

Public Health Emergency (PHE) Leave Policy*

In Response to the COVID-19 Pandemic

Effective: January 18, 2022

**This replaces the Public Health Emergency Policy dated December 29, 2021.*

The COVID Illness Leave policy as part of the FFCRA expired December 31, 2020.

This is a dynamic policy which will be updated and changed with little notice to address emerging issues related to the COVID-19 Pandemic.

In compliance with the Healthy Families & Workplaces Act (HFWA), a maximum of 80 hours of Public Health Emergency (PHE) Leave will be granted when an act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious agent for which an emergency is declared by a Federal, State, or Local Public Health Agency or a disaster emergency is declared by the Governor.

Employees must apply for and seek approval from Human Resources for PHE leave use during the current COVID-19 Pandemic. Once approved, employees may only return to work with clearance/approval from Human Resources.

PROVISIONS OF PUBLIC HEALTH EMERGENCY LEAVE:

1. **Self-isolate and care for oneself** because the employee is diagnosed with or experiencing symptoms of a communicable illness that is the cause of the PHE or is seeking or obtaining a medical diagnosis, treatment or preventative care for such illness.
2. **Is excluded from work** by a government health official, or by an employer, due to the employee having exposure to, or symptoms of, a communicable illness that is the cause of the PHE (whether or not actually diagnosed with the illness).
3. **Care for a family member** who is self-isolating after being diagnosed with or experiencing symptoms of a communicable illness that is the cause of the PHE or is seeking or obtaining a medical diagnosis, treatment, or preventative care for such illness. This includes caring for a family member who is in category (2) above.
4. **Caring for a child/children/other family member** whose child care provider, school or other place of care is unavailable, closed or providing remote learning due to a PHE.
5. **Inability to work** because you have a health condition that may increase susceptibility to or risk of a communicable illness that is the cause of the PHE.

SPECIFIC REGULATIONS OF PUBLIC HEALTH EMERGENCY LEAVE:

PHE leave is only available when an emergency is declared.

- Leave is only granted once (intermittent or consecutive) during the entirety of the declared Public Health Emergency, even if the PHE is amended, extended, reinstated or prolonged.
- Leave is available for use up to 4 weeks after the official termination or suspension of the emergency.
- **Full Time Employees:** will be granted a bank of hours based on regular biweekly scheduled hours worked:
 - o 40 hour work week = 80 hours maximum leave available
 - o 36 hour work week = 72 hours maximum leave available
 - o 32 hour work week = 64 hours maximum leave available
 - o 30 hour work week = 60 hours maximum leave available, etc.
 - o Leave is paid at 100% of regular hourly wage
 - o If maximum eligible hours are exhausted, you must use PLB.
- **Part Time Employees:** will be granted a minimum of 40 hours (or more depending on average hours worked in the previous two pay periods) to be used during the declared PHE.
 - o If maximum eligible leave hours are exhausted, leave will be unpaid.
 - o Leave is paid at 100% of regular hourly wage.

ISOLATION, QUARANTINE AND RETURN TO WORK GUIDANCE:

Employee may only return to work with clearance/approval from Human Resources and may be required to submit supporting documentation to HR and other related information as requested. Based on individual circumstances, Human Resources Staff, in consultation with Boulder County Public Health (BCPH), may require additional criteria be met prior to an employee being approved to return to work. Review the following chart to determine your specific return to work plan based on your individual circumstances and reach out to HR for guidance.

Reminders:

- If you initially fall into the 'Symptomatic' or 'Asymptomatic' categories below and subsequently receive a positive test, you move into the 'Positive' category.
- If you have a negative test but still have symptoms, stay home until you feel well enough to return to work.
- People who are severely ill with COVID-19 or who have weakened immune systems may need to stay home longer than the times set forth in this table. Please consult with your health care provider if this may apply to you.

STATUS	*FULLY VACCINATED	*UNVACCINATED/ PARTIALLY VACCINATED
POSITIVE TEST	STAY HOME & ISOLATE IMMEDIATELY	
	Employees who have received a positive test (Antigen/Rapid/At-Home accepted for positive test only) for COVID-19 and are: Asymptomatic: may return to work 5 days after receiving a positive test if you have no symptoms. (return on 6 th day) Symptomatic: may return to work if you have no symptoms, or symptoms are resolving, 5 days after symptoms first appeared (return on 6 th day), AND - Monitor for symptoms and wear a mask for 5 additional days (if no mask mandate). - Must receive clearance from HR to return to work.	
SYMPTOMATIC REGARDLESS OF EXPOSURE	STAY HOME & GET TESTED	
	- Test immediately if experiencing COVID-19 symptoms. - Produce a NEGATIVE COVID PCR test. - Return to work immediately after producing negative test (with clearance from HR). - Monitor for symptoms and wear a mask for 5 additional days (if no mask mandate).	
ASYMPTOMATIC & EXPOSED	MONITOR FOR SYMPTOMS & GET TESTED	QUARANTINE & GET TESTED
	- Quarantine is not required <u>unless</u> the exposure is within your immediate household. (If this applies, you must stay home and follow the protocol in "Symptomatic regardless of Exposure" Above). - Test 3-5 days after exposure. - Produce a NEGATIVE COVID PCR test. - Monitor for symptoms and wear a mask for 10 days (if no mask mandate).	- Test minimum of 5 days after exposure. - Produce a NEGATIVE COVID PCR test. - Return to work immediately after producing negative test (with clearance from HR). - Monitor for symptoms and wear a mask for 5 additional days (if no mask mandate).
POSITIVE TEST IN PREVIOUS 90 DAYS & NEW EXPOSURE	MONITOR FOR SYMPTOMS	
	Employees who have tested positive for COVID-19 AND have completed the isolation period within the last 90 days: - No quarantine required. - Monitor for symptoms and wear a mask for 10 days (if no mask mandate). *If more than 90 days have passed, you must follow the above protocol.	

DEFINITIONS:

- COVID-19 Testing:**
 - PCR/Molecular tests: maybe be submitted for either negative or positive results. (required when submitting a negative test)
 - Antigen/Rapid/At-home tests: **only** accepted if a positive result is received.
- Exposure/Close Contact:** Within 6 feet for a combined total of 15 minutes or more, in a 24 hour period with a person who was infected or presumed to be infected with COVID-19.
- Fully Vaccinated:** Completed the primary series of Pfizer or Moderna vaccine within the last 6 months **OR** Completed the primary series of J&J vaccine within the last 2 months **OR** have been boosted.
- Due for a booster:** Completed the primary series of Pfizer or Moderna vaccine over 6 months ago and are not boosted **OR** Completed the primary series of J&J over 2 months ago and are not boosted.
****If you do not meet these requirements, you are NOT fully vaccinated. Vaccinated employees may still be required to provide proof of vaccination, and submit to testing.**
- Isolation:** separates sick people with a contagious disease from people who are not sick.
- Quarantine:** separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

ADDITIONAL NOTES: The City will consider reasonable accommodations to this policy for employees because of a disability or a sincerely held religious belief, practice, or observance. * The masking requirements in the table may be superseded by public health order. Boulder County and City-wide orders currently require facial coverings in public indoor settings regardless of vaccination status.

For additional information and/or forms for leave requests, contact Robin Brookhart or Alina Kirchner in Human Resources.

This policy complies with the Healthy Family & Workplaces Act (Senate Bill 20-205) effective January 2021.