

February 10, 2021

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

Dear Staff:

As we continue to support employees during the pandemic, this Interim Leave Policy revises and supersedes the System's Interim Leave Policy dated March 4, 2020.

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. Eligibility for NYS paid sick leave begins on the first date the absence is incurred, and is paid prior to the employee's accrued paid sick leave 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," up to ten (10) calendar days as determined by NYC Health + Hospitals Occupational Health Services ("OHS").
 2. When an employee is relieved of duty by OHS because the employee has tested positive at a NYC Health + Hospitals site for COVID-19, OHS will notify the employee, department head, facility Human Resources and provide the dates for which code "17" will be used to document the absence. The employee does not need to provide additional documentation to support their absence.
 3. If an employee receives a COVID-19 positive test result, not administered by NYC Health + Hospitals, the employee must notify OHS and provide documentation of that positive test result, which must include date test was administered. OHS will notify the employee, department, facility Human Resources and provide the dates for which code "17" will be used to document the absence.
 4. Employees with a workplace exposure to a known case with COVID-19 shall notify OHS, consistent with [NYC H+H Employee Contact Tracing Guidance](#). OHS and/or Infection Control will determine if the absence is deemed covered by code "17" and notify department with the dates for which code "17" will be used to document the absence. OHS will track and notify facility Human Resources of all workplace exposures.
 5. Employees with a non-workplace exposure to a known case with COVID-19, shall notify OHS, consistent with [NYC H+H Employee Contact Tracing Guidance](#). Any absence and duration as determined by OHS and/or Infection Control, will require an employee to use their own leave balances. OHS will notify department and facility Human Resources of the period of absence (covered by employee leave accruals) until such time as the employee presents a positive test result. Upon obtaining a positive test result, employee will be authorized to use code "17" through time frame as determined by OHS.
 6. Employees assigned to a special setting (e.g. nursing homes, long term care) are entitled up to fourteen (14) calendar days of paid sick leave (code "17") as determined by OHS.
 7. COVID-19 positive employees who were exposed at work, as determined by OHS, and are immunocompromised or have severe-to-critical illness as

documented to OHS may be approved by OHS for up to twenty (20) calendar days of paid leave, coded as "17."

8. Employees returning to New York State from travel, other than those states contiguous to New York, are required to obtain a diagnostic COVID-19 test within 24 hours of arrival in New York and again on the fourth day after their return date. If approved by OHS, employees shall return to work after the first negative COVID-19 test within 24 hours of return to New York. Employees are required to share all test results with OHS. Employees who are unable to obtain a negative test result within (24) twenty-four hours of their return to New York will be required to quarantine, up to four days, pending test results. During any period of quarantine, including pending test results, employees shall use their personal leave balances. If OHS determines that any further quarantine is required, employee must use their personal leave balances to cover such time unless specifically noted otherwise by OHS.
 9. OHS shall notify the facility's Human Resources department of all employee absences related to COVID-19, regardless of code "17" applicability.
- B. Employees shall be referred to HRSS Leaves Administration for any additional absences 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.
- D. In no event shall an employee qualify for sick leave under New York's COVID-19 sick leave law for more than three orders of quarantine or isolation. The second and third orders must be distinct and based on the employee's positive COVID-19 test.

III. **Responsibilities of Supervisor:**

- A. Advising employees who call-out due to COVID-19 to contact OHS for assessment;
- B. Coding an absent employee's timesheet according to OHS and HR guidance and this interim policy when an employee is unable to submit their own time record.
- C. For employees entering their own time via Web Time Entry, ensures the employee is using the appropriate timesheet codes commensurate with their leave status, and consistent with OHS and HR instruction, the Return to Work Policy and this Interim Policy.

IV. Responsibilities of Employee:

- A. Reporting their absences in accordance with facility OHS and respective department call out policies;
- B. Following OHS instructions;
- C. Providing supporting documentation as 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 PPE and social distancing guidelines (if determined by OHS, any onsite exposure caused by an employee's reckless or negligent action that results in quarantine, employee must use personal leave accruals and code "17" will not be applicable);
- 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 quarantine, as determined by OHS/Infection Control.
- G. Recording the appropriate timesheet code commensurate with their 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 timesheet 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.
- D. If the employee is absent for a COVID-19 illness of a family member, they must contact HRSS Leaves prior to the expiration of their approved leave. They may be required to provide a negative test result prior to returning to work. The employee shall comply with the System's [Return to Work Policy](#) and follow applicable guidance set forth, including contacting OHS to discuss exposure and symptoms. If it is determined by OHS the employee may not return to duty, the employee must use their personal leave balances for the duration of the OHS determined timeframe.

H+H 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

Frequently asked questions will be published on the Insider as we continue to receive your feedback. We look forward to hearing from you.



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