

Statewide Policy: 2019 Novel Coronavirus (COVID-19)
Updated: March 17, 2020

Contents

General Workforce Guidance.....	1
Considerations for Facility Closures	2
Telecommuting	3
Paid Leave Options	4
FMLA/ADA Considerations	5
FLSA Considerations	6
Business Meetings or Mass Gatherings.....	6
Travel Guidance.....	7
Additional Employee Resources	7
Addendum A: Leave Codes Available Related to COVID-19	9

General Workforce Guidance

Restrictions from Working

All employees should use their best judgment to stay home if they feel ill in general and exploring telecommute options is encouraged.

An agency should not prohibit any employee from reporting to work unless:

- A public health official, medical provider, or other regulatory entity (i.e., Health and Human Services, Center for Medicaid and Medicare Services, etc.) has determined their presence in the workplace poses a risk of infection to others.

If a public health official, medical provider, or other regulatory entity (i.e., HHS, CMS, etc.) has not made such a determination but there is evidence or a reasonable concern that an employee is physically unable to perform his or her job (for example, an employee has returned from an affected region with an articulable exposure), the supervisor should express general concern regarding the employee's health and remind the employee of his or her leave options for seeking

medical attention. If an employee does not elect to go home, supervisors should consult with the HR and legal counsel and appropriate next steps.

Supervisors should refer to CDC's [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#) for tips on how to handle employees showing symptoms of illness.

According to this guidance, signs and symptoms are similar to flu-like symptoms: fever of 100.4 degrees Fahrenheit or higher, body aches, and/or respiratory infection symptoms including cough and shortness of breath.

Communicating a Confirmed Diagnosis

We all must fight against rumors and false information regarding COVID-19 in Idaho. Please use trusted sources such as <https://coronavirus.idaho.gov/> or <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

If an employee is tested positive by a public health official for COVID-19, agencies should work with their HR and legal counsel to develop a communication to the agency.

An infected employee's privacy must be protected to the greatest extent possible and their identity should not be disclosed. In an outbreak of a quarantinable communicable disease such as COVID-19, management should share only that information determined to be necessary to protect the health of the employees in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/assess-manage-risk.html>.

To determine whether the Family Medical Leave Act is applicable, please refer to the Statewide policy on the [Family Medical Leave Act \(FMLA\)](#) and contact DHR for assistance.

Returning to the Worksite After COVID-19 Leave:

Before an employee returns to work, the employee's supervisor should consult with HR and legal counsel regarding procedures for requesting administratively acceptable medical documentation in accordance with applicable policies and laws.

Considerations for Facility Closures

Agencies should keep in mind we work in public service and must remain available to serve Idahoans. If agencies do not have an updated Continuity of Operations Plans (COOP), agencies are expected to update or develop theirs immediately.

For assistance in updating and/or developing a COOP, visit the Idaho Office of Emergency Management (IOEM) website for a planning template, manual and guidance at: <https://ioem.idaho.gov/preparedness-and-protection/plans/coop/>

To ensure continuity of operations, consider the following:

- Allow employees work from home if possible;
- Request employees to change shifts to cover employee's assigned shift;
- Request or mandate employees to work extra shifts;
- Reassign employees in higher staffed locations to locations in need of additional staffing;
- Consider reaching out to employees who have left state service to consider reinstatement;
- Allow use of overtime (consider cash compensation in lieu of comp time);
- Consult with human resources on options related to incentive pay (i.e., bonuses, discretionary pay differentials, etc.);
- Provide cross-training of employees to cover other positions as appropriate;
- Utilize temporary employees.

In considering whether to close an office, agencies should consider several factors, including but not limited to:

- Impact to the mission and public (i.e., does they agency provide public facing services? Is the continuation of services legally required? If yes, can they be provided online?);
- Risk to employees and public of remaining open;
- Alternatives to continue effective operations (remote location, telecommuting, limited scope of services, limited lobby hours, limited number of people in the lobby, expand internal area to respect social distancing, provide services by appointment, etc.);
- Span of impacted area or potential for further contamination;
- Impact of closure on employees and public;
- Ability to conduct a partial closure of an office;
- CDC and OSHA guidelines;
- Other potential legal considerations.

If an agency is concerned that they are unable to continue operations and need to consider closing a facility, please consult with DHR, DFM and the Governor's Office, in accordance with DHR rule 15.04.01.250.08. DHR is available to provide a sample facility closure notice.

Telecommuting

Telecommuting should be utilized wherever possible in lieu of other leave options and coded on the employee time sheet as CVR (for tracking purposes).

To be prepared for COVID-19, departments and agencies must incorporate telecommuting in their COOP. Telecommuting arrangements can be used to promote social distancing and can be an alternative to the use of accrued leave for an employee who is asymptomatic (does not show symptoms of being ill) or caring for a family member who is asymptomatic. A written understanding may be required by the employee's supervisor detailing the work to be performed. These telecommuting arrangements are temporary and subject to change as the COVID-19 situation develops.

The Statewide DHR policy restriction on telecommuting when there are young children or other persons requiring care and supervision present, telecommuting during the COVID-19 is waived at this time. Under this exception, a telecommuting employee would be expected to account for work and non-work hours and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for children or sick family members).

Paid Leave Options

Accrued Leave/Sick Leave Waiver

If an employee or a family member stays home because they choose to self-monitor due to potential exposure in accordance with CDC guidance or because of school or daycare closures, the employee must first request to telecommute; if telecommuting is not an available option, they may use any available accrued leave balances including sick, vacation, comp time, on-call earned and RHH¹ (codes: SIC, VAC, CPT, and RHH).

Note: According to DHR rule 15.04.01.240.03, employees are only eligible to use sick leave in cases of actual illness (not potential illness or due to school or daycare closures); however, the DHR Administrator, in accordance with 15.04.01.006, has temporarily waived this rule due to COVID-19. This rule is only being temporarily waived.

Advanced Sick Leave for COVID-19 (CVS):

Advanced Sick Leave is a new leave option being provided to both benefited and non-benefited state employees specifically due to COVID-19. Advanced Sick Leave provides an advance of up to 80 hours of sick leave to employees. In the instance of benefited employees, employees are required to repay their sick leave balance with future accrual of sick leave².

Employees are eligible to use Advanced Sick Leave (I-Time Code: CVS) related to COVID-19 when the following conditions are met:

¹ RHH is a leave code only used by a few agencies; if you are unfamiliar with the code, it does not apply to you.

² Since non-benefited employees do not accrue sick leave, they do not have to repay Advanced Sick Leave with future accruals unless they become benefit-eligible within 6 months of utilizing Advanced Sick Leave.

- The employee has exhausted their accrued sick, comp, on-call earned or RHH leave balances (exhaustion of vacation leave is not required); if the employee is non-benefited, this requirement does not apply since they do not accrue leave;

AND,

- The employee is required by a public health official to self-isolate or to isolate a family member (family member is defined by the [DHR Policy Section 3: Sick Leave](#)) due to risk of exposure OR the employee's minor age children's school or day care has been closed due to COVID-19 precautionary measures;

AND,

- The employee is unable to telecommute.

The policy is limited to the COVID-19 for up to 80 hours of advanced sick leave and requires the employee provide documentation from a public health official that they or a family member are required to self-isolate due to risk of exposure or notification from their children's school or day care regarding the disclosure, and sign an acknowledgement indicating their understanding that they are required to repay Advanced Sick Leave with future accruals. An acknowledgement will be made available at www.dhr.idaho.gov.

Paid Administrative Leave (CVT) for COVID-19:

Agencies may authorize up to 80 hours of paid administrative leave (CVT) for employees or a family member (s) who are subject to self-isolation **under the direction of public health authorities due to a significant risk exposure to COVID – 19. Proof from a public health official or health care professional must be provided within 5 business days of beginning CVT.**

Agencies may also authorize up to 80 hours of paid administrative leave for employees who are not allowed to work due to infection control procedures outlined a public health official or regulatory entity (i.e., HHS, CMS, etc.) AND are unable to work in a different capacity within their agency and/or telecommute.

Supervisors should not place an employee on CVT without first consulting with their human resources (HR) staff and legal counsel.

Timesheet Coding Guidance

Please see Addendum A and guidance from the State Controller's Office for guidance related to coding timesheets in I-Time due to COVID-19.

FMLA/ADA Considerations

Agencies and employees should consult with the HR and legal counsel to determine if FMLA or ADA apply when addressing concerns related to COVID-19.

Agency HR representatives should stay abreast of developments occurring at the federal level regarding potential changes to the Family and Medical Leave Act (FMLA) related to COVID-19. DHR will also monitor and provide updated information as necessary.

FLSA Considerations

Exemption Requests for Employees to Receive Cash for Comp Time

Agency Appointing Authorities may request for Fair Labor Standards Act (FLSA) exempt state employees to receive cash compensation in lieu of compensatory time. Such requests must be made to the Board of Examiners (BoE) at brdexam@sco.idaho.gov. If the BoE approves the cash payout for these employees, the code CVC should be used. There are two possible situations where this may apply:

1. An existing need for cash compensation to FLSA exempt employees who are working on the preparation, investigation (i.e., epidemiologists), and response into the COVID-19. For example, the Department of Health and Welfare and Public Health Districts.
2. A possible future need for cash compensation for, potentially, all agency FLSA exempt employees. If this outbreak grows to the point that much of our workforce is at home due to illness and/or quarantine, then cash compensation for any healthy (at work) FLSA exempt employees may be needed, as those employees will be filling in as needed to perform essential services.

Business Meetings or Mass Gatherings

Consider, where possible, postponing or canceling business meetings, mass gatherings, hearings, trainings, or public events in any of the following situations:

- The event will draw audiences or participants from communities, states, or countries with confirmed community spread of COVID-19 disease. The Public Health Division within the Department of Health and Welfare can assist in making this determination.
- The event will be held indoors and bring together more than 10 individuals where social distancing of 6 feet or more is unlikely or not possible.
- The event's primary audience includes or may expose high-risk populations, including adults over the age of 60 years and people with underlying chronic medical conditions like heart or lung disease or diabetes, regardless of the number of attendees.

If it is determined a conference, meeting, hearing, training, or other event is essential and cannot be delayed or conducted by other means, consider using virtual gatherings (e.g., webinar, video conferencing, live stream, etc.) as a mechanism to minimize the risk of COVID-19 exposure to the general public and vulnerable populations, when possible. Attendees should be reminded about respiratory etiquette, hand hygiene, and social distancing.

Please visit www.cdc.gov for additional information on mass gatherings.

Travel Guidance

Limit non-essential business travel. Essential travel is determined by Agency Directors, University Presidents, and Agency Heads. When determining what is essential travel, several factors should be considered, but not limited to:

- Is the travel related to the Agency Continuity Of Operations Plan (COOP)?
- What is the destination?
- What is the mode of travel and does it involve movement through impacted areas described by the [CDC](http://www.cdc.gov) ?
- What is the mission and does it take the person into a higher exposure situation (i.e. large conference)?
- Are there alternative methods that can still accomplish the mission (video conference, remote access, etc.)?

Please visit www.cdc.gov for additional information on travel considerations.

The State Board of Examiners guidance is to use the most cost-effective and efficient mode but allows for additional travel costs if it is for a valid business reason such as airline travel insurance. The State Department of Insurance has a current list of authorized travel insurance providers.

Additional Employee Resources

The Employee Assistance Program (EAP) has staff on hand to assist with workplace concerns. Visit <https://ogi.idaho.gov/counseling/> for more information. GuidanceResources® is Idaho's online EAP platform that provides access to timely, expert information on thousands of topics, including the coronavirus. Visit the web address above and use ID: SOIEAP, and type "coronavirus" in the search bar. To login, visit <https://www.guidanceresources.com/groWeb/login/login.xhtml>.

Telehealth Benefits. All state employees and family members enrolled in the state's medical plan have access to telehealth through MD Live. Visit ogi.idaho.gov to learn more about your telehealth options.

Addendum A: Leave Codes Available Related to COVID-19

Note: In cases where an employee or their family member is not actually ill, agencies should first determine if an employee is able to telecommute prior to providing paid leave.

I-Time Code	Description	Appropriate Use(s)
General Leave Codes		
SIC	Pulls from an employee's available sick leave balance.	An employee who <u>chooses</u> to: <ul style="list-style-type: none"> • self-monitor or self-isolate due to potential exposure; • Provide care for a family member; • Care for minor age children due to school and/ or day care closure; Actual illness (including COVID-19)
CPT	Pulls from an employee's available compensatory leave balance.	An employee who <u>chooses</u> to: <ul style="list-style-type: none"> • self-monitor or self-isolate due to potential exposure; • Provide care for a family member; • Care for minor age children due to school and/ or day care closure; Actual illness (including COVID-19)
RHH	Pulls from an employee's available RHH leave balance.	An employee who <u>chooses</u> to: <ul style="list-style-type: none"> • self-monitor or self-isolate due to potential exposure; • Provide care for a family member; • Care for minor age children due to school and/ or day care closure; Actual illness (including COVID-19)
OCE	Pulls from an employee's available on-call earned balance.	An employee who <u>chooses</u> to: <ul style="list-style-type: none"> • self-monitor or self-isolate due to potential exposure; • Provide care for a family member; • Care for minor age children due to school and/ or day care closure;

		Actual illness (including COVID-19)
VAC	Pulls from an employee's available vacation leave balance.	An employee who <u>chooses</u> to: <ul style="list-style-type: none"> • self-monitor or self-isolate due to potential exposure; • Provide care for a family member; • Care for minor age children due to school and/ or day care closure; Actual illness (including COVID-19)
COVID-19 Specific Leave Codes		
CVS	Provides employees up to 80 hours of Advanced Sick Leave. Requirements: Must be pre-approved by the appointing authority and an agreement signed by the employee to replenish leave balances, as applicable.	An employee who: <ul style="list-style-type: none"> • Does not have any accrued sick, comp, on-call earned or RHH leave balances (exhaustion of vacation is <u>not</u> required) or who is not eligible to accrue leave; AND, • Is <u>required</u> by a public health official to self-isolate or to isolate a family member; AND, • Is unable to telecommute. Actual illness related to COVID-19
CVT	Provides employees up to 80 hours of Paid Administrative Leave specifically related to COVID-19. Requirements: Must be pre-approved by the appointing authority. Consultation with agency human resources and legal counsel is also required.	An employee or their immediate family member(s) who is required to self-isolate under the direction of public health authorities due to a significant risk exposure to COVID – 19; OR, Employees who are not allowed to work due to infection control procedures outlined a public health official or regulatory entity (i.e., HHS, CMS, etc.); AND,

		In both above instances, the employee is unable to work in a different capacity within their agency and/or telecommute.
CVR	Actual Time Worked in a telecommute capacity related to COVID-19. This code is for tracking purposes.	Any employee who is approved to telecommute temporarily related to COVID-19.
CVC	Provides employee with cash compensation rather than accruing compensatory time-off. Requirements: Must be pre-approved by the Board of Examiners.	Appropriate for FLSA exempt employees who are working in excess of 40 hours/week on the preparation and response to COVID-19 or in instances where they are filling in for other employees unable to work due to COVID-19.