

ESSENTIAL DEPARTMENTS, WORK, AND EMPLOYEES IDENTIFIED DUE TO THE COVID-19 PANDEMIC

March 31, 2020

PURPOSE

The primary purpose of this guidance is to define and identify essential functions and essential employees. While not the primary purpose, this guidance also clarifies that in accordance with Cal. Gov't Code § 3100 all public employees are disaster service workers, and certain positions are considered Emergency Responders in accordance with 29 C.F.R. § 541.3.

[Executive Order N-33-20 \("Order"\)](#) and [Alameda County Shelter In Place](#) effectively imposed a statewide shutdown of non-essential businesses and governmental operations with the exceptions of certain industrial sectors. Ohlone Community College is considered an essential business and as such although operating remotely, certain essential activities may necessitate certain employees to work in person on campus. When essential work is required to be done on campus, the work must be the minimum necessary activities to maintain the mission of the college.

To the extent possible, managers of identified essential departments are required to make all efforts to accomplish work remotely.

Employees that the District determines to be essential are required to report to work during closures. Essential employees who are required to work on campus must practice social distancing (a minimum of 6 feet apart) and wear protective equipment as necessary. When possible, onsite staff for an essential department will be limited to those essential duties, with others supporting work done from home. That allows for additional distancing of the onsite staff to minimize risk of transmission.

No employee over age 65 or those with compromised health will be required to work onsite. Those with compromised health need to submit to HR a health care provider certification of being in an at-risk category, but the note is not to reveal the medical diagnosis.

The District will comply with all state and local orders and ordinances.

DEFINITIONS (as defined in applicable ordinances)

- **Disaster Service Workers** – all employees of public entities are disaster service workers and are required to perform disaster service activities as assigned by their supervisors or by law. Cal. Gov't Code § 3100.
- **Emergency Responders** – 29 C.F.R. § 541.3 provides that police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, investigators, inspectors, correctional officers, parole or probation officers, park rangers, fire fighters,

paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees are first responders or emergency responders. Dispatchers are included in this category of employees.

- **Essential Businesses** – in addition to a number of other sectors, educational institutions including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person.
- **Essential Employees** - _for purposes of the COVI-19 directives, essential employees ensure the continuity of essential operations, including the provision of critical public services. These employees perform critical functions or services to keep our mission; essential employees are required to report to work during closures.
- **Essential Activities/functions/departments** – the Alameda County Health Order authorizes each public entity to determine essential activities or functions: “Nothing in this Order shall prohibit any individual from performing or accessing ‘Essential Governmental Functions,’ as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.”
 - Ohlone has determined at this time that essential activities include several departments and job classifications that are detailed later, and any and all activities that contribute to the district’s mandates and mission.
- **Minimum Basic Operations** – minimum time needed to complete the necessary/essential activities listed above and to maintain the value of the District’s inventory, ensure security, process payroll and employee benefits, or for related functions.
- **Social or physical distancing** _is a set of non-pharmaceutical infection control actions intended to stop or slow down the spread of a contagious disease. The objective of social distancing by six feet is to reduce the probability of contact between persons carrying an infection, and others who are not infected, to minimize disease transmission, morbidity and ultimately, mortality.

APPLICATION

Essential employees, due to their performance of essential functions are necessary to the continued operation of the college and are therefore are exempted from the requirement to stay home from work.

Ohlone has determined at this time that the following are essential. This initial determination is subject to change as we work through this unprecedented situation and assess ongoing operations and needs.

Essential Departments/Functions/Associated Positions

The following departments and functions are considered essential during the COVID-19 pandemic and may be unable to operate effectively on a 100% remote basis, which means some staff must be onsite to perform such functions:

STUDENT SERVICES

- Admissions and Records
- Financial Aid
- Required Student Support Services
- Student Accessibility Services

ACADEMIC AFFAIRS

- Division Offices
- Instructional Design and distance education support
- Exceptions made by the Chancellor's office to support students

ADMINISTRATIVE SERVICES TO INCLUDE HUMAN RESOURCES

- Business Services
- Campus Polices Services (also defined as emergency responders)
- Facilities and Maintenance
- Human Resources
- Information Technology Services
- Purchasing and Contracts

COLLEGE FOUNDATION, COMMUNITY RELATIONS AND MARKETING

- Community and Public Relations

ADMINISTRATION

- President, Vice Presidents, Executive Deans, Deans, Executive Directors, Directors, Managers, Supervisors, professionals, confidential support.

For those working at home, may be required by the supervisor to report into work to pick up new work or deliver completed work.

EXCLUSIONS

This Guidance excludes:

- Employees who have an underlying compromising health condition who have submitted a health care provider certification to verify the underlying compromising health condition (with no medical diagnosis)
- Employees over age 65
- Students, unless specially exempted by the State Chancellor's office.

NOTES

- Given that Governor Newsom has implored the citizens of California to consider adjustments to mitigate the damage done by the epidemic, the College has decided that the safest and least disruptive option for our community is to continue remote instruction through the end of the spring semester.
- For complying with Executive Order N-33-20, Ohlone's determination of essential employees must be grounded in the need to maintain continuity of functions deemed to be essential to the public. We have the flexibility for changing circumstances and needs, both in the community and to the emergency response. Ohlone may reasonably conclude that the services performed by an employee are essential, but that the employee may perform such work remotely, or that the service performed by groups of employees is essential, but that the agency does not need all the employees for every shift.