



## **Department Head Disaster Service Worker Frequently Asked Questions Sheet COVID-19 Pandemic**

### **1. Who is a Disaster Service Worker?**

All County employees are Disaster Service Workers (DSWs) to whom the County may use its discretion to assign disaster service assignments during a declared emergency like the COVID-19 pandemic. Disaster Service Workers provide services and aid during declared emergency conditions, including the recovery phase of an emergency, disaster, or catastrophic event. County employees are required to perform duties as Disaster Service Workers, as directed by the County, whenever an authorized County official proclaims a local emergency, the Governor of the State of California proclaims a state of emergency, or a state of war emergency exists. Although the day-to-day tasks of an employee may not involve essential services, an employee may be directed as a Disaster Service Worker to perform other services beyond the employee's normal work, report to a different supervisor, work a different schedule, and report to a different work location than normal to fulfill the Disaster Service Worker role.

### **2. Who has authority to determine a DSW assignment?**

DSW assignments are determined through two processes. The first is where the Emergency Operations Center (EOC) determines the need for DSWs to fulfill staffing needs within the EOC or for other Disaster Service Activity roles. Once the EOC has determined that specific DSW staffing needs exist, the Personnel Unit of the EOC Logistics Section coordinates with department heads to identify available personnel within the department who possess the required skills or qualifications, and then to designate that personnel to fill the DSW assignment. The Personnel Unit then tracks which individual employee(s) are being deployed for each DSW assignment. For questions about the department head's role in coordinating with the Personnel Unit to identify personnel for a DSW assignment, see question 5 below.



The second process for determining a DSW assignment is through the County's Continuity of Operations Planning (COOP) process. This process is explained in Question 4 below.

**3. Do I have to allow one of my employees to be assigned to work as a Disaster Service Worker if I need them to do something else?**

Generally, yes. However, each department head should already be proactively identifying the department's staffing needs to ensure the continued performance of the department's minimum essential functions during any Disaster through the County's Continuity of Operations Planning process. To the extent that a DSW assignment prevents the department from performing its minimum essential functions, the department head should raise the issue to the County Executive's Office through the Continuity of Operations Planning process, by contacting Fran Palacio at [fran.palacio@ceo.sccgov.org](mailto:fran.palacio@ceo.sccgov.org).

**4. What is the process to request staff from outside my department for support with continuing essential operations?**

Through the County's Continuity of Operations Planning process, each department head has identified the staffing each department needs to ensure the continued performance of the department's essential functions during any Disaster.

A department may also require the support of DSWs from outside the department or reallocation of employees inside the department to departmental DSW assignments outside the scope of the employees' normal job duties. If a department head identifies such a DSW need during a Disaster, the department head should first report that need to the Employee Services Agency Human Resources Department and the Office of the County Executive's Continuity of Operations Plan leadership group. If the department head receives approval from the County Executive's Continuity of Operations Plan leadership group to make a DSW assignment request, the department head should complete and submit a 213RR form to the EOC's Resource Unit in Logistics ([resourcetracking@eoc.sccgov.org](mailto:resourcetracking@eoc.sccgov.org)). The EOC's Resource Unit will enter the



request in WebEOC and, after EOC approvals, assign staffing requests to the EOC's Personnel Unit. The Personnel Unit will then coordinate with the department head to determine which employee(s) will be deployed.

**5. What are my responsibilities when the EOC Logistics Section's Personnel Unit contacts me with a DSW assignment request?**

When the Personnel Unit contacts you with a DSW assignment request, it will provide you with the following information in an email:

- a. The employee(s) in your department that the Personnel Unit has identified who have the skills and/or qualifications to fulfill a DSW assignment request.
- b. The number of employees for each DSW assignment required.
- c. Information on the DSW assignment, including: the supervisor, the supervisor's contact information, the location of the assignment, the date on which to report for the new assignment, the schedule (if available), the estimated duration of the assignment, the duties of the role assigned, items the employee should bring, PPE that will be provided for the assignment (if applicable), and the Personnel Unit's contact information.

Based on the information provided to you, you should respond to the Personnel Unit with the specific names of the employees identified in (a) above who can fulfill the requested assignment based on your existing knowledge of the employees' roles, responsibilities, skills, and qualifications. You do not need to answer questions that employees may have relating to the specific assignment (e.g., details about the duties, amenities at the assigned location, accommodations that may be provided, etc.). For any such questions, please direct the employee to the supervisor to whom the employee is directed to report for the DSW assignment.

To avoid disruption of your department's continuity of operations, please make sure your list of essential and non-essential employees provided to the



COOP leadership group is updated. The Personnel Unit will attempt to request DSW assignments from non-essential employees to the extent possible. If you are requested to provide essential employees to fulfill a DSW assignment and this will prevent your department's continuity of operations, please notify the Personnel Unit immediately of the employees who are essential, their jobs, why their work is essential to your department's continuity of operations, and why you will be unable to fill that work with other employees in your department. You may provide for the Personnel Unit's consideration alternative employee names to fulfill a request.

Once the Personnel Unit has made a final determination of which of your employees will fulfill the DSW assignment, please make sure to provide to each assigned employee:

- a. The information the Personnel Unit provided to you in (c) above.
- b. The Disaster Service Worker County Employees Frequently Asked Questions Sheet.
- c. The contact information for the Personnel Unit of the EOC Logistics Section ([personnel@eoc.sccgov.org](mailto:personnel@eoc.sccgov.org)). The employee should contact the Personnel Unit if the employee has trouble reaching the supervisor to whom the employee will report for the DSW assignment. For specific questions about the DSW assignment, the employee should contact the supervisor to whom the employee will report for the DSW assignment.

**6. Can I discipline an employee for refusing to work as a Disaster Service Worker?**

Yes, if one of your employees refuses a Disaster Service Worker assignment for an illegitimate reason, the employee can be disciplined. There are, however, some legitimate bases for an employee's refusal. If an employee refuses to accept a DSW assignment, and prior to warning about or implementing any discipline, ask the employee why they are refusing the work assignment.

**Department Heads or their designees should contact Matthew Cottrell at**



**the Office of Labor Relations and Rob Coelho at the Office of the County Counsel Labor and Employment Team before disciplining anyone for refusing to work as a Disaster Service Worker.**

Further, under recently enacted federal laws, County employees (including those assigned as DSWs) are entitled to emergency paid sick leave in certain circumstances, and County employees not otherwise exempted as healthcare providers or emergency responders may also avail themselves of provisions expanding eligibility for paid family and medical leave in certain circumstances. On April 6, 2020, Employee Services Agency Director John P. Mills issued the attached Memorandum to County Agency/Department Heads with Updated COVID-19 Guidance for these and other Leaves and Timekeeping. Employees should not be disciplined for refusing DSW work to avail themselves of legally protected leaves under the County's emergency paid sick leave provisions or the Family and Medical Leave Act.

In addition, the County remains obligated and committed to providing reasonable accommodation(s) to individuals with disabilities (physical or mental illness and medical conditions) relating to any assigned disaster service work. If an employee assigned to work in your department as a DSW refuses a Disaster Service Worker assignment because of a disability, or the employee requests an accommodation because of a disability, you must engage in the interactive process to determine if there is an available reasonable accommodation. (If one of your employees is assigned elsewhere to work as a DSW and they contact you about a request for accommodation, please refer them to the department head in the department where they have been assigned to work.) Reasonable accommodation may include a different disaster service assignment.

**Department Heads or their designee should consult with the Office of the County Counsel Employment and Labor team and the County Equal Opportunity Department on reasonable accommodation questions.**

If the employee notifies the Department Head or their designee that the reason for the inability to work is related to a diagnosis of COVID-19, the County must confirm whether the individual is otherwise eligible for leave under the



County's Family and Medical Leave Policy, which includes for care for an employee's own, or a covered family member's, "serious health condition."

Attachment: Memorandum from John P. Mills, dated April 6, 2020.

Updated: 5/27/2020