

Q & A



WITH TESSA HANNULA

Guidance for CDCR COVID Related ATO/FFCRA

It has been expressed that Exempt Employees will only qualify for COVID self-illness ATO pending test results for COVID if asymptomatic and that if the results come back positive, then they will no longer qualify for COVID self-illness ATO leave. Is this correct, and if so, what leave would they be expected to use?

Yes, that is correct. Once the employee tests positive or is experiencing symptoms related to COVID, then the employee would have to reapply for ATO related leave under the FFCRA.

If an Exempt Employee was to test positive for COVID, would they qualify for FFCRA leave?

Yes. However, if the employee has already used the 80 hours ATO leave benefit, they would no longer qualify for this leave.

When an Exempt Employee fails consecutive screenings, will they have to use their personal leave credits?

Yes, you must use your personal leave credits unless you obtain a note from your Health Care Provider ordering you to self-isolate/ quarantine.

Is the department no longer taking notes from Health Care Providers and returning to the practice of only accepting notes from the local public health department?

No, the department is still accepting notes from any Health Care Provider.

Under the COVID SELF ILLNESS section of the ATO tree, dated Oct. 8, 2020, there are arrows directing the Exempt Employee to utilize leave credits. The arrows drop down to if the Exempt Employee continuously fails the screening, then personal leave credits/CTB/NDI/SDI may be utilized. This lends the impression that the employee would continue to utilize ATO leave for up to the 80 hours and then after exhausting ATO leave, to utilize their own personal leave for any remaining time off due to failed screening or active symptoms. Is this the correct understanding?

Yes, this means once they test positive, they will switch over to the FFCRA ATO, but they will still receive ATO totaling up to 80 hours.

If you reside with another staff member who tests positive, but you have tested negative, would you qualify for ATO if a Health Care Provider provided you with a note to self-quarantine?

Yes.

If an employee tested positive for COVID and believes they contracted it at work, would they qualify for workers' compensation?

Yes.

Although the human resources department has the sole authority for the approval or denial of ATO, CAPT is hearing reports that supervisors are telling Psych Techs that they will not qualify for the leave. Because misinformation occurs at ALL facilities, CAPT encourages you to reach out to your union for ALL COVID-related issues. [Click here to access CDCR's FFCRA leave and ATO request forms](#) and for questions or assistance, contact Tessa Hannula at tessa.FMLA@yahoo.com.