



# DEPARTMENT NOTICE

20-095  
05/27/20

## Additional Update to the City's COVID-19 Compensation Plan to Implement the Governor's Workers' Compensation Executive Order N-62-20

The Governor's Executive Order N-62-20 states in part:

*Notwithstanding any applicable workers' compensation statute or regulation, where an employee **has paid sick leave benefits specifically available in response to COVID-19**, those benefits shall be used and exhausted before any temporary disability benefits or benefits under Labor Code section 4850 are due and payable. Where an employee does not have such sick leave benefits, the employee shall be provided temporary disability benefits or Labor Code section 4850 benefits if applicable, from the date of disability. In no event shall there be a waiting period for temporary disability benefits.*

Based on the Governor's Executive Order, the City and County of San Francisco Department of Human Resources (DHR) has issued an updated compensation plan for work related COVID-19 exposures. The updated DHR plan specifically references changes to the sequence of how **paid sick time off** from COVID-19 work related exposures shall be used. ***"City employees, working outside in the workplace or in the field, who need time off for COVID-19 illness or exposure, must now use both federal Emergency Paid Sick Leave (ESP) and the new allocation of sick leave, COV, before receiving paid administrative leave."***

Please see [Department Notice 20-061](#) for the appropriate federal Family First Coronavirus Response Act (FFCRA) forms or use the link below.

**DHR SICK LEAVE, EMERGENCY FMLA, or VACATION REQUEST FORM (COVID-19)**  
<https://sfdhr.org/sites/default/files/documents/COVID-19/COVID-19-Sick-FMLA-Vac-Request-Form.pdf>

**DHR CHANGES TO THE CITY'S COVID-19 COMPENSATION PLAN TO IMPLEMENT THE GOVERNOR'S WORKERS' COMPENSATION EXECUTIVE ORDER N-62-20**  
<https://sfdhr.org/sites/default/files/documents/COVID-19/changes-covid-19-compensation-plan.pdf>

**Executive Order N-62-20**  
<https://www.gov.ca.gov/wp-content/uploads/2020/05/5.6.20-EO-N-62-20-text.pdf>

  
WILLIAM SCOTT  
Chief of Police

*Per DB 20-081, both sworn and non-sworn members are required to electronically acknowledge receipt and review of this Department Notice in HRMS. Any questions or clarification regarding this policy should be made to [sfpd.writtendirectives@sfgov.org](mailto:sfpd.writtendirectives@sfgov.org) who will provide additional guidance about the directive.*

**City and County of San Francisco**  
Micki Callahan  
Human Resources Director



**Department of Human Resources**  
*Connecting People with Purpose*  
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## **CHANGES TO THE CITY'S COVID-19 COMPENSATION PLAN TO IMPLEMENT THE GOVERNOR'S WORKERS' COMPENSATION EXECUTIVE ORDER N-62-20**

May 20, 2020

On May 6, 2020, Governor Newsom signed an executive order that establishes a rebuttable presumption that employees who are required to work outside of the home, and who are diagnosed with COVID-19 within 14 days of the date last worked, contracted the disease at work. These employees are entitled to workers' compensation benefits. However, they must exhaust any COVID-19 sick leave benefits before receiving workers' compensation temporary disability payments.

Prior to the executive order, the Mayor's Supplemental Proclamation established a presumption for City employees who are working in the workplace or in the field and who contract COVID-19, experience symptoms of the disease or must isolate/quarantine. But that presumption was not for workers' compensation purposes, but rather provides paid administrative leave for these employees in lieu of requiring them to use their accrued sick leave or other accrued leaves. Under the Mayor's order, these employees must first exhaust federal Emergency Paid Sick Leave (ESP) and can then supplement with paid administrative leave.

Implementing the Governor's executive order requires amending the Compensation Plan. City employees, working outside in the workplace or in the field, who need time off for COVID-19 illness or exposure, must now use both federal ESP, and the new allocation of sick leave, COV, before receiving paid administrative leave. Both paid sick leave benefits are available to employees in response to the COVID-19 pandemic and must be exhausted under the Governor's executive order. Employees can supplement ESP with COV to receive full salary. Once these COVID-19 sick leave benefits are exhausted eligible employees may receive workers' compensation temporary disability benefits and supplement with paid administrative leave. Employees who are not eligible for workers' compensation benefits will receive paid administrative leave until cleared to return to work.