

Request for Board of Commissioners' Action

From: Faye Hughes, County Administrator Date: August 9, 2021

Subject: Updated COVID Leave Policy Item Number: VIII-D

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.**

Due to the FFCRA Act expiring December 31, 2020, and our subsequent county policy expiring June 30, 2021. This request is to extend the county policy beginning July 1, 2021 through December 31, 2021. Attached is a copy of the proposed policy that mirrors our policy adopted January 2021. The policy gives the HR/Payroll and employees guidelines about time off due to COVID going forward thorough December 31, 2021.

- Instructions for exposures, COVID symptoms and returning to the workforce.
- Requires employees that are absent due to COVID, exposures, or symptoms be paid with accrued sick and annual leave.
- Allows employees with NO leave balance, to be paid with future leave accrual.

Motion made by _____

Second made by _____

Any discussion: _____

Votes _____ yes _____ no

Motion carried/ failed

COOK COUNTY POLICY FOR COVID-19 PANDEMIC

Effective July 1, 2021

Introduction:

Cook County strives to provide a safe and healthy workplace for all employees. This policy addresses our ongoing response to the current COVID-19 (Coronavirus) pandemic. The policy outlines the County's efforts to safeguard employees' health and well-being while preserving our ability to maintain essential operations and continue providing essential services to our citizens. In addition, it provides guidance on how we intend to respond to specific operational and human resource issues related to the current pandemic.

Contagious Symptoms and Contagious Condition

Employees who report to work with Contagious Symptoms and/or a Contagious Condition, as those terms are defined in this policy, may significantly impact County operations due to the potential for spreading sickness, diminished productivity, and lack of quality or attention to safety.

Employees are expected to take steps to reduce their risk of contracting a contagious condition or passing on a contagious condition by observing healthy practices, including but not limited to:

- Covering coughs and sneezes with a tissue, then throwing the tissue in the trash. (Or, if no tissues are available, coughing/sneezing into the elbow rather than the hands).
- Washing their hands often, using soap and water for at least 20 seconds, especially after blowing the nose, sneezing, coughing, or using the restroom and before preparing or eating food. (Or, if soap and water is not available, using an alcohol-based sanitizer for hands.)
- Refraining from touching their face, particularly the eyes, nose or mouth.
- Cleaning/sanitizing frequently touched objects and surfaces.
- Being mindful of personal space and increasing, when possible, space between individuals in the workplace (examples include avoiding handshakes).
- Utilizing face coverings/masks, shields, barriers, and/or other protective devices when in the presence of coworkers, visitors, and members of the public.
- Staying home from work when experiencing Contagious Symptoms and/or a Contagious Condition.

In the interest of maintaining a safe and healthy workplace, the County may prohibit employees with Contagious Symptoms and/or a Contagious Condition from reporting to work and/or may send employees.

(a) Contagious Symptoms and/or Condition

For purposes of this policy, Contagious Symptoms and/or a Contagious Condition exist when any of the following occur:

(1) An employee exhibits symptoms that are, according to the Centers for Disease Control and Prevention (CDC) and/or the Georgia Department of Public Health (DPH), known symptoms of COVID-19 infection. These symptoms include, as of the effective date of this policy:

- Fever (100.4°F or feeling feverish); chills
- Cough; sore throat
- Shortness of breath, difficulty breathing
- Muscle pain; headache; body aches
- New loss of taste or smell
- Fatigue
- Nausea; vomiting; diarrhea
- Congestion; runny nose

(2) An employee is diagnosed with a COVID-19 infection;

(3) A member of the employee's household is diagnosed with a COVID-19 infection;

(4) Any other risk factors are present for which the CDC recommends isolation or quarantine of the employee.

(b) Workplace Requirements

The County and its employees bear responsibility for a safe and productive workplace environment. Accordingly, an employee with Contagious Symptoms and/or a Contagious Condition:

(1) Will not report to the workplace so as not to infect other employees or members of the public.

(2) Will not return to the workplace until symptom-free for at least 24 hours and cleared by the Human Resources Department to return. (See Section (e) below.)

(3) May be sent home, with or without the opportunity to work from home, based on a Contagious Condition or reports or observations of Contagious Symptoms.

(c) Absence Due to Contagious Symptoms and/or Conditions

An employee who has been sent home by the County and/or has not reported to work due to Contagious Symptoms and/or a Contagious Condition, or who has been quarantined, will be required to use, if available, accrued Sick Leave or Annual Leave. If paid leave is unavailable, the employee will be recorded as absent with approved unpaid leave. Any prolonged absences will be addressed in compliance with all federal and state laws and regulations, including the ADA and the FMLA (where a serious health condition is involved).

The County may, but is not required to, approve an employee to work from home or another private location while recuperating or while under quarantine. Such approval is dependent upon consideration of multiple factors, including the employee's position, the severity of the illness, and other safety and logistical considerations.

Any employee subject to absence due to Contagious Symptoms or a Contagious Condition must contact Human Resources to determine if the employee and medical condition qualifies for Family and Medical Leave (FMLA). In such case, the policy covering FMLA shall apply.

(d) Special Sick and Annual Leave Provisions

Due to the unusual nature of the COVID-19 Pandemic and the uncertainty about the scope of its impact, the County is authorizing special accrued leave provisions, as listed below. These provisions apply to full-time employees who accrue sick and vacation leave.

(1) The restrictions on use of accrued sick leave are relaxed and expanded. In addition to the normal reasons for sick leave usage, employees may also use accrued sick leave for (1) periods of quarantine, as recommended by a health care provider or CDC, due to known or suspected COVID-19 exposure; (2) to care for an individual under quarantine, as recommended by a health care provider or CDC; (3) to care for a child whose school or daycare has closed due to COVID-19; and (4) for periods of closures of County workplaces related to COVID-19 when the employee is unauthorized or unable to work or telework. Provided, however, that an employee who is unable to work for periods of closure of a County workplace will be required to use all available annual leave before using any sick leave.

(2) Employees who have exhausted sick and annual leave balances will be allowed, but not required, to use future leave accruals. Employees may use up to 80 hours of future sick leave and up to 80 hours of future annual leave (for a total of up to 160 hours of advanced leave), to be offset as the leave is accrued over the months to follow. This entitlement for future use of leave accruals will end on December 31, 2021. An employee who separates from County employment, whether voluntarily or involuntarily, with a negative leave balance will be required to repay the advanced leave time via payroll deduction. An employee who chooses not to use advanced leave will be recorded as absent with approved unpaid leave. Unless otherwise required by law, an employee's use of paid leave will be subject to all provisions of the Cook County Personnel Manual, including but not limited to operational and staffing needs.

(e) Return to Work from Contagious Symptoms or Contagious Condition

An employee may not return to work until free of fever (100.4° F or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours (or longer if required by CDC guidelines), without the use of fever-reducing or other symptom-altering medicines. An employee seeking to return to work following a COVID-19 related absence must make a request to Human Resources (by phone or electronically). Human Resources shall review and must approve the request *before* the employee may return to work. The Human Resources Department will utilize CDC and/or DPH Guidelines, as well as internal practices, to determine the minimum absence length. At the discretion of the County, a written physician's release may also be required. An employee failing to obtain return to work authorization prior to reporting to work will be immediately sent home and may be subject to disciplinary action for failure to comply with this requirement.

(f) Compliance

Due to the seriousness of the ramifications of non-compliance, any violation of the policy as set forth will subject the employee to disciplinary action, up to and including, termination.

(g) Scope of Policy and Administration

Other than the leave provisions in Sections (d), this policy applies to all employees, volunteers, interns, and any other individuals performing services on the County's behalf, whether paid or unpaid. This policy will be administered in accordance with all federal and state laws and regulations, including, if applicable, the ADA and the FMLA, or any federal or state law requiring special leave time due to COVID-19. Any conflicts between (i) this policy and (ii) federal or state law or CDC guidelines, will be resolved in favor of the latter.

(h) Effective Date; Expiration; Effect On Other Policies

This policy shall be effective as of July 1, 2021 and shall expire on December 31, 2021. This policy replaces the Policy for COVID-19 Pandemic that was approved and effective on March 13, 2020; and, subsequent policy that was expired on June 30, 2021. This policy does not repeal or replace any other Cook County policies that have been approved by the Cook County Board of Commissioners and that are now in effect, including without limitation the Cook County Personnel Policy Manual. However, where there is a conflict between the provisions of this policy and any other policy, the provisions of this policy shall prevail and be applicable until the expiration of this policy.

This the ____ day of August, 2021.

ATTEST: _____

Vicki S. Parrish, County Clerk

Audie Rowe, Chairman