

COVID-19 Natural Disaster Paid Time Frequently Asked Questions

Below are listed some frequently asked questions and responses concerning the paid time passed by the Board of Supervisors on March 24, 2020, in response to the COVID-19 pandemic crisis. A Natural Disaster Attestation Form must be completed by the employee and approved by the manager and agency/department head in order for the requested time to be paid. We hope you find these helpful in assisting your employees requesting the paid time and your managers in evaluating approval of requests.

The paid time is intended to assist those who qualify under the specific circumstances listed on the Natural Disaster Attestation Form. The paid time is not intended to be provided to employees who are able to continue to work in the workplace, who are able to telework, or who have been reassigned. The paid time is intended to assist employees who otherwise would have to use their accrued time because they must stay at home and are unable to telework.

For questions not addressed here, please contact your HR Department Representation or Kelly Akers at Kelly.Akers@ventura.org.

Q: Who is eligible to receive the 80 hours of paid time the Board approved on March 24, 2020?

A: Regular full-time (or part-time on a pro-rata basis) County employees, regardless of status as performing essential or non-essential work, if absent from work due to one or more of the conditions listed below and unable to telework:

1. Quarantine in the event of a high-risk exposure to COVID-19 (as defined by the U.S. Centers for Disease Control and Prevention (CDC)) or exhibiting COVID-19 symptoms.
2. COVID-19 illness.
3. Necessity to care for a dependent with COVID-19 illness.
4. Necessity to care for a minor child if the child's school or place of care has been closed.
5. Direction from agency/department.
6. Local/state emergency orders to remain at home due to:
 - Age 75 or older, or age 70 or older and with an underlying health condition.
 - Underlying health condition that increases vulnerability to COVID-19 illness.
7. Other (with explanation).

B. The employee has completed the Natural Disaster Attestation Form.

Q: Must employees exhaust their leave accruals before they are eligible for the 80 hours of paid time?

A: No. Employees are not obligated to utilize personal leave banks before utilizing the paid disaster time. In fact, if an employee took qualified time between March 4 and March 21, their leave banks may be adjusted if a Natural Disaster Attestation Form is completed and approved.

Q: If an employee is considered “high risk” under the CDC guidelines due to pre-existing health condition(s), is the employee able to use the 80 hours of paid time instead of accrued leave?

A: Yes, if an employee has a pre-existing medical condition or any other condition meeting the CDC’s definition of high risk, is unable to telework, and a Natural Disaster Attestation Form is completed and approved, the employee may utilize up to 80 hours of paid time rather than personal leave bank(s). Employees are not obligated to divulge their medical information, but you may refer them to the CDC for information on high risk definitions: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/people-at-higher-risk.html>.

If you have questions regarding exposure risk assessment, visit <https://www.cdc.gov/coronavirus/2019-ncov/php/risk-assessment.html>

Q: Does pregnancy qualify as an underlying health condition that increases vulnerability to COVID-19 illness?

A: Per the CDC, COVID-19 has not shown increased risk to pregnancy. The CDC only recommends monitoring. However, if a healthcare provider documents a higher risk due to an employee’s pregnancy, the employee may utilize paid disaster time.

Q: If an employee has been on an alternate work schedule to accommodate a child care situation, but now wants to utilize the 80 hours of paid time instead of working an alternative schedule, is that allowed?

A: No. The intent of the paid disaster time as it relates to child care is to assist employees who have no alternative but to be off work to care for their child/ren. If an employee has demonstrated that an alternate schedule works for them, then that should still be utilized. The employee’s request should be carefully assessed in the event their child care arrangements have recently changed.

Q: If an employee has now submitted an attestation form claiming child care issues, when previously they did not, what should we do?

A: The agency/department may ask what circumstances may have changed that now require the employee to stay home to provide child care. However, unless the agency/department has proof that an employee’s attestation form is fraudulent, the attestation should be accepted and approved.

Q: If an employee is requesting time off in order to provide child care for another family member’s child, are they eligible to utilize the 80 hours of paid time?

A: No. The paid disaster time applies only if the employee is the child’s legal guardian. Employees may utilize the 80 hours of paid time only to care for their own children.

Q: How does the 80 hours of paid time apply to employees designated as performing non-essential duties who have been reassigned to assist other agencies/departments? If an employee is eligible to use these hours, do we then remove them from their Disaster Worker assignment?

A: If an employee needs to take time off work for any of the listed reasons, they can use the paid time in lieu of their personal leave bank(s), regardless of whether they are deemed essential, non-essential, or have been re-assigned.

Q: What should an agency/department do if a replacement is needed for an employee utilizing paid disaster time?

A: If an agency/department needs a replacement for an employee who is utilizing paid disaster time, contact your Department HR Representative or CEO-Human Resources directly.

Q: Is there a specific time reporting code for employees to use to report paid disaster time?

A: Employees with approved Natural Disaster Attestation Forms should enter the natural disaster time reporting codes of NDISH (HOURLY) or NDISS (SALARY). For attestations received to replace time originally reported as sick or vacation between the dates of March 4 through March 21, 2020, the agency/department must do a vacation or sick leave balance adjustment to restore the hours to an employee's leave bank.

Q: How often should an employee submit attestation forms?

A: If an employee is using all 80 hours of paid disaster time consecutively, then one attestation form will suffice. However, if an employee is using the hours intermittently between now and April 4, they should submit only one attestation form per pay period, as necessary.

Q: Will utilizing the paid disaster time affect an employee's continuous service hours?

A: No, because the paid time is compensated, it will not affect service time. All compensated hours (sick, vacation, natural disaster, etc.) count towards continuous services hours.

Q: What happens if an employee's child care provider is closed beyond April 4, 2020? Will an employee be required to use personal accrued leave?

A: The paid time approved by the Board of Supervisors contains a provision that if the County determines a disaster continues to exist after April 4, then an additional 80 hours of paid time may be available to County employees. However, if the time is not extended, employees may use accrued leave or take leave without pay.

Q: Is there an expectation/obligation that those who qualify for paid disaster time must also have Leave of Absence forms on record?

A: Any leave greater than three days requires an employee to complete and submit a Leave of Absence Request form. This requirement has not changed; however, agencies/departments should attempt to be flexible in light of the current challenges facing employees in obtaining medical authorizations.

Q: If an employee is under orders to remain home, but is able to telecommute, can they be obligated to do so, or may they refuse and use the paid disaster time?

A: No matter an employee's status as performing non-essential duties or as high-risk, the 80 hours of paid time is intended for those who cannot work, including telework. If an employee is able to telework, they may be obligated to do so. If an employee refuses to telework, the employee will be required to use leave accruals to cover the absence.

Q: Does quarantine apply to voluntary and mandatory quarantine instances?

A: Yes, an employee must be quarantined due to a high-risk exposure to COVID-19 (as defined by the CDC) or if exhibiting COVID-19 symptoms.

Q: What about parents who take time off to care for a child who is presumed to have COVID-19 illness?

A: If an employee's child is presumed to have COVID-19 illness or has tested positive for COVID-19, the employee would be eligible for paid time under category 3 listed above.