID-19 related reasons; it is open for your child to attend. FFCRA leave is not available to take care of a child whose school is open for in-person attendance. If your child is home not because his or her school is closed, but because you have chosen for the child to remain home, you are not entitled to FFCRA paid leave. However, if, because of COVID-19, your 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.

8. Will the 80 hours of sick/healthcare leave be advanced to cover spring break/summer/holiday school closures? (updated 8/24/20)

This emergency measure is intended to cover unforeseen childcare issues related to COVID-19. The need to use an advancement of sick/healthcare leave will vary based on individual employee's circumstances.

Please see questions # IV. 11 & 12 for information about additional leaves an employee may qualify for if absences are for a qualifying reason related to COVID-19.

9. How do employees code absences that are a result of COVID-19? (updated 9/29/20)

Additional Pay Codes have been created pertaining to COVID-19 absences to allow employees to use new Families First Coronavirus Response Act (FFCRA) Emergency Paid Sick Leave and expanded Family Medical Leave in combination with existing Sick Leave/Healthcare Leave balances. Previously created "CV*" codes can be used in the order listed below. These codes were created for employees to use for COVID-19 related absence (e.g. school or childcare closure, caring for a family member with COVID-19, self or mandated quarantine, suspected or confirmed COVID-19 illness). The use of Emergency Paid Sick Leave (EPSL) for COVID-19 related absences and expanded paid leave under the Expanded Family and Medical Leave Act (EFMLA) is at the discretion of the Department Head if an employee is a "health care provider" or "emergency responder" as defined by the Department of Labor. Effective September 19, 2020, California AB 1867 expanded the use of EPSL for health care providers and emergency responders.

For Regular employees:

Pay Code Title	Pay Code	Definition
Emergency Paid Sick Leave	EPSL	<p>Up to 80 hours of paid sick leave may be taken when an employee is unable to telecommute and is quarantined, seeking a COVID-19 diagnosis, caring for someone quarantined due to a Public Health or Healthcare Provider order, or when caring for a child whose school or child-care facility is closed. Part-time employee allotment of hours will be pro-rated based on their regular schedule. EPSL may be used concurrently with the first two weeks of EFMLU which are unpaid.</p> <p>Employees designated as a “Health Care Provider” or “Emergency Responder” are exempt from the FFRCA and use of EPSL to care for someone quarantined, or when caring for a child whose school or child-care facility is closed is at the Department Head discretion.</p> <p>EPSL balances will be reflected on all employee pay stubs, but may only be used after employee eligibility for leave and qualifying reason have been determined.</p>
Emergency Family Medical Leave	EFMLA	<p>Employees who are unable to telecommute and must provide care for a child whose school or child-care facility is closed may be entitled to up to 12 weeks of protected leave. The first two weeks of EFMLA are unpaid, after which, qualifying employees will receive 2/3rds of their regular rate for 10 weeks. Employees may post other COVID-19 related pay codes to supplement and achieve 100% of pay. Employees must submit a Leave of Absence request for consideration for EFMLA.</p> <p>Employees designated as a “Health Care Provider” or “Emergency Responder” are exempt from the FFRCA and use of EFMLA is at the Department Head discretion.</p>
Emergency Family Medical Leave Unpaid	EFMLU	<p>This is a tracking pay code (like FMLA) that is posted to track all EFMLA time off an employee uses (including discretionary EFMLA). This code should be posted concurrently with all EFMLA.</p>

Coronavirus Sick Leave/ Healthcare Leave	CVSP	This may be used for Coronavirus absences even if an employee has Annual Leave balances. May be posted until an employee reaches zero balance and then all other leave balances must be posted prior to posting up to 80 hours of advanced Sick Leave/Healthcare Leave Balances.
Coronavirus Annual Leave	CVAL	if applicable
Coronavirus Vacation	CVVAC	if applicable
Coronavirus PIP Time	CVPIP	if applicable
Coronavirus Comp Time	CVCT	if applicable

The CVSP Pay Code may be used for Coronavirus absences even if a regular employee has Annual Leave balances. Upon reaching a zero Sick Leave/Healthcare Leave balance, an employee must exhaust all other accrued balances (CVAL, CVVAC, CVPIP, CVCT) prior to posting up to 80 hours of advanced Sick Leave/Healthcare Leave Balances. NOTE: The hours are advanced as needed, up to the maximum of 80 hours. Employees do not need to submit a written request for the 80 hours of advance Sick Leave/Healthcare Leave Balances. Employees will simply use the CVSP Pay Code on their timecard as long as it complies with the above guidelines. Future Sick Leave/Healthcare Leave accruals will be used to replenish the advancement of Sick/Healthcare Leave hours.

Job Injury – Contagious Disease Leave	JI	This pay code may be used when an employee is compelled by direction of a County-designated physician to be absent from duty due to an on-the-job exposure to a contagious disease (not applicable to AOCDS PO/SP bargaining unit). Not to exceed 80 working hours for a full-time employee or fourteen (14) calendar days for a part-time employee.
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Please contact your HR representative to determine when it is applicable to post JI on a timesheet.

Pre-planned vacation time or time off for illnesses unrelated to COVID-19 should be coded as described in the applicable Memorandum of Understanding.

For Extra Help employees:

Pay Code Title	Pay Code	Definition
Emergency Paid Sick Leave	EEPSL	Up to 80 hours of paid sick leave (based on the regular hours regularly scheduled or average hours worked per pay period) may be taken when an employee is unable to telecommute and is quarantined, seeking a COVID-19 diagnosis, caring for someone quarantined, or when caring for a child whose school or child-care

		<p>facility is closed. EEPsL may be used concurrently with the first two weeks of EFMLU which are unpaid.</p> <p>Employees designated as a “health care provider” or “emergency responder” are exempt from the FFRCA and use of EPSL to care for someone quarantined, or when caring for a child whose school or child-care facility is closed is at the Department Head discretion EPSL balances will be reflected on all employee pay stubs, but may only be used after employee eligibility for leave and qualifying reason have been determined.</p>
Emergency Family Medical Leave	EFMLE	<p>Employees who are unable to telecommute and must provide care for a child whose school or child-care facility is closed may be entitled to up to 12 weeks of protected leave. The first two weeks of EFMLE are unpaid, after which, qualifying employees will receive 2/3rds of their regular rate for 10 weeks. Employees may post other COVID-19 related pay codes to supplement and achieve 100% of pay. Employees must submit a Leave of Absence request for consideration for EFMLE.</p> <p>Employees designated as a “health care provider” or “emergency responder” are exempt from the FFRCA and use of EFMLA is at the Department Head discretion.</p>
Emergency Family Medical Leave Unpaid	EFMLU	<p>This is a tracking pay code (like FMLA) that is posted to track all EFMLE time off an employee uses (including discretionary EFMLA). This code should be posted concurrently with all EFMLE.</p>
Coronavirus Extra Help Sick Leave/Healthcare Leave	CVEHS	<p>This pay code may be used to post all accrued Sick Leave/Healthcare Leave balances accrued for Coronavirus absences.</p>

If an Extra Help employee does not have any leave balances or exhausts all their Sick Leave/Healthcare Leave balances, employees may be advanced up to 24 hours of additional Sick Leave/Healthcare Leave. Employees will use the CVEHS Pay Code to post the additional 24 hours. **Future Sick Leave/Healthcare Leave accruals will be used to replenish the advancement of hours.**

10. Should Administrative Managers who work more than 80 hours in a pay period in response to COVID-19 post management overtime (SOT) on their timesheets? (updated 9/29/20)

On April 8, 2020, due to the expectation of a sustained need for managers to work additional hours directly related to the COVID-19 crisis, CEO Frank Kim, authorized the payment of management hours worked in support of the COVID-19 crisis in excess of 80 in a pay period at a straight time rate (SOT) for Administrative Managers represented under the current MOU with OCMA.

Beginning September 25, 2020, only managers covered by the OCMA MOU who are assigned to HCA and OCCR who work on COVID-19 related issues can code SOT on their timesheet for hours worked over 80 in a pay period as approved by their supervisor. It is important that this SOT is coded against your department specific job number related to COVID-19 to ensure costs are properly captured. SOT hours should be directly related to the COVID-19 response and can only be paid for hours above 80 regular hours posted in a pay period.

For example, if a manager worked 10 hours on COVID-19 related work as part of a total of 85 hours posted within a pay period, then the manager would record 75 regular hours posted to their usual job codes, 5 hours of regular hours posted to a COVID-19 job code, and 5 hours SOT posted to a COVID-19 job code (per their department coding).

Each department and supervisor will help ensure that the SOT is directly related to the COVID-19 response so that the County can be in the best position to seek reimbursement through federal funding. The coding of SOT hours is currently authorized to continue each pay period through **October 22, 2020 for managers in HCA and OCCR** unless discontinued by the CEO. Managers in the CEO's office and SSA may receive approval for the posting of SOT on a case by case basis. Managers that are working over 80 hours in a pay period that are not directly related to the COVID-19 response, can continue to track those hours by coding MOT. If you have any questions related to coding SOT, please contact your supervisor or HR representative.

11. Will I be impacted by the newly enacted Families First Coronavirus Response Act (FFCRA)? (updated 9/29/20)

Effective April 1, 2020, this law provides Emergency Paid Sick Leave (EPSL) for COVID-19 related absences and expanded paid leave under the Expanded Family and Medical Leave Act (EFMLA) for employees who are unable to telework and need to provide care for their child whose school or place of care is closed as a result of COVID-19 related reasons. On March 31, 2020, the Orange County Board of Supervisors approved expanded measures to further provide relief to employees. These provisions apply to leaves taken between April 1, 2020, and December 31, 2020. The use of these leaves is at the discretion of the Department Head if an employee is a "health care provider" or "emergency responder" as defined by the Department of Labor.

Effective September 19, 2020, the Department of Labor updated the definition of "health care provider" to provide clarification regarding employees in administrative and support roles. Per the updated definition:

Health care provider includes anyone who is a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for [purposes of the FMLA](#).

Health care provider also includes any other person who is employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care. This group includes employees who provide direct diagnostic, preventive, treatment, or other patient care services, such as nurses, nurse assistants, and medical technicians. It also includes employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services. Finally, employees who do not provide direct health care services to a patient but are otherwise integrated into and necessary to the provision those services—for example, a laboratory technician who processes medical test results to aid in the diagnosis and treatment of a health condition—are health care providers.

A person is not a health care provider merely because his or her employer provides health care services or because he or she provides a service that affects the provision of health care services. For example, IT professionals, building maintenance staff, human resources personnel, cooks, food services workers, records managers, consultants, and billers are not health care providers, even if they work at a hospital or a similar health care facility.

EPSL:

Provides Full-Time Employees with up to 80 hours of paid sick leave at the employee's current regular rate of pay. Part-time and Extra Help employees are eligible for the average number of hours they work in a pay period.

May be taken when an employee is **unable to telecommute** and is quarantined, seeking a COVID-19 diagnosis, caring for someone quarantined, or when caring for a child whose school or child-care facility is closed.

EPSL balances will be reflected on all employee pay stubs, but may only be used after employee eligibility for leave and qualifying reason have been determined.

Employees will be required to submit certification of qualifying reason for the use of leave as outlined in the Department of Labor guidance. Self-Certification forms can be found here:

<https://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=115020>

EFMLA:

Employees who are **unable to telecommute** and must provide care for a child whose school or child-care facility is closed may be entitled to 12 weeks of protected leave and to receive 2/3rds of their regular rate for 10 weeks. Employees may post their own balances to supplement and reach 100% pay. Employees will be required to submit certification of qualifying reason for the use of leave as outlined in the Department of Labor guidance and to submit a Leave of Absence request.

When an employee is unable to work or telecommute due to caring for their child whose school or place of care is closed due to a COVID-19 related reason, the County Leave of Absence process is to be followed – even for employees who are already currently on an approved leave for a qualifying reason. The employee will need to complete a Leave of Absence form and the new Emergency Family and Medical Leave Act Certification form which can be found at:

<https://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=115008>

The Leave of Absence and certification form is to be submitted to the Department's Human Resources team who will review the request to determine if the employee qualifies for the leave. A Human Resources representative will notify the employee if they qualify for EFMLA leave and provide instructions on how to complete their timesheet.

Employees may request EPSL and/or EFMLA to be used continuously or intermittently if they are unable to work a portion of their scheduled hours. Please contact your Department HR representative to discuss your ability to use these leaves intermittently.

For more information please see the Families First Coronavirus Act information document at:

<https://www.ocgov.com/civicax/filebank/blobdload.aspx?BlobID=114691>

12. What is California Assembly Bill 1867, and how does it affect the use of supplemental paid sick leave for COVID-19 related absences from work?

On September 9, 2020, Governor Gavin Newsom signed Assembly Bill (“AB”) 1867 into law. This bill adds Labor Code Section 248.1, which requires employers to provide up to 80 hours of COVID-19 related supplemental paid sick leave (less for part-time employees) for “emergency responder” and “health care provider” employees exempted from the Emergency Paid Sick Leave (“EPSL”) benefits under the Families First Coronavirus Response Act (“FFCRA”). This law became effective on **September 19, 2020**.

This new Labor Code entitles “emergency responder” and “health care provider” employees who have been exempted from the FFCRA’s EPSL paid sick leave benefits to receive equivalent COVID related sick leave if the employee is unable to work for any of the following three reasons, and is not able to telecommute for some or all of regularly scheduled hours:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee is advised by a health care provider to self-quarantine or self-isolate due to concerns related to COVID-19; or
3. The employee is prohibited from working by the employer due to concerns related to the potential transmission of COVID-19.

AB 1867 **DOES NOT** provide any statutory entitlement to supplemental paid sick leave for the other EPSL related reasons under the FFCRA where the affected “emergency responder” or “health care provider” employee is either:

1. Caring for an individual who is subject to a federal, state, or local quarantine or isolation order or has been advised by a health care provider to self-quarantine; or
2. Caring for their son or daughter whose school or place of child care is closed for reasons related to COVID-19.

The State of California, Department of Industrial Relations FAQ for Supplemental Paid Sick Leave can be found at: <https://www.dir.ca.gov/dlse/FAQ-for-PSL.html>

13. Why are the Courts and some cities paying staff who are not able to work but the County is not able to provide paid administrative leave?

Each organization has different degrees of funding sources, authority to use those funds, and budgets. As such, each organization is tasked to make a unique determination based on a variety of factors including whether an agency funds employee positions through fee-based services or receives restricted funds. At this time, the County is providing employees with as much flexibility and as many resources as possible, while balancing the need to continue serving the community and the safety of our valued workforce.

14. Can I request Catastrophic Leave donations if I have exhausted all paid leave and still must be off work due to a school or childcare closure? (updated 4/20/20)

You may qualify to request a Catastrophic Leave donations drive due to “other serious circumstances” if you will be off work for more than 14 days after you have exhausted all paid leave balances, paid Emergency Family Medical Leave under FFCRA, and have used 80 hours of advanced

Sick/Healthcare Leave. Requests for Catastrophic Leave drive due to “other serious circumstances” will be governed by the County of Orange “Catastrophic Leave Procedures” found at: https://ocgov.sharepoint.com/sites/HRS/Collaborations/hrs_pol_proc_wg/Policies%20%20Procedure/Catastrophic%20Leave%20Procedures.pdf#search=Catastrophic%20Leave

Catastrophic leaves in this category are considered taxable for the donor by the IRS.

15. How should overtime (OT) worked in response to the COVID-19 be posted for non-management employees?

Overtime worked in response to the COVID-19 crisis should be posted to time sheets using one of the COVID-19 emergency job codes created by their department along with the OTPD pay code. The OTPD pay code will automatically pay out overtime. The direct payment of overtime worked, rather than the placement of time into a comp time bank, will allow the County to seek reimbursement through the Federal CARES Act.

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V. Disaster Services Worker Questions

1. As a County employee what are my responsibilities now?

On February 26, 2020, the Orange County Board of Supervisors declared a local health emergency. Pursuant to Government Code § 3100 and Orange County Codified Ordinance § 3-1-6(b)(3), all County employees are considered disaster workers and are subject to such disaster services as may be assigned to them by their superiors or by law.

In this time of emergency, the citizens of Orange County are counting on all of us to help them through this crisis. It is important that we all take individual responsibility to perform our current assignments as directed by our supervisors and be ready to support the completion of an emergency-related task if asked by our supervisor to do so. As we complete our work, we should all support each other and communicate any hazardous situations to ensure our safety.

Please review the eight-minute long Disaster Services Worker Orientation Video at the following link for more information about your responsibilities:

<https://drive.google.com/file/d/1ZaPjkAbMi9e5NM9d71w0McxbvHLehL4c/view>

2. What is the DSW Program?

State law and the County of Orange (County) Policy establish that all public employees, including County employees, are DSWs. In addition, the Orange County Code permits the County to mobilize its workforce to provide emergency services in the event of an emergency. The DSW Program facilitates deployment of public employees to perform activities outside of their regular employment to promote the protection of lives or mitigate the effects of a disaster. The DSW designation is important not only to help mobilize the County workforce to respond to an emergency, but because it also allows the County to comply with State and Federal emergency management guidelines and allows for future Federal emergency management funding.

3. What does the County consider when creating DSW assignments?

The County's DSW needs during a disaster are generally dictated by the impact of the emergency. There are two DSW duty categories: General (e.g. administrative, support staff, fiscal or logistics) and Specialized (e.g. something that requires a specialized license, experience or training). Where possible and as needed, the County will assign employees to a DSW position that most closely aligns with their customary job duties or skill sets. Depending on the emergency, employees will also be directed to work in assignments that may be different from their usual and customary duties and may also be in different locations throughout the County. DSWs will be provided with adequate, on-site, or "just-in-time" training to ensure they can complete their assigned duties safely and effectively. Employees who currently work in classifications with verifiable, certified skills will be expected to fulfill specialized DSW duties or in support of essential functions throughout the County.

4. How are Disaster Service Worker assignments determined?

Again, the County's DSW needs during a disaster are generally dictated by the impact of the emergency. When the Board of Supervisors declares an emergency, the County Emergency Operations Center (EOC) is activated. Departments that provide critical services in responding to the emergency may need additional resources to provide emergency services and request DSW support through the EOC. The EOC will work with the requesting department to determine staffing needs, and either the department or HR then secures County DSWs to support the need and provides a list to EOC. EOC then gives that list to the requesting department so it can carry out its mission with the additional DSW resources. The department or agency that requested the DSW support becomes responsible for managing the DSWs assigned to support its mission.

5. What are some examples of DSW assignments in the County of Orange?

Examples of DSW responsibilities related to the COVID-19 crisis may include: Registering or assisting people at a housing shelter; translating for non-English-speaking individuals; answering phones for a COVID-19 hotline; helping to operate temporary facilities; delivering or serving meals, etc.

6. Who can be a DSW? Which authorities designate County employees as DSWs?

Pursuant to Government Code § 3100, all public employees are declared to be disaster services workers and are subject to such disaster service activities that may be assigned to them by their superiors or by law. Under the Government Code County employees are obligated to perform disaster service duties if ordered as a result of an emergency or a disaster event. A disaster event could be any emergency situation that stems from natural, human-made, or terrorism events. County employees may not opt out of DSW participation.

Additionally, Orange County Codified Ordinance § 3-1-6(b)(3) provides that the County, through its Director of Emergency Services, is empowered to require emergency services of any County officer or employee.

As DSWs, employees will perform duties that may be different from their regular work assignments and may also be assigned to different work locations. Any public employee can be considered a DSW and may be directed to perform emergency services as required under State and local law.

7. Can Departments request “first takers” for available DSW assignments?

When a DSW need is communicated, employees may, and are encouraged to, come forward to take an assignment. However, doing so does NOT mean the DSW position is a "volunteer" assignment that can be worked and/or terminated at an employee's choice. If departments choose to solicit "first takers" rather than make assignments, the department must ensure that the employee is ready and able to be deployed to the emergency assignment.

8. What if Departments seek “first takers” for DSW assignments and get no response?

Given the emergency need, the County's expectation is that departments will affirmatively assign employees to DSW posts until the need is met. Department Heads have the ultimate authority to make work reassignments as needed. In an emergency, public employees may be released from their usual duties so that they can be assigned to assist any agency or organization carrying out its emergency response duties.

9. How should a DSW assignment be communicated to an employee?

Employees may be given verbal or written direction to report to a DSW assignment; however, if practicable employees should be given formal notice acknowledging the assignment. These notices may be issued by the department, assigned project managers, EOC Management or HRS.

COVID-19: Disaster Service Worker Reassignment templates are available through your HR representative. If issued, a copy of this notice should be retained in the employee's personnel file.

HRS and/or the EOC will also contact assigned employees directly to provide assignment details and reporting instructions.

10. Can an employee refuse to take a DSW assignment?

All County employees are designated by State law as DSWs and are expected to report to duty when called upon. If an employee is assigned and otherwise available but refuses to accept a DSW assignment, the department should meet with the employee to address any concerns about the assignment. If an employee identifies work restrictions that prevent DSW service, that issue must be managed as any other work restriction, including holding an Interactive Process Meeting if necessary. If the employee is unable to work the assignment, the department should consider whether there is an alternate and more appropriate assignment. If the employee is deemed able to work the assignment but continues to refuse, the department should issue the employee a direct order in writing. The direct order should inform the employee of the department's expectations and consequences should they fail to adhere to the order. If the employee does not adhere to the order, the department may take further administrative action.

11. Are Departments responsible for managing their employees assigned as DSWs?

When assigned to an emergency assignment, the site manager will have primary responsibility for managing and monitoring each of their assigned DSWs. Departments will remain responsible for administrative responsibilities associated with their employee, including but not limited to the processing of timesheets and any possible workers' compensation claims. Communication about a DSW's assignment should be directly between the employee's home department and the DSW assignment site/department. However, HRS remains available to help resolve any HR-related issues.

12. *Are employees compensated for time over their regular hours?*

Overtime and other compensation are provided in accordance with established law, MOUs and County policy.

13. *How should employees code DSW work time?*

A project code is assigned to each emergency event by the County Emergency Operations Center (EOC). Task orders will be determined by each department based on the task to which the employee(s) are assigned. It is possible that a given department will generate multiple task codes per each project code established by the EOC. Department administration teams will determine task codes as needed. The EOC finance section will be able to provide guidance to departments on DSW work time coding.

14. *Will DSWs remain on their assigned work schedules?*

Assignment managers will make every effort to keep employees on their current work schedules or shifts. Decisions whether employees will be required to alter existing schedules, work weekends, overtime or evenings will depend on the nature of the assignment.

15. *Should work restrictions be considered when reassigning an employee as a DSW?*

When Departments are provided descriptions of emergency assignments requiring DSWs, they should consider the appropriateness of the assignment for its employees. If there are any questions regarding the expectations of an assignment or whether an employee is appropriate for a particular emergency position, the Department should contact HR for additional guidance.

16. *What if an employee is injured or becomes ill while performing DSW duties?*

Claims sustained by public employees while performing disaster services shall be filed as workers' compensation claims under the same authorities and guidelines as with all County employees within their Department or agency.

17. *Who should I contact with additional questions about DSW assignments?*

For additional questions, please contact your supervisor or HR representative.

18. *When an employee is deployed as a DSW to fill an evening/night shift, are staff eligible for night shift differential pay, based on their respective MOUs?*

If an employee is scheduled and works a day shift but is required to extend their shift into the evening as Overtime the employee would not be eligible for Night Shift premium pay. If an employee is normally scheduled to work a day shift but has been scheduled to work an alternate shift that qualifies for Night Shift premium, the employee should post and be paid Night Shift premium.

19. *Are there any circumstances that allows Disaster Services Workers (DSW's) to claim travel time to the deployment location as working hours?*

If the deployment is Overtime on a day that they are not normally scheduled to work the DSW would be eligible for pay for travel time to their first work location.

Example: Employee works Monday through Friday at 800 N. Eckhoff St. in Orange. The employee is being deployed to Joplin in Silverado Canyon to work an Overtime shift on a Saturday. Employee's

paid time includes the travel time from their home to Joplin and travel home in addition to their scheduled shift.

20. *How are DSWs to claim mileage reimbursement if they are using their personal vehicles and reporting to locations that are different than their regularly assigned work location?*

As outlined in the County Business Travel and Meeting Policy, employees who are being deployed as DSWs can claim the difference in their mileage between their normal 'home to work mileage' and their 'home to deployment site mileage' while during their assigned shift. If, however, the deployment is Overtime on a day they are not scheduled to work, they can claim the whole mileage from home to deployment site.

Employees who are reassigned to a new work location on an on-going basis may not claim the difference in mileage.

Example: Employee is being deployed to Joplin in Silverado Canyon. Employee normally drives 10 miles to work every day, however, Joplin is 30 miles. The employee can claim 20 miles that day for the trip to the location and 20 miles for the trip home.

Example: Employee is being deployed to Joplin in Silverado Canyon to work Overtime on a regular day off. Employee normally drives 10 miles to work every day, however, Joplin is 30 miles. The employee can claim the 30 miles each way because the employee is working Overtime.

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VI. Telecommuting Resources/Learning & Organizational Development Questions

1. *How do I track my timesheet if I am teleworking and get ill or have childcare issues?*

If you are unable to work all your scheduled hours, it is important to accurately utilize leave balances in accordance with your designated Memorandum of Understanding and/or related policies for the remainder of the day.

You may qualify to use Emergency Paid Sick Leave and/Emergency Family Medical Leave on a full-time or intermittent basis. See questions # IV. 11 & 12 for more information.

2. *How will I submit my time each pay period if I am telecommuting or out of the office?*

Employees who are able to connect to County servers via VPN should be able to access VTI to enter their time. Employees who are out of the office and do not have access to VTI should communicate their timesheet information to a supervisor or manager who will be responsible for ensuring timesheets are submitted. Each department is responsible for setting deadlines for timesheet submission.

3. *What expenses will the County be reimbursing employees for while they are telecommuting?*

In general, the County will not reimburse employees for expenses incurred as a result of telecommuting (e.g. telephone, electricity, internet access) but employees should check their Department's telecommuting agreement and policies for specific inquiries. Employees should discuss individual questions and needs regarding telecommuting with their Department.

4. *What training options are available to me if I am telecommuting and not able to perform all my core work functions? (updated 8/24/20)*

Based on a survey of Department Heads conducted near the end of March, 46% of the County workforce was telecommuting. To provide relevant training opportunities, HRS Learning & Organizational Development (L&OD) has created several free playlists of resources. If circumstances have interrupted your primary work, consider these opportunities to improve your skills during this time. Please work with your supervisor to determine whether these playlists are an appropriate option during your workday.

These playlists are available in the “Featured” section of your Learner Home page that you can access from any computer at: <https://ocgov.csod.com/>

Your username is your Employee ID (same number used in VTI). If you don’t remember your password, click “Forgot Password” and a reset link will be sent to your County email or click “Need Help” to contact your Department Eureka Administrator.

Since March 20, 2020, employees have utilized over 13,000 learning objects from the Eureka playlists highlighting the success County employees are having in pursuing quality options during their day.

5. *How can my supervisor and I ensure that we continue to communicate well and that I understand their expectations in a telecommuting environment? (updated 8/24/20)*

COVID-19 has significantly changed our work environment, whether it is working from home or in the office with fewer people. HRS Learning and Organizational Development (L&OD) created a guide for leading remote teams that is also helpful for co-located teams, as well. It provides easy-to-use tools and resources to ensure your teams stay connected and focused on heading forward together.

L&OD conducted a brief webinar to provide a quick tour of the guide, checklists, and tips for leading high performing remote teams. The webinar was recorded and is posted along with the guide and tools in the HRS Learning & Organizational Development Resources section at: <https://www.ocgov.com/gov/ceo/covid19employeeinfo> It is also part of the Eureka *Working From Home (COVID-19 Series) Playlist*.

6. *Is there an end date for my authorization to telecommute? (updated 8/24/20)*

It is each Department Head’s responsibility to implement plans that meet the operational needs of their department. When implementing the “new normal” of conducting County business, it may be necessary to have employees return to the workplace who have been given the option to telecommute during the current pandemic.

Telecommuting remains strongly recommended for employees that are able to perform their essential job duties from home for the near future as we all continue to navigate through the COVID-19 pandemic. Departments will evaluate work demands and it is understood that telecommuting will not work in several areas of County services. While the dates for the return of employees to the workplace will vary by department, planning for the return process is in progress. Employees who are currently telecommuting are encouraged to contact their supervisors or managers with questions about continued telecommuting.

Guidance from the State of California continues to recommend that people who are in a high-risk group self-isolate in order to avoid exposure to COVID-19. Departments are strongly encouraged to

allow employees in a high-risk group to telecommute. This may not apply to employees who are essential to public health and safety as determined by each department. Accommodations for this population may require review on a case-by-case basis to meet the needs of the employee and department.

7. *What resources are available for leaders and employees to manage role transitions due to the Voluntary Incentive Program (VIP).*

A lot will be changing for you and your team in the upcoming weeks if one of your employees or coworkers is participating in the Voluntary Incentive Program. Use this as an opportunity to move beyond shifting responsibilities and instead, focus on transferring critical knowledge and reprioritizing what's essential. L&OD has created easy-to-use resources with templates and checklists to simplify the transition process. You can access them in the [Knowledge Sharing During Role Transitions](#) playlist in [Eureka](#) (search 'transition' or look in the 'Featured' carousel) or via the [VIP Information site](#).

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VI. Benefits Questions

1. *Are services available to employees to help them cope with concerns related to COVID-19?*

Yes. As always, the County offers the Employee Assistance Program (EAP). EAP can be contacted at 1-800-221-0945 or online at www.resourcesforliving.com, Username: Orange County ca, Password: eap.

The Employee Health website at www.ochealthinfo.com/ehs includes resources, and the OC Healthy Steps website has a variety of resources at: http://www.ocgov.com/gov/hr/eb/employee_wellness.

The County Wellness Center website has been updated to reflect many virtual wellness resources: <https://countywellnesscenter.weebly.com/>.

2. *Will there be changes to the requirements of the OC Healthy Steps program this year?*

For the 2020 year only, employees were **not** required to complete the biometric screening step. You were still required to go online to the OC Healthy Steps portal and complete the other two steps online: 1) the Health Risk Assessment (HRA); and 2) the Non-Smoking Attestation. The County has waived the biometric screening step requirement for this year to allow health care resources to remain focused on fighting the COVID-19 crisis and to encourage employees to avoid going out in public for non-essential services. The OC Healthy Steps period began on June 1, 2020, and more information was: 1) mailed to your home; 2) sent via global County email; and 3) emailed by StayWell to the email address you have registered on the OC Healthy Steps Web Portal.

If you have questions email: hr_employeebenefits@ocgov.com

3. *Where can I get more information about resources and updates to my Benefits resulting from the COVID-19 crisis?*

Employee Benefits has created a web page with resources and updates for employees. This page will be updated frequently as new resources become available. Visit the Employee Benefits and Resources related to COVID-19 page at: https://www.ocgov.com/gov/hr/eb/covid_info_and_resources

4. How can I make changes to my Dependent Care Reimbursement Account (DCRA) because my DCRA needs have changed due to COVID-19 school and daycare closures?

If you are currently enrolled in a pre-tax Dependent Care Reimbursement Account (DCRA), you may be eligible to change your DCRA goal amount or cancel your DCRA election for the rest of the year. If you want to make a change to or cancel your current DCRA election, you have 30 days from the announced closure or change to adjust your Dependent Care Reimbursement elections. For example, if your school district or childcare provider notified you on April 1, 2020 of long term closures due to Governor Newsom's order, then you would have 30 days, or until May 1, 2020 to call and make a change to your DCRA. If you want to make a change or cancel, call the County of Orange Benefits Center at **(800) 858-7266**. Tell the Benefits Specialist that you have had a Qualifying Life Event/Dependent Care Change and that you would like to change or cancel your annual DCRA election.

You will be able to re-enroll in DCRA or change your goal amount again when schools and day care programs re-open later this year as long as you call to make the change within 30 days of your school or day care program re-opening. Please note the IRS rules for DCRA funds have not changed. Unused funds will not roll over and can be used for the 2020 plan year only.

5. Are there new options available to access my Defined Contribution 457 or 401a Plan account funds due to the COVID-19 crisis?

Yes. The CARES Act signed into law March 27th provides special loan provisions, current loan payment deferral options, and special in-service distribution rules. For more information see the detailed FAQ on the COVID-19 Information and Resources page on the Employee Benefits website at: https://www.ocgov.com/gov/hr/eb/covid_info_and_resources or contact Empower at (866) 457-2254.

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VIII. Additional Resources

For more information from the County's Public Health website regarding the Current County Health Officer Orders and Strong Recommendations, please visit:

<https://ocovid19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

For more information from the County's Public Health website regarding COVID-19, please visit:

https://www.ochealthinfo.com/phs/about/epidasmt/epi/dip/prevention/novel_coronavirus

For questions about the Governor's Stay At Home Order, please see:

<https://covid19.ca.gov/stay-home-except-for-essential-needs/>

For more information on Essential Critical Infrastructure Workers Guidance (March 20, 2020):

<https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>

Families First Coronavirus Response Act Federal Information Poster:

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

Disaster Services Worker Orientation Video:

<https://drive.google.com/file/d/1ZaPjkAbMi9e5NM9d71w0McxvhLehL4c/view>

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