

August 17, 2023

Interim Leave Policy Applicable to Employees with COVID-19 Related Absences

Effective June 12, 2023, this Interim Leave Policy revises and supersedes the System's Interim Leave Policy dated January 26, 2022.

I. Interim Policy:

- A. NYC Health + Hospitals in compliance with the NYS COVID-19 paid sick leave law, will maintain employees in active pay status using Code "17" (infection control) as follows:
1. Employees are responsible for contacting Occupational Health Services (OHS) as soon as they are experiencing symptoms consistent with COVID-19 or receive the result of a positive COVID 19 test if asymptomatic. Eligibility for NYS paid sick leave begins on the first date OHS determines the employee exhibits symptoms of COVID-19 or the date the positive test specimen was obtained. Employee is responsible for providing OHS, within two (2) scheduled work days, satisfactory proof of a confirmed COVID-19 test result (Antigen or PCR). The period of the Code "17" absence is determined by OHS and is not to exceed ten (10) calendar days. The absence is paid prior to a charge to the employee's accrued paid sick leave balance consistent with the System's applicable Return to Work Policy. Time records for COVID-19 related absences pursuant to this Interim Policy are coded "17," as determined by OHS.
 2. OHS will notify the employee, department, facility Human Resources and provide the dates for which code "17" will be used to document any absence as determined by OHS. In the event OHS modifies the isolation/quarantine period, OHS will notify employee, department and facility HR of additional Code "17" covered absence.
 3. COVID-19 positive employees who are immunocompromised or have severe-to-critical illness or were hospitalized as determined and documented by OHS may be approved by OHS for up to twenty (20) calendar days of paid leave, coded as "17."
 4. Employees can be issued Code 17 under NYS paid sick leave 3 times total by OHS.
- B. Employees shall be referred to HRSS Leaves Administration for any additional absences beyond the 20 days and initiated by COVID-19-related reasons and such referrals will be reviewed through the established process for extended paid or unpaid leaves of absence. HRSS leave requests are to be submitted by email to HRSSLeavesAdministration@nychhc.org. Employees on extended leaves of absence approved by HRSS Leaves shall use all applicable accrued leave balances only after exhausting NYS paid sick leave. Employees have access to leave of absence (LOA) forms and information, including how to request a leave under the Leave of Absence "tile" on the Employee Resource Center at ess.nychhc.org.
- C. Employees granted an approved leave by HRSS, must code their time records consistent with the information contained in their HRSS Leave approval letter.
- D. This Interim Policy is subject to change at any time and must be applied consistent with the most current Return to Work Policy.

II. Applicability:

This Interim Leave Policy applies to all full-time, part-time and per diem employees of NYC Health + Hospitals. Paid leave under this Interim Policy shall be paid at the following rates:

- A. **Full-time** employees shall be based on the employee's regular rate of pay, including all applicable additions to gross, etc.;
- B. **Part-time** employees shall be paid at their regular hourly rate for the number of hours regularly worked;
- C. **Per Diem** employees shall be paid at their regular rate for their scheduled hours.

III. Responsibilities of Supervisor:

- A. Ensure that employees who call-out due to COVID-19 related symptoms contact OHS for assessment;
- B. Coding an absent employee's time record according to OHS and HR guidance and this interim policy when an employee is unable to submit their own time record consistent with the Return to Work Policy and this Interim Policy.

IV. Responsibilities of Employee:

- A. Reporting to OHS their COVID-19 positive test result and/or symptoms within 48 hours of awareness to OHS and their supervisor;
- B. Following OHS instructions;
- C. Providing supporting documentation as requested by OHS and required pursuant to this Interim Policy;
- D. Returning to work as authorized by OHS or as directed by HRSS Leaves;
- E. Complying with system and facility Personal Protective Equipment and social distancing guidelines;
- F. Refusal to be tested for COVID-19, under the direction of OHS/Infection Control, will result in unpaid leave of absence (code "06") for the duration of isolation/quarantine, as determined by OHS/Infection Control.
- G. Recording the appropriate time record code commensurate with employee leave status, according to OHS guidance and this Interim Policy.

V. Employee Absences Due to Underlying Conditions:

- A. If an employee is incapable of working because of a current illness, which meets the criteria for a serious health condition, the employee may apply to HRSS Leaves Administration for a leave of absence. Authorized leave of absence under this section will be charged against the employee's accrued leave balance. When all paid leave options have been exhausted, the employee will be without pay.
- B. If an employee is ineligible for FMLA or any other medical leave of absence, the employee is advised to seek leave as a reasonable accommodation through the facility Office of EEO.
- C. If the Office of EEO is unable to provide the employee with leave as a reasonable accommodation, the EEO Officer will notify the employee of the denial.
- D. If the employee does not report to work after exhausting all available options, the employee will be on unauthorized leave of absence and will be without pay.

VI. Employee Absence to Care for a Family Member's Serious Health Condition:

If an employee is absent from work because the employee is caring for an eligible family member with a COVID-19 related health condition, the employee must provide the specific documentation that is required under the applicable leave and return to work policies and/or laws. Family members must qualify under the FMLA and/or the NYS Paid Family Leave ("PFL") definition of "family member" and depending upon the applicable leave type, the FMLA and PFL will run concurrently if the conditions of the leave qualifies under both laws.

Timekeeping:

Employee's time record may be Coded "57" for family sick leave for up to three (3) calendar days per year. Once those three (3) days are exhausted, the employee may use annual and any other applicable leave types, except the sick leave code used for one's own personal illnesses (such as Code "03" and "50"). Once the employee's accrued paid family sick leave has been exhausted, they are deemed leave without pay.

VII. Employee Absences Due to School Closures:

This Interim Policy is not applicable to absences attributable to school closures for school-age children or because child care is not available. Code “17” may not be used for any absence due to school closures or child-care related matters. Employees seeking such leave may request a leave or approved absence through their supervisor under standard operating procedures using an SR 70.

We recommend that Supervisors and employees work together to consider alternative work schedules in order to help support employees during these challenging times with the understanding that services to and the safety of patients cannot be compromised.

Timekeeping:

If a leave or approved absence is granted by the department, employees may use accrued paid annual leave or comp time and if none is available, the employee’s leave will be without pay. No annual leave will be advanced for this purpose. A department may not grant a continuous absence to exceed 12 weeks.

VIII. Employee on an HRSS Approved Leave of Absence Due to COVID-19-Related Absence Return to Work Procedures:

- A. Employee COVID-19-related absences due to an employee’s illness that is related to COVID-19 requires a clearance from OHS before returning to duty. If the employee was placed on a leave of absence from work by HRSS Leaves (even if the leave was initiated by OHS), prior to the employee’s leave expiring, the employee must contact HRSS Leaves to provide medical documentation in order to commence the process to be cleared to return to work.
- B. The HRSS Leave Administrator must notify the department of the employee’s intention to return to work, as well as OHS, local HR and Payroll, based on the medical provider documentation provided. HRSS Leaves will proceed to update PeopleSoft accordingly.
- C. In the event OHS does not clear the employee to return to duty, the employee may apply for a new leave consideration or seek an accommodation by EEO, if applicable. For any additional absences beyond the HRSS approved leave period, the employee shall use code “03” for their own illness.

NYC Health + Hospitals is committed to providing updated guidance and information as it becomes available. Should you have any questions, please send them to COVID-19Readiness@nychhc.org.



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