

# **Updated Guidance on NYCHA’s Leave Policy Applicable to COVID-19, eff. December 22, 2022.**

This document sets forth NYCHA’s leave policy to mitigate the risk of the spread of Coronavirus Disease 2019 (COVID-19). It is effective December 18, 2022 and until further notice supersedes the July 18, 2022 guidance.

## **I. Definitions**

**A.** “Symptoms of COVID-19” means the following physical symptoms:

- Fever of 100.1 For Chills
- Cough
- Shortness of breath (difficulty breathing)
- Fatigue
- Muscle or body aches
- Headache
- Loss of taste or smell
- Sore throat
- Congestion or runny nose
- Nausea or vomiting
- Diarrhea

**B.** “Two workweeks” means the number of hours that an employee is regularly scheduled to work in a two-week period. Examples: for an employee whose regular schedule is 40 hours per week, two workweeks is 80 hours; for an employee whose regular schedule is 35 hours per week, two workweeks is 70 hours. “Workday” means a day that the employee is regularly scheduled to work as indicated by the employee’s schedule in Kronos.

**C.** “COVID-19 diagnostic test” means 1) a NAAT or molecular test, such as PCR, or 2) an antigen test, or 3) an at-home test. For at-home tests: If an employee tests positive using an at-home test, they may qualify for COVID-19 Excused Leave by submitting the following additional information to [HRCOVID@nychanyc.gov](mailto:HRCOVID@nychanyc.gov).

- Date of positive test
- Name/manufacturer of at-home test kit
- Lot number of at-home test kit
- Photo of staff ID with test result

**D.** “Close contact” means someone who was within six feet of someone with COVID-19, for at least 15 minutes over a 24-hour period, starting from two days before illness onset (or, for an asymptomatic person, two days prior to test specimen collection) until the time the person is isolated.

- E. “Fully vaccinated” means at least two weeks have passed after a person received a single-dose of an FDA- or WHO- authorized or approved COVID-19 vaccine or the second dose of an FDA- or WHO- authorized or approved two-dose COVID-19 vaccine

**II. General Policy Concerning Attendance of Employees in the Workplace Other than Healthcare Workers**

- A. NYCHA employees must report to work at their assigned work sites in accordance with “Managing the Office in the Age of COVID-19.”
- B. An employee who is medically able to tolerate a face covering may not report to work other than telework in the following circumstances (the employee may be eligible for excused leave as outlined in Section (III) with any additional leave charged to applicable leave balances):

1 The employee has tested positive through a COVID-19 diagnostic test.

An employee who has tested positive through a COVID-19 diagnostic test must not report to work other than telework, until all of the following conditions are met:

- a. It has been at least 5 calendar days since their symptoms began (if symptomatic) or at least 5 calendar days since test specimen collection (if asymptomatic) **and**
- b. They are asymptomatic or symptoms are improving [fever-free for at least 24 hours without the use of fever-reducing medicine] and other respiratory symptoms (cough, shortness of breath) have improved

2 The employee has exhibited symptoms of COVID-19 and has not tested positive through COVID-19 diagnostic test.

An employee must not report to work other than telework, until all of the conditions are met:

- a. They have received a lab-confirmed negative PCR (not rapid antigen) diagnostic test; **and**
  - b. Their symptoms are improving, (fever-free for at least 24 hours without the use of fever reducing medicine and respiratory symptoms (cough, shortness of breath) have improved; **and**
  - c. Other respiratory symptoms (cough, shortness of breath) have improved.
  - d. They were not a close contact with another person who had COVID 19.
- OR**
- a. It has been at least 5 calendar days since their symptoms began; **and**
  - b. Their symptoms are improving (fever-free for at least 24 hours without the use of fever reducing medicine and respiratory symptoms (cough, shortness of breath) have improved.

3 The employee has been in close contact with another person who had COVID-19

An employee who in the past 5 days has been in close contact with someone while they had COVID-19 may not report to work other than telework unless

- a. The employee has remained asymptomatic since the last COVID-19 exposure. They do not need to quarantine but should wear a well-fitting mask when around others for 10 days after the last date of their close contact.

**OR**

- a. The employee's human resources department has confirmed, in writing, that the employee's physical presence in the workplace is critical to operations or safety of the workplace and has provided the employee with requirements for returning to work after exposure.

**OR**

- a. It has been at least 5 calendar days since they were in close contact with someone with COVID-19, **and**
- b. The employee has remained asymptomatic since the last COVID-19 exposure.
- c. Employees unable to wear a well-fitting mask must quarantine for 10 days.

An employee who develops symptoms within the 5-day quarantine period should follow the guidance outline in Section II (B)(2).

4 The employee developed a fever after receiving a vaccination for COVID-19 (including boosters)

An employee who develops a fever within three days after receiving a vaccination for COVID-19 may not report to work other than telework unless:

- a. The fever lasted less than 24 hours,
- b. The employee has been fever-free for the last 24 hours (without using fever-reducing medication), **and**
- c. The employee has not had any of the other COVID-19 symptoms listed above.

**OR**

- a. The fever lasted less than 24 hours,
- b. The employee has been fever-free for the last 24 hours (without using fever-reducing medication), **and**
- c. The employee has received a lab-confirmed negative PCR (not rapid antigen) diagnostic test.

**OR**

- a. It has been at least 5 calendar days since their symptoms began;
- b. They have not had a fever for at least 24 hours without the use of a fever-reducer; **and**
- c. Any other symptoms have improved

5. The employee developed other symptoms after receiving a vaccination that are consistent with vaccination (including boosters)

An employee who develops other symptoms that are consistent with vaccination (fatigue, a headache, chills, muscle aches, joint pain, nausea or vomiting) within three days after receiving a vaccination for COVID-19 may not report to work other than telework until all of the conditions are met:

- a. Employees whose symptoms last three or fewer days may return to work when they are feeling well enough to work.

**OR**

- b. Employees whose symptoms last more than three days may return to work after testing negative for COVID-19 using a PCR test (not a rapid antigen test) with improving symptom **or** it has been at least 5 calendar days since their symptoms began with improving symptoms.

6. The employee is subject to a governmental or a healthcare provider's quarantine or isolation order.

- a. Individuals who are required to quarantine for 10 days due to significant medical issues.
- b. Employees who are required to quarantine for 10 days because they are unable to tolerate a face covering.

### **III. Leave Policy**

#### **A. Excused Leave**

##### 1. General Provisions

- a. Excused leave at full pay under this Policy is immediately available to an employee who is unable to work or telework without regard to length of service.
- b. Excused leave for an employee who tests positive with a COVID-19 diagnostic test and is hospitalized or becomes a patient in a rehabilitation facility due to COVID, shall continue until ten workdays after the employee is released from the hospital or rehabilitation facility. Employees who test positive within three months after recovering from the first COVID infection will not receive COVID-19 excused leave during that three-month period unless they have new COVID-19 symptoms.
- c. Except as set forth in subparagraphs "b" of this paragraph, effective April 1, 2021, all excused leave provided pursuant to this guidance is limited to a cumulative total of two workweeks (10 workdays) in each calendar year while this guidance remains in effect.

- d. Part-time employees may receive excused leave for the number of bi-weekly hours that the employee was expected to work. Where expected hours cannot be readily determined, part-time employees may receive excused leave for the average number of bi-weekly hours that the employee worked over the six months preceding the leave.
- e. Excused leave under this Policy is in addition to existing rules and entitlement regarding leave, i.e. annual leave and sick leave.
- f. Agencies shall not require employees to charge absences to other accrued leave during the period of excused leave authorized by this policy.
- g. An eligible employee may utilize excused leave intermittently as agreed upon by the agency and the employee. This leave must be taken in full-day increments if the employee is not teleworking. Excused leave may be taken in partial-day increments if the employee is teleworking and by agreement between the employee and the agency.
- h. An employee may be required to submit medical documentation of the reason for sick leave if the absence is for more than three consecutive days.
- i. After the first workday (or portion thereof) that an employee receives excused leave under this Policy, the agency may require the employee to follow reasonable notice procedures to continue receiving excused leave.
- j. Employees who exhaust sick leave may be advanced additional sick leave consistent with NYCHA's Anticipated Leave Policy.

Employees who are able to telework under the conditions outlined in Section III (2) Excused Leave at Full Pay and Section III (3) Excused Leave at Partial Pay should do so. The employee must submit appropriate documentation of their condition to HR, as outlined in the respective sections and confirmation from their supervisor that their work can be completed successfully.

- 2. Excused Leave at Full Pay for Exposure to or Diagnosis or Symptoms of COVID-19. An employee is eligible for excused leave at full pay as follows:
  - a. An employee who is hospitalized or in a rehabilitation facility due to COVID-19 is eligible for excused leave at full pay during such care and for ten workdays after the employee is released from the hospital or rehabilitation facility. Employees who test positive within three months after recovering from the first COVID infection will not receive COVID-19 excused leave during that three-month period unless they have new COVID-19 symptoms
  - b. An employee is eligible for excused leave at full pay for up to two workweeks within a calendar year with any additional leave charged to applicable leave balances as follows:

- i. The employee is exhibiting symptoms of COVID-19 but does not, at the time symptoms develop, have a positive COVID-19 diagnostic test. To be eligible for excused leave, an employee must provide documentation that they have exhibited symptoms of COVID-19 and that they received a diagnosis of COVID-19 with a COVID-19 diagnostic test within three days from symptom onset. Employees must use their own sick leave for any additional time taken after receiving a negative COVID-19 test result or if they do not seek COVID-19 testing. **Please note, if an employee has a negative rapid antigen test, the employee will need to confirm this negative result with a PCR test that is also negative before they can return to work.**
  - ii. The employee tested positive for COVID-9 with a COVID-19 diagnostic test.
  - iii. The employee is exhibiting side effects from vaccination (including boosters) where the symptoms develop within three days of the administration of the vaccination.
  - iv. The employee is subject to a governmental quarantine or isolation order or healthcare provider's quarantine order and is unable to telework while observing the quarantine or isolation order.
3. Excused Leave at Partial Pay. Employees are eligible for twelve workweeks of excused leave at partial pay (two-thirds of the employee's regular rate of pay, not to exceed \$200 per day or a total of \$12,000), as follows:
  - a. All conditions as outlined above in Section II(B)(2).
  - b. The employee is caring for an individual subject to a governmental quarantine or isolation order and the employee must demonstrate that the individual depends on the employee for care and that they are unable to telework while caring for an individual under the governmental quarantine or isolation order.
  - c. The employee is caring for an individual who has been advised by a licensed health care provider to self-quarantine either because of exposure to COVID-19 or because of heightened risk associated with exposure to COVID-19. The employee must provide documentation of the licensed health care provider's advice and must demonstrate that the individual depends on the employee for care and that they are unable to telework while caring for an individual in self-quarantine.
  - d. The employee is caring for a son or daughter under the age of 18 years whose school, or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions. The employee must provide documentation that they are unable to telework while caring for the child.
  - e. For childcare leave, the employee must provide documentation containing the following information:

- i. Employee's name;
  - ii. Date(s) for which leave is requested;
  - iii. Qualifying reason for the leave;
  - iv. Oral or written statement that the employee is unable to work because of the qualified reason for leave (in this case care for a child);
  - v. The name and age of son or daughter being cared for;
  - vi. The name of the school, place of care or childcare provider that has closed or become unavailable;
  - vii. A communication from the school that provides the remote/hybrid learning schedules for the child, if applicable; and
  - viii. A representation that no other suitable person will be caring for the child during the period of the leave.
- g. An eligible employee may utilize leave at partial pay intermittently as agreed upon by the agency and the employee. This leave must be taken in full-day increments if the employee is not teleworking or has been sent home by the agency. Excused leave may be taken in partial-day increments if the employee is teleworking by agreement between the employee and the agency.