TO: All City Employees

FROM: Teri Ledoux, City Manager

SUBJECT: City Response to Governor Gavin Newsom’s Executive Order N-33-20

DATE: March 20, 2020

In effort to slow the spread of COVID-19 (Coronavirus) across the State of California, on Thursday, March 19, 2020, Governor Gavin Newsom issued an executive order ("Order") directing all residents in the State to shelter at their place of residence unless they are conducting business to support the operation of the State’s critical infrastructure sectors. Many of the services we provide serve as part of our City’s critical infrastructure. During this unprecedented time I want you to know that we are committed to keeping you informed and working to address your needs as well as the needs of our community.

The purpose of this memo is to provide you with details regarding the measures the City is taking to provide services while we temporarily suspend non-essential services. It is important to remember that changes may occur as more information becomes available.

Please continue to educate yourself with credible information on COVID-19. You can access information from the Centers for Disease Control (CDC) and the State of California from the City’s website at www.sbcity.org/covid19.

**Essential Service Employees**

Each City Department is preparing an action plan to ensure that we are able to provide Essential Services as defined in the Order, providing for the City’s infrastructure, supporting our vulnerable populations and maintaining a strong public safety presence. To carry out these functions, effective March 20, 2020, and until there is a change in the Order, specific employees, or classifications of employees, identified as “Essential Service Employees” will continue to report to work as directed. This includes, but is not limited to, all police safety personnel. Any employee that has been designated as “Essential” and feels they are unable to work based upon the self-assessment criteria is asked to contact Human Resources at 909-384-5161.
**Non-Essential Service Employees**

All remaining regular employees will be classified as “Non-Essential Service Employees” during this time. All Non-Essential Service Employees may be required to work from home based upon workload. To this end, we have created a Telecommuting Program. The City is in the process of identifying which employees are eligible for the Telecommuting Program, and those employees will be required to sign our Telecommuting Agreement. Attached is our policy and agreement. It is understood that not all positions or tasks can be performed remotely. For employees who cannot work remotely for all, or part of, their shift, the City will compensate employees for their normal schedule, as specified below.

Please note, City employees are considered Disaster Services Workers and will be required to physically return to work if needed to perform essential duties. Employees who are at home and not working (excluding those employees using leave accruals), are considered to be on “Standby Status” and could be called into work at any time. This means that all employees, except those using leave accruals, are required, during their normally scheduled work hours, to monitor their City email, be available to work, be responsive via telephone and stay in touch with their supervisor.

**Pay for Employees Not Working or Working Partial Days**

For those employees who are not able to work remotely, or for whom there is not enough remote work for a full day’s schedule, the City will continue to pay employees their full base salary, without the requirement to use leave accruals, except as outlined below.

Effective March 20, 2020, and until the Order is changed, all hours worked, whether remotely or at work, will be considered regular base pay. Employees should code their time cards for overtime or Standby Status as follows:

- If you do not work for all or part of your day, use pay code 020 (paid administrative leave) for all hours not worked. This code will pay you your normal base rate of pay.

- If you are overtime eligible and work overtime as a result of the Order, please put “COVID-19” in the comments section of your time card so the City can track the hours for Federal reimbursement.

**Other Pay**

Due to school closures, individual employees’ family circumstances, and leaves of absence, it is understood that not all employees will be able to be to come to work if called. These employees will be unable to be on Standby Status. As such, below are a number of scenarios employees may be dealing with, and how the employee’s timecards should be completed under each scenario. This is not an exhaustive list, so if you have special circumstances and would like to discuss, please contact Human Resources at 909-384-5161.

- Employees now, or at any time during the Order, who are on a medical, baby
bonding, or other leave of absence, will be required to use their leave balances in accordance with City Policies, Rules, Memoranda of Understanding, and Resolutions.

- Employees who do not want to be on standby status, or cannot be on standby status due to having to care for their school aged children, can take the time without pay, or be allowed to use their accrued leave for this period. Additional benefits have been approved with the passing of the Families First Coronavirus Response Act that will go into effect no later than 15 days after its enactment on March 18, 2020. Human Resources will have more information available when the Treasury Secretary sets an effective date.

- Employees who are sick for all, or a portion of, the duration of the Order, will be required to use their accrued sick leave. Additional benefits have been approved with the passing of the Families First Coronavirus Response Act that will go into effect no later than 15 days after its enactment on March 18, 2020. Human Resources will have more information available when the Treasury Secretary sets an effective date.

- If employees are using sick leave as a result of the Order, and their sick leave is exhausted, impacted employees may use vacation, comp time, holiday time, or administrative leave.

- Employees may continue to request time off (vacation, comp, etc.), if they would like to, and are required to use accrued time off for anytime for which they are unavailable for work.

**TEMPORARY PART-TIME EMPLOYEES**

The City understands that this order will have a significant impact on our part-time temporary employees. As such, the City will be paying all temporary employees that are classified as “Non-Essential” for their published schedules for the period of March 20 through April 5, 2020. Supervisors will enter time on each employee’s behalf; no action will be needed on your part.

Beginning April 6, 2020, most part-time temporary employees will be taken off of the schedule, until the Order is lifted. Due to the reduction in hours, all impacted part-time temporary employees will be able to apply for unemployment benefits on-line at https://www.edd.ca.gov/Unemployment/. Eligibility will be based on earnings during a specific 12-month period that EDD determines. Please visit the EDD website for more Information.

Please note, the City of San Bernardino does not participate in Disability Insurance (DI) benefit offered through EDD, and as a result, employees are not eligible for Paid Family Leave (PFL) benefits. However, if you are currently working two jobs, or have worked at another employer within the last 18 months, you still may be eligible for benefits.
For specific questions regarding your status and work assignments please contact your director supervisor. I want you to know how much I appreciate your service and dedication during this challenging time, without you we would not be able to serve the needs of our community.

Sincerely,

CITY OF SAN BERNARDINO

Teri Ledoux
City Manager