



ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220 • FAX: (408) 777-3109
CUPERTINO.ORG

Date: March 13, 2020

To: City of Cupertino Employees

From: Deborah Feng, City Manager

Kristina Alfaro, Director of Administrative Services

Re: COVID-19 Sick Leave

The overall health and safety of our employees, residents, businesses, and visitors remains the highest priority for the City of Cupertino. We encourage those who are sick to stay at home. All employees are encouraged to observe Santa Clara County's guidance on social distancing during this time. Below is additional guidance for City employees as the City manages the ongoing COVID-19 situation in the workplace.

What happens if I become ill during a quarantine?

An employee who has been subject to quarantine or self-monitoring as issued from a local public health department and tests positive for COVID-19 *or* otherwise becomes ill shall use all types of leave banks available, no sooner than 14 days after the quarantine or self-monitoring began.

What should I do if I need to provide care for a sick family member?

Employees caring for a family member or members who have tested positive for COVID-19 shall use leave banks of all types available, including sick leave, to care for a sick family member. Employees can use up to half of their annual accrued and available sick leave (equivalent to the amount earned and available during a six-month period) to care for a family member's injury or illness. The City will suspend attendance monitoring during this time.

Employees who have tested positive for COVID-19 or are caring for a family member who has tested positive for COVID-19 may be eligible for the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA). Employees can work with Human Resources to determine if they meet eligibility. If the employee is eligible, they will need to obtain certification from their health care provider.

What happens in the event of a school closure?

The City recognizes that sudden school closures could disrupt work schedules and increase absenteeism. City Departments are exploring available options for telework and flexible work schedules. If employees are unable to telework, they shall use leave banks of all types available, including sick leave, to care for children as a result of school closure that officials determined are necessary to protect public health.

After exhausting the paid leave bank if applicable, mentioned in the “What is my pay status...” section below, employees can use up to half of their annual accrued and available (equal the amount that would accrue during a six-month period) sick leave to care for a family member's injury or illness.

Can my supervisor ask me to leave work and go home?

The City has an affirmative duty to maintain safe and healthy working conditions for employees. If the City has reason to believe that an employee was exposed to COVID-19 or if an employee is showing symptoms of a communicable illness (such as fever, coughing and/or shortness of breath), the employee will be sent home.

What is my pay status if I am sent home?

The City has implemented a paid leave bank of 40 hours (five days) for all permanent employees (prorated for benefitted part-time employees) to use in these situations:

- i) Contract COVID-19;
- ii) Are quarantined due to COVID-19 exposure;
- iii) Have children attending schools that have been closed due to COVID-19 exposure; or
- iv) In the event of a work site closure initiated by the City due to COVID-19 exposure or to prevent such exposure.

After this City paid leave bank of 40 hours is exhausted, the employee may request to use any remaining leave banks available to them including Sick, Vacation, Floating, Wellness, Comp Time Earned, Negotiated, and Administrative Leave. Management reserves the right to verify requests and may request medical certification or deny requests when appropriate. The City may eliminate this program at any time with or without notice, based on its ongoing assessment of the COVID-19 situation; and any unused portion of this paid leave bank will not be accrued, cashed out, nor converted to other leave types for use at a later time.

If the employee has no paid leave balance from which to draw, they will be allowed to continue to use sick leave, but a negative balance will accumulate up to 80 hours as an advancement by the City. Any future sick leave accruals will be used to offset any negative sick leave balances, but if an employee should leave City service prior to fully offsetting the advancement (negative bank), the remaining advanced balance would be owed to the City at the termination of employment.

If I'm sent home, when can I come back to work?

A symptomatic employee sent home from work should immediately contact a medical professional for further advice. The City will require a note from the employee's treating physician clearing the employee to return to work.