

COVID-19 LEAVE

Community spread viruses like the common cold or flu are not generally accepted as work-related illnesses/diseases in the workers' compensation system per regulation 14300.5(b)(2)(H) and presumptive injuries are encompassed within Labor Code Section 3212 and 3213 and include conditions such as heart trouble, pneumonia, hernias (including hiatal hernias that cause gastrointestinal symptoms), cancer, tuberculosis, back trouble (peace officers only), MRSA and diseases caused by bloodborne pathogens. It is unknown at this time which category COVID-19 will fall into.

Employees who have frequent Close Contact¹ with the public due to the nature of their jobs (e.g. Public Safety Officers, employees who perform work in a jail/detention setting, etc.), have an increased risk for contracting contagious diseases. The City will provide 80 hours of City paid COVID-19 Leave in coordination with Emergency Paid Sick Leave (EPSL) pursuant to the Families First Coronavirus Response Act (FFCRA) as follows:

1. If the employee exhibits symptoms of COVID-19 or was in Close Contact with a positive COVID-19 case, as described by the Centers for Disease Control and Prevention, the employee shall quarantine per local guidelines, seek a diagnosis and will utilize EPSL pursuant to the FFCRA. EPSL may also be used to undergo testing and attend medical appointments related to COVID-19.
2. Pursuant to the FFCRA, EPSL has a maximum benefit amount of \$5,110 in the aggregate for employees required to quarantine/isolate due to possible exposure to and/or diagnosis of COVID-19. Employees may be eligible for up to 80 hours of EPSL or up to the maximum benefit amount or until the employee is medically cleared to return to work, whichever comes first.
3. If the employee is diagnosed with COVID-19, the employee may elect to file a workers' compensation claim. Being exposed to or diagnosed with COVID-19 and being required to quarantine does not alone support an industrial injury, and an employee is not entitled to lost time benefits under workers' compensation to undergo testing or to attend medical appointments due to exposure or diagnosis.
4. Upon meeting the following requirements, an employee may be eligible to utilize up to 80 hours of City paid COVID-19 Leave until such time as the leave is exhausted or until the employee is medically cleared to return to duty, whichever comes first:
 - a. Employee has filed a workers' compensation claim for their own positive COVID-19 diagnosis; *and*
 - b. The claim is denied; *and*
 - c. The employee requires additional medical leave due to the positive COVID-19 diagnosis beyond the EPSL benefit provided for under the FFCRA.
5. COVID-19 Leave will be paid at the employee's base rate of pay for each hour missed due to a positive COVID-19 diagnosis. All other pays and benefits will remain in place.
6. The determination as to which positions have frequent Close Contact with the public is at the sole discretion of the City.

This Side Letter automatically sunsets on December 31, 2020 unless the parties agree to extend the provisions.

¹ Close Contact as defined by Los Angeles County Department of Public Health Orders.

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For The City of Glendora

For AFSCME

Signature Date

Signature Date

Signature Date

Signature Date