

# **H.R. 6201**

# **The Families First**

# **Coronavirus Response Act**

# **Guidance for all**

# **Plumas County**

# **Employees**

**Supplement to Version 1**

March 30, 2020

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## **Introduction**

This second "H.R. 6201 Guidance for all Plumas County Employees " is a supplement to the first "COVID-19 Guidance for all Plumas County Employees Version 1" distributed to all County employees on March 24, 2020. Included in this guidance handbook is information for the criteria to qualify for the Families First Coronavirus Response Act. As mentioned in an earlier email, we are working on next steps for implementation of this new short-term COVID-19 emergency leave.

Please review this new H.R.6201 guidance and if you should have any questions regarding the information provided within this guidance, call the Human Resources Department at 530 283-6444.

### ***H.R. 6201 OVERVIEW***

#### ***Families First Coronavirus Response Act, effective April 1, 2020 through December 31, 2020***

If you are unable to work because you are caring for a child under 18 who is home because of school or childcare closure, the Families First Coronavirus Response Act that was passed by the Federal Government provides the following program that can be utilized or coordinated with your leave balances:

*The Emergency Paid Family and Medical Leave Expansion Act is an amendment to the Family and Medical Leave Act (FMLA). The amendment provides 12 weeks of leave for caring for a child under 18 who is home because of a school closure or childcare closure. There is a 10-day waiting period for paid benefits, and then employees are eligible for paid leave of 2/3 of an employee's pay. An employee may use accrued leave balances for the first 10 days before they become eligible.*

*Most schools have closed due to the COVID-19 pandemic. Employees who need to take off time for childcare needs due to school closures are eligible to use available leave balances (and exhaust them before utilizing the next type) in the following order:*

- *Vacation/Annual Leave*
- *Holiday*
- *Compensatory Time*
- *Sick Leave*

*Note: If, during the above period of caring for their child(ren), either the employee or the employee's eligible family members become ill, the employee is eligible to use available sick leave balances and on April 1, 2020 the new H.R. 6201 Families First Coronavirus Response Act becomes effective.*

Employees may contact their supervisor to determine if they are eligible for telecommuting. The County's Telecommuting Emergency Policy outlines the criteria of essential employees who would qualify for telecommuting. The Policy should be followed and all related forms completed for tracking purposes. Each department head will approve all telecommuting employees, per

emergency policy guidelines. Please provide a employees signed telecommuting agreement to Human Resources for the employees Personnel File and tracking purposes.

This provision is only effective during the COVID-19 pandemic and while the employee's children's school and/or child care facility are closed.

***H.R. 6201 the Families First Coronavirus Response Act: Employee Paid Leave Rights***

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide employees with emergency paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date of April 1, 2020 through December 31, 2020

**The Families First Coronavirus Response Act**

- Covers many issues during the COVID-19 Emergency Declaration
- Specific employment related components to this Act:
  - *Emergency Family and Medical Leave Expansion Act (EFML)*
  - *Emergency Paid Sick Leave Act (EPSL)*

**1) ELIGIBILITY REQUIREMENTS FOR EMERGENCY LEAVES:**

**Emergency Family and Medical Leave Expansion Act (EFMLA)**

- a) Effective date on April 1, 2020 and expires December 31, 2020
- b) Amends the Current FMLA
- c) Not retroactive
- d) Employees must be employed for at least 30 days (no hours required)
- e) Creates a new category of leave entitlement for a "qualifying need related to a public health emergency":
  - i. Public health emergency means a Government declared emergency related to COVID-19
  - ii. Requirement for employee: is unable to work or telework because of need to care for child under 18 who cannot attend school or daycare, or whose care provider is unavailable
- e) Ten day waiting period

- f) The first 10 days of leave are unpaid, but employee may use any accrued time off benefits.
- g) Maximum of 12 weeks (14 weeks of paid time off, including 10 days of COVID-19 Emergency Paid Sick Leave) under leave requirements.
- h) After first 10 days, employer must pay 2/3 of employee's "regular rate of pay", not to exceed \$200 per day / \$10,000 total, and employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.
- i) Fluctuating work schedules, pay based will be an average number of hours worked over last six (6) months, or anticipated schedule when hired.
- j) Reinstatement to the same or similar position (just like regular FMLA).
- k) Certain Health care providers and first responders may be excluded.
- l) Department of Labor will issue regulations in April 2020. We will provide updated information as soon as it is available.

## 2) ELIGIBILITY

- a) Effective date April 1, 2020 through (expires) December 31, 2020
- b) No Length of service requirement to qualify
- c) Applies if an employee is unable to work because the employees:
  1. The employee is subject to a government-ordered quarantine or isolation order related to COVID-19.
  2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

*Employees are entitled to Emergency Paid Sick Leave at two-thirds of the employee's regular rate of pay if they are unable to work or telework because of the following:*

4. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described in number 1 above.

5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

**Emergency Paid Sick Leave Act continued:**

- d) Health care providers and emergency responders may be excluded
- e) Ten day waiting period before paid benefits begin
- f) Full-time employees = 80 hours (based on scheduled FTE)
- g) Part time employees = average work hours over two week period
  - i. If fluctuating schedule, pay based on average number of hours worked over last six months, or anticipated schedule of hours when hired
  - ii. Intermittent leave is not allowed
- g) Paid at the employee's "regular rate of pay"
  - i. Maximum \$511 day / \$5,110 total for reasons 1, 2, 3;  
\$200 per day / \$2,000 total if for reasons 4, or 6;  
\$200 per day /\$12,000 total if for reason 5 if combined with temporary Childcare  
EFMLA
  - ii. Paid at 2/3 regular rate of pay, if employee is off for reasons 4, 5, or 6
- h) Employer may not require employees to find a replacement, or require the exhaustions of other leave prior to use

3) **Emergency Leave Request:**

To request to use sick leave if the need for leave is foreseeable, an employee must give the immediate supervisor reasonable advance written or oral notice. (Labor Code §§ 246(l); 246.5(a).) If the need for sick leave is not foreseeable, the employee shall provide written or oral notice of the need for the leave as soon as practicable. (Labor Code § 246(l).)

If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed each day as to the date the employee expects to return to work and the purpose of the leave. Failure to request sick

leave as required by this Policy without good reason, may result in the employee being treated as absent without leave.

Therefore, it is imperative to contact your supervisor or department head to inform of your current circumstances. The County's "COVID-19 All Employee Handbook Version 1" issued March 24, 2020, provides guidance on these difference scenarios for our current Emergency Declaration for Plumas County.

To minimize the impact on local health care providers, the requirement to seek a doctor's certification to return to work may not be required. You may need to attest to personal quarantine situation to meet the need to protect employees at the worksite. Cal OSHA requirements of no fever for 72 hours without fever reducing medication after being sick meets their minimum requirement to return to work. Cal OSHA link below for worksite safety tips:

<https://dir.ca.gov/dosh/coronavirus/Health-Care-General-Industry.html>

Center for Disease Control – COVID-19 Link:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

#### **4) CERTIFICATION**

An employee using Emergency Paid Sick Leave must certify the reason for the leave request on Plumas County's required forms. Employees must complete the applicable forms to receive family and medical care leave or report by phone to their supervisor. Human Resources will require the form in order to process the leave request.

#### **5) EXPIRATION of Emergency Leave**

The provision of this section shall expire on December 31, 2020 or when the Emergency Family and Medical Leave Expansion Act is no longer effective.

Employees shall request leave as soon as practicable and shall certify the need for leave in writing at the time of the request.

The County may deny this leave to any employee who is a health care provider or emergency responder.

*Unused Emergency Paid Sick Leave will not be reinstated after December 31, 2020.*

#### **6) Plumas County Personnel Rules**

Refer to Plumas County Personnel Rules and your bargaining units Memoranda of Understanding for additional guidance on paid leaves.

## RULE 20 – PAID LEAVE

### RULE 20.01 Sick Leave

#### PERSONNEL RULE - 20 UNPAID LEAVE

##### **“20.02 Catastrophic Leave Transfers** (Paid Disability Leave):

An employee eligible for a non-paid disability leave under Rule 19.02 may be placed on a paid disability leave provided the County receives leave transfer pledges from other employees with sufficient paid leave balances to allow a transfer of credits to an employee authorized such leave.

An employee on a paid disability leave shall continue to receive County contribution to the health plan. A paid disability leave shall be subject to the following:

- (1) Leave requests may be approved by the requesting employee's department head in an increment of up to 90 days with additional increment extensions but not to exceed a total of one year, provided valid leave transfer pledges are on file with the County Auditor.
- (2) County employees may pledge accrued leave in a manner, form and time prescribed by a policy established by the Auditor-Controller.
- (3) An employee may voluntarily pledge accrued leave transfers up to the following maximums:
  - (a) All of the donor's accrued compensatory time off.
  - (b) Accrued vacation time up to an amount that the donor retains an accrued balance of one year's accrual.”

#### 7) List of Emergency Leave forms:

- a. Employee Certification of Need for Paid Emergency Sick Leave:  
Page 13
- b. Employee Certification of Need for Emergency Family and Medical Leave:  
Page 15
- c. Employee Certification to Return to Work After Exhibiting Symptoms of COVID-19 or Suspicion of Having or Being Exposed to COVID-19  
(May be used if a Doctor's Note is not practicable): Page 16
- d. Notice of Directive to Employee not to Return to Work and Use Sick Leave or other Leave Balance: Page 17

8) **Codes for Leave Types** needed for processing employees' time cards for payroll.

Use the corresponding pay code for the type of used leave and document time cards with the code.

Emergency sick leave = Pay code 070  
Emergency FMLA = Pay code 071

9) **Pay codes** to use for the related work on COVID-19 disaster worker services, document your time card with these codes:

FEMA = 009  
FEMA Overtime = 069

10) **Additional Resources:**

- a. For previous guidance that was provided to Plumas County All Employees COVID-19 you can access it with the link below:

COVID-19 Employee Handbook Version 1  
<https://plumascounty.us/DocumentCenter/View/25793>

- b. Updated Plumas County Public Health Guidance for Staying at Home and Self-quarantine, March 27, 2020: Page 16

**Families First Coronavirus Response Act: Employee Paid Leave Rights - Recap**

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or*
- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19,*

and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and

- *Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**Covered Employers:** The paid sick leave and expanded family and medical leave provisions of the FFCRA apply to certain public employers, and private employers with fewer than 500 employees. Most employees of the federal government are covered by Title II of the Family and Medical Leave Act, which was not amended by this Act, and are therefore not covered by the expanded family and medical leave provisions of the FFCRA. However, federal employees covered by Title II of the Family and Medical Leave Act are covered by the paid sick leave provision.

Small businesses with fewer than 50 employees may qualify for exemption from the requirement to provide leave due to school closings or childcare unavailability if the leave requirements would jeopardize the viability of the business as a going concern.

**Eligible Employees:** *All employees* of covered employers are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.

**Notice:** Where leave is foreseeable, an employee should provide notice of leave to the employer as is practicable. After the first workday of paid sick time, an employer may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

#### **Qualifying Reasons for Leave:**

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine related to COVID-19;
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);

5. Is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. Is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury. Under the FFCRA, an employee qualifies for expanded family leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

**Duration of Leave:**

**For reasons (1)-(4) and (6):** A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

**For reason (5):** A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

**Calculation of Pay:**

**For leave reasons (1), (2), or (3):** employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

**For leave reasons (4) or (6):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

**For leave reason (5):** employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).

- a) Paid sick time provided under this Act does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.
- b) An employee may elect to substitute any accrued vacation leave, personal leave, or medical or sick leave for the first two weeks of partial paid leave under this section.

11) **Continued Health Benefits for employees** who elect emergency paid sick leave or Emergency FMLA benefits.

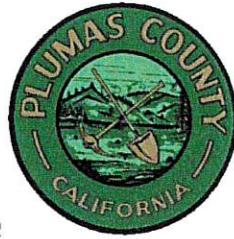
- a. Plumas County provides group health coverage and enrolled employees are entitled to continue that coverage during their expanded FMLA on the same terms as if they continue to work. Employees generally must continue to make normal contributions to the cost of health coverage. If an employee does not return to work at the end of expanded FMLA, the employer should review its eligibility provisions and internal policies to determine whether the employee can remain on the plan. If the employee is no longer eligible, COBRA coverage will be offered. If you elect to take paid sick leave, your employer must continue your health coverage.

## **DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971

(530) 283-6444 FAX (530) 283-6160

Email: [humanresources@countyofplumas.com](mailto:humanresources@countyofplumas.com)



### **Employee Certification of Need for Paid Emergency Sick Leave**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_

Job Title: \_\_\_\_\_

Personal Contact cell phone #: \_\_\_\_\_

Primary Email: \_\_\_\_\_

I, \_\_\_\_\_, certify that I am unable to work (or telework) for one of the following reasons / qualifying criteria. I request to participate based on the following reason:

- \_\_\_\_\_ 1. I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- \_\_\_\_\_ 2. I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- \_\_\_\_\_ 3. I am experiencing symptoms of COVID-19 (e.g., fever [defined as 100.4° F [37.8° C] or greater using an oral thermometer], coughing, and/or shortness of breath) and seeking a medical diagnosis.
- \_\_\_\_\_ 4. I am caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.  
Relationship to individual \_\_\_\_\_
- \_\_\_\_\_ 5. I am caring for my child whose school or place of care has been closed, or whose child care provider is unavailable, due to COVID-19 precautions.
- \_\_\_\_\_ 6. I am experiencing another substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Emergency FMLA: I request to participate based on the inability to work or telework due to a need to care for a minor son or daughter because of school / daycare closure due to the public crisis:

- 1. I elect to use Agency Sick Leave for the first 10 days: \_\_\_\_\_
- 2. I elect to use my own leave balances for the first 10 days: \_\_\_\_\_
- 3. I elect to go uncompensated for the first 10 days: \_\_\_\_\_

\*Compensation for sick leave granted for reasons 1, 2, or 3 above are to be based on your regular rate of pay but shall not exceed \$511 a day or \$5,110 in the aggregate.

\*Compensation for reasons listed in 4, 5, or 6 above shall be 2/3 of the regular rate of pay and shall not exceed \$200 a day or \$2,000 in the aggregate.

\*You do not have to use other leave balance before using Emergency Paid Sick Leave. The sick leave is available for immediate use regardless of how long you have worked with the County.

I understand that if my circumstances change, I must immediately inform my supervisor and the County and I may be directed to report to work (or telework). Turn in completed form to Human Resources Department.

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Employee Signature

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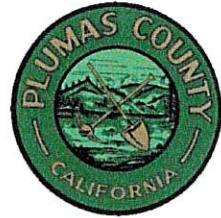
Date

**DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971

(530) 283-6444 FAX (530) 283-6160

Email: [humanresources@countyofplumas.com](mailto:humanresources@countyofplumas.com)



**Employee Certification  
of  
Need for Emergency Family and Medical Leave**

I, \_\_\_\_\_, certify that I have a child who is under the age of 18, whose school or place of care has been closed, or whose childcare provider is unavailable due to a COVID-19 emergency declared by a government authority. Due to the need to care for my child, I am unable to work (or telework). I understand that if my childcare needs change, I must immediately inform my supervisor and the Human Resources Department and I may be directed to report back to work (or telework).

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Signature

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Date

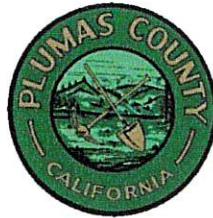
\*Return your completed form to the Human Resources Department.

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(530) 283-6444 FAX (530) 283-6160

Email: [humanresources@countyofplumas.com](mailto:humanresources@countyofplumas.com)



**Employee Certification to Return to Work After Exhibiting Symptoms of COVID-19 or Suspicion of Having or Being Exposed to COVID-19**

(May be used if a Doctor's Note is not practicable)

I, \_\_\_\_\_, certify that I have been free of fever (a “fever” is defined as 100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other COVID-19 related symptoms (*e.g.*, cough or shortness of breath) for at least 72 hours, without the use of fever-reducing or other symptom-altering medicines (*e.g.*, cough suppressants). Furthermore, at least 7 days have passed since symptoms first appeared. I understand that if I do show further signs of having COVID-19 (*e.g.*, fever, cough, or shortness of breath) I must inform my supervisor immediately and the Human Resources Department. I may either be directed to stay away from work or may require me to undergo a fitness for duty examination at the County’s expense and according to the Plumas County’s policy regarding fitness for duty examinations.

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Signature

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Date

**Notice of Directive to Employee not to Return to Work and  
Use Sick Leave or other Leave Balance**

**CONFIDENTIAL MEMORANDUM**

**Date:**

**To:**

**From:**

**CC:** Human Resources Department

**Re:** NOTICE OF DIRECTIVE TO EMPLOYEE TO NOT RETURN TO WORK  
AND OPPORTUNITY TO USE SICK AND/OR OTHER LEAVE

Plumas County has a duty under the law, including the California Occupational Safety and Health Act, to maintain safe and healthy working conditions for employees. As part of the County's obligation to provide a safe work environment for all employees, the County has directed you to stay home due to exhibiting symptoms of COVID-19 or suspicion of having or being exposed to COVID-19. Specifically, the County is directing that you do not come to work because of all or any one or more of the following:

- (1) Exhibition of symptoms associated with COVID-19 (such as fever, defined as 100.4° F [37.8° C] or greater using an oral thermometer, coughing and/or shortness of breath);
- (2) Severity of such symptoms;
- (3) Travel to or through a designated areas with level 3 or higher as defined by the CDC or from travel on a cruise ship;
- (4) Close contact with affected individuals, defined as a) being within approximately 6 feet (2 meters) of a person diagnosed with COVID-19 for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a person diagnosed with COVID-19, or b) having direct contact with infectious secretions of a person diagnosed with COVID-19 (e.g., being coughed on);
- (5) Positive test for COVID-19

You may not return to work until you provide a certification from your treating physician that the symptoms are non-communicable or, if that is not practicable, provide a certification on a form provided by the County that you are free of fever, signs of a fever, and any other symptoms of COVID-19 for at least 72 hours. In addition, without the use of fever-reducing or other symptom-altering medicines (e.g., cough suppressants).

This action is based on the National and State declarations of emergency, as well as guidance by the CDC for the prevention of transmission of COVID-19.

If you wish to be paid during this leave, you will need to use your available sick leave balance, and any other leave balance available to you.

## RIGHT TO RESPOND – Plumas County Personnel Rules

### RULE 17 – GRIEVANCE PROCEDURE

17.01 Policy: The County hereby establishes a grievance procedure to deal promptly and equitably with employee grievances that are properly presented. No employee shall be subject to reprisal or disciplinary action for making a grievance in good faith.

17.02 Definition: A grievance is a written objection to a managerial act or omission that allegedly affects adversely or unfairly an employee's wages, hours, or other terms and conditions of employment, and for which the County has provided no other procedure for administrative relief.

The subject matter of a grievance may include:

- (1) Working condition not covered by an MOU (Memorandum of Understanding);
- (2) Interpretation of an MOU;
- (3) Violation of an MOU or these Rules by an officer or employee;
- (4) Work assignments exceeding position classification;
- (5) Denial of merit salary increases;
- (6) Interpretation of County policies affecting wages, hours, and other terms and conditions of employment;
- (7) Disagreements between employees and supervisors over the implementation of departmental personnel policies.

17.03 Grievance Procedure:

- (a) Step One (I): Informal Meeting: Within ten (10) days of the occurrence or the employee's knowledge of the occurrence which gives rise to the grievance, the employee may request an informal meeting with their immediate supervisor. The immediate supervisor shall meet with the employee within five (5) days to discuss the grievance in an effort to clarify the issue(s) and work towards agreement. The supervisor shall verbally present a decision within five (5) days of the informal meeting.
- (b) Step Two (II): Written Grievance: If not satisfied with the immediate supervisor's oral response, the employee may file a written grievance (Step II) within ten (10) days with the next higher authority, or with the department head if the department head is the immediate supervisor.

A written grievance shall include a description of the following:

- (1) Circumstances giving rise to the grievance;
- (2) The adverse effect on, or unfairness to the employee;
- (3) The relief sought;
- (4) The results of the informal meeting.

A grievance may be amended in writing at any time without prejudice. A grievance may be withdrawn at any time and may be refiled without prejudice.

The authority with whom the grievance is filed shall confer with the employee and others involved, and shall respond in writing within ten (10) days explaining his or her decision and proposed action.

(c) Step Three (III): Filing with Department Head: This provision shall apply when the authority with whom the grievance is filed is not the department head. If not satisfied with the response in Step II, the employee may file the grievance in writing within ten (10) days with the department head. A copy of the Step II response shall be included with a copy of the grievance.

The department head shall respond within ten (10) days explaining his or her decision and proposed action. 17.04 Right to Appeal: If the grievance is denied, the employee shall be notified of the right to an appeal pursuant to Rule 18.

17.05 Time Limits: Grievances shall proceed within the prescribed time limits unless there is an extension of time by mutual consent between the employee and the County. If the employee exceeds any time limit, the grievance shall be deemed resolved upon the basis of the prior managerial response. If the County exceeds any time limit, the grievance shall be automatically referred to the next step in the procedure.

17.06 Resolution: Resolution of a grievance at any step of the procedure shall be final and binding on the County and the employee.

17.07 Employee Representative: The employee shall have the right to consult with and be assisted by a representative, union or otherwise, during all steps of the grievance procedure., starting at Step II. Any expenses incurred by the employee in the retention of representation shall be at the expense of the employee.

You may provide a written and/or verbal response to this Notice. Your written response must be received by your department head within five (5) working days of your return to work.

If you wish to provide a verbal response, you must advise your department head of that fact by contacting your department head at their office number no later than the close of

business within the five days of your return to work. Your department head will set up a conference for you to present any response to this Notice after you return to work.

This conference is not designed to be a formal evidentiary hearing, but you may be represented by legal counsel or another individual of your choice.

Your failure to provide a written response or to request a conference will constitute a **waiver** of your right to provide a response. Accordingly, the department head's decision to either sustain, modify, or reject this action will be based upon a review of this Notice.

The department head shall provide you with written notice of his/her determination within 5 work days of the response conference.

**NOTE:** In addition to the County's Grievance Procedure, you can refer to your bargaining units Memoranda of Understanding (MOU) for additional information on filing grievances. Each MOU is posted on the Human Resources website.

## **12) Disaster Service Worker**

All County employees are disaster services workers and may be called upon to provide emergency-related services to the County and its residents. Following is the citation from the California Code governing this provision.

Excerpted from the California Government Code (CGC):

3100. It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster services activities as may be assigned to them by their superiors or by law.

31001. For the purpose of this chapter the term "disaster Service Worker" includes all public employees and all volunteers in any disaster council or emergency organization accredited by the Office of Emergency Services. The term "public employees" includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed.

3102. (a) All disaster services workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter.

(b) In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter

shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of that subscription.

(c) Notwithstanding subdivision (b), the oath taken and subscribed by a person who is a member of an emergency organization sanctioned by a state agency or an accredited disaster council, whose members are duly enrolled or registered with the Office of Emergency Services, or any accredited disaster council of any political subdivision, shall be effective for the period the person remains a member with that organization.

### **13) As a Disaster Service Worker and Temporary Special Assignment**

A temporary special assignment is defined as a temporary assignment of an employee to an existing higher-level classification when the higher-level duties and responsibilities comprise more than a majority of the work performed.

- A. In the event that an employee is assigned to higher-level duties, they may receive special assignment pay. Special assignment pay is not appropriate where an employee is assigned different duties that are not higher-level duties or where an employee is assigned to work in a difference work unit if the work performed there are not higher-level duties.
- B. Should a Pandemic event and / or other catastrophic emergency be declared, assignments to special assignment involving higher pay will continue to be made prospectively but approvals and notification to the employee may be made prior to the commencement of the assignment either via email, phone, or using the Disaster Service Worker form.
  - a. An assignment to temporary special assignment may be made via email, memorandum or phone for the duration of the proclaimed emergency.
  - b. Disasters Service Worker assignments are case by case.

### **14) Signing up as a Disaster Service Worker**

The Human Resources Department assist with the coordination and placement of Disaster Service Workers (DSW). If you are considering what kind of work you can do as a DSW, consider the following factors:

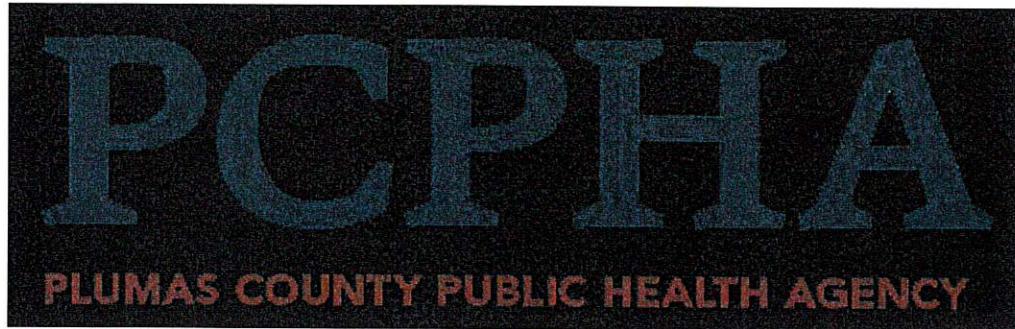
- A. Do you have your own personal transportation
- B. Are you willing to do manual labor
- C. What languages you are fluent in other than English
- D. What licenses or certifications do you have
- E. What is your educational background
- F. What days and hours you are available

Please contact Human Resources Department to obtain more information about the DSW program needs.

## **15) Alternative Work Schedules and / or Location / assignment**

Keep in mind alternative work schedules and/or location/assignment can be modified, on a case-by-case basis, during a proclaimed Pandemic event emergency and /or catastrophic emergency to enhance social distancing or business continuity as follows:

- A. In addition to regular full-time employees, regular part-time and temporary employees may be required to work alternative schedules and / or location/assignment.
- B. Departments shall review their normal business hours and work schedules to determine if they can be modified in a manner that best promotes social distancing, business continuity or other Pandemic event response goals during an emergency.
- C. Departments will identify first responder functions, mission critical functions and non-mission critical functions that may be staffed with personnel on alternative schedules and/or location / assignment.
- D. If feasible, supervisor should first ask for employees to volunteer to work hours other than their usual schedule. Where certain work schedules cannot be staffed with volunteers, department heads, elected officials or designee may direct staff to work the schedules necessary.
- E. Regular work schedules and /or location/ assignment may be changed by a department head, elected official or designee upon the proclamation of a Pandemic even and /or other catastrophic emergency.
- F. Alternative work schedules may be changed by a department head, elected official or designee subject to a 24 hour cancellation notice upon the declaration of a Pandemic event and/or other catastrophic emergency, when possible. If less than a 24-hour notice is necessary, department management may make such changes.
- G. Departments are encouraged to work with staff to minimize the impacts of decisions affecting schedule changes. Rest and meal period requirements continue regardless of the type of work schedule that is assigned. If an employee makes a request for an alternative work schedule and the request is denied, no written explanation of why the request has been denied is required during the proclaimed emergency.
- H. When appropriate, management may assign an employee back to the employee's regular schedule.
  - a. If an employee is assigned back to his or her regular schedule during a Pandemic event and/or catastrophic emergency, the assignment is subject to a 24- hour cancellation notice, when possible; if less than a 24-hour notice is necessary, department management may make such changes as necessary.
  - b. If an employee is assigned back to his or her regular schedule after the Pandemic even and/or catastrophic emergency is declared over, the assignment is subject to notification periods contained in applicable MOU.



## Updated Guidance for Staying at Home and Self-quarantine

**Date:** March 27, 2020

**From:** Andrew Woodruff, Public Health Director

On March 19, 2020, in order to preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all persons with COVID-19, Governor of the State of California issued an executive order for all individuals living in the state of California to stay at home. We would like to clarify the current local guidance related to this order, and provide recommendations for self-quarantine.

Every person in Plumas County should not leave their residence except for the following reasons:

- You are an essential part of the workforce and are being asked to work. Guidance about essential employee is defined by federal government <https://www.cisa.gov/critical-infrastructure-sectors> , and further clarification is provided by the state <https://covid19.ca.gov/stay-home-except-for-essential-needs/>.
- Plumas County residents may leave home to get necessary supplies, including food and medical care. If you are high risk (65+, or living with a chronic health condition), you may want to seek assistance in getting essential needs met. Call 283-6400 if you need help.
- It is recommended to go outside for fresh air or a walk while still practicing social distancing

Every person who needs to go into public to obtain necessary supplies or to work should be practicing social distancing by staying six feet away from others and practicing good hygiene. During the time the order is in place, travel outside the county should be limited as much as possible. There are no enforced travel restrictions at this time. If you do travel outside the county to an area where there is risk of contracting COVID-19 is high,, and you are not an essential worker, it is recommended that you self-quarantine for 14 days upon return.

There are some important factors to determine if you should self-quarantine.

- Area visited: If there are cases of COVID-19 identified in an area then it increases your risk to visit that area . For international information about cases: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html>. Within the United States: <https://coronavirus.jhu.edu/map.html>. If you need help accessing this information, call 283-6400.
- Interaction with others: The more contact with the general public the higher chance of contracting COVID-19. For example, traveling for a medical appointment may expose you to less people than going grocery shopping at a popular time.

What does it mean to self-quarantine:

- Do not leave home even for necessary supplies; seek assistance instead.
- If you live with others, eliminate contact with them to the extent possible; practicing social distancing, clean all common areas and use good hygiene.

To ensure the health and well-being of our community we are all making temporary sacrifices. Plumas County is fortunate in that there are still zero identified cases of COVID-19 in our community; however, this can change quickly. Many counties neighboring Plumas have identified cases in their county. Participating in these guidelines is our social responsibility to one another and will save lives.

In order to continue to protect the health of our community it is recommended everyone follow the executive order; practice social distancing if in public and continue to use universal precautions; including washing hands and covering mouths with an elbow or tissue when you cough or sneeze.

As of March 27, 2020, there are **ZERO** confirmed cases of COVID-19 in Plumas County  
For additional information, please visit Plumas County website: [www.plumascounty.us](http://www.plumascounty.us) or call 530-283-6400 or send e-mail to [COVID-19@countyofplumas.com](mailto:COVID-19@countyofplumas.com)

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$  for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at  $\frac{2}{3}$  for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

<ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol>	<ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol>
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### ► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](http://dol.gov/agencies/whd)



WH1422 REV 03/20