

OFFICE OF STATE HUMAN RESOURCES
EMPLOYEE WORK AND STATE OF EMERGENCY LEAVE PROVISION #2*
EFFECTIVE MARCH 16 – 31, 2020

The following is the second State of Emergency Leave provision authorized by the State Human Resources Director in response to the COVID-19 event and are available for use at the discretion of each state agency, subject to the availability of funding. This State of Emergency Leave provision is per the employee's regular work schedule (or typical work schedule for temporary employees as determined by management) and does not include overtime or other special pay provisions.

Employee Designations and Work Assignments

- For purposes of this special State of Emergency Leave provision that will be effective March 16 – 31, 2020, mandatory employees are those employees who are directed by their supervisor to report to work, at a designated Agency worksite other than their personal residence, at specific dates and times. **The Agency should revise the list of mandatory employees to reflect this definition and the Agency's operational needs specific to the COVID-19 event. These designations may be changed by management at any time due to the operational needs of the Agency and COVID-19 developments.**
- Special consideration should be given to mandatory employees who are determined to be "high risk" for experiencing greater complications with COVID-19 (i.e., over 65 years of age; have underlying health conditions, including heart disease, lung disease, or diabetes; or a weakened immune system) or who are providing care to someone at high risk. These employees may be allowed to telework or apply the State of Emergency Leave provision below.
- Non-mandatory employees are those employees who have **not** been directed by their supervisor to report to work onsite at any particular date and time. **Non-mandatory employees will continue to be assigned work and will be expected to telework if feasible given the nature of their position duties.** If not, this special State of Emergency Leave provision applies from March 16 – 31, 2020.

State of Emergency Leave Provision #2

Consistent with usual work schedules, up to 96 hours of paid State of Emergency Leave for the following reasons may be granted during the period of March 16 – 31, 2020, and no balance will be carried over beyond March 31:

- Mandatory or non-mandatory employees (including temporary and permanent employees) who cannot work because they have childcare or eldercare needs due to COVID-19-related facility closings will receive paid State of Emergency Leave up to the maximum hours allowed.
- Non-mandatory employees (including temporary and permanent employees) who are unable to telework who have not been authorized by their supervisor to continue to report to work will receive paid State of Emergency Leave up to the maximum hours allowed if they cannot telework because their position duties cannot be performed remotely, and reasonable alternate remote work is not feasible or productive.
- For part-time employees with irregular schedules, paid State of Emergency Leave should be based upon the employee's average hours per week over the course of a month. In no case shall paid State of Emergency Leave exceed 40 hours per week.

State of Emergency Leave Provision #2 Cont'd.

- Any mandatory or non-mandatory employees (including temporary and permanent employees) who are sick due to symptoms consistent with COVID-19 or who are caring for a dependent with such symptoms will receive State of Emergency Leave up to the maximum hours allowed. All other medically related absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if previously approved.
- Non-mandatory employees who were on other pre-approved leave, choose not to work, or are unavailable for reasons other than provided for in this State of Emergency Leave provision must use available and applicable leave types; e.g. vacation leave, paid parental leave, bonus leave, or compensatory time.
- **There are no special compensation provisions for mandatory employees to receive additional pay in effect at this time.** The definition and application of mandatory employee during this state of emergency is being reviewed by the Office of State Human Resources. Historically, a mandatory employee has been designated for purposes of an adverse weather event. This is the first time that the communicable disease emergency policy is being widely applied across the state. The communicable disease emergency policy was put into place in 2008 (before technological advancements provided greater flexibility to telework) and is under review for its applicability to the COVID-19 emergency. Further direction will be forthcoming.

* **State of Emergency Leave Provision #1:** On Friday, March 13, 2020, agencies were notified that they could authorize up to 10 days (80 hours) of paid State of Emergency Leave for all employees (temporary and permanent) who request leave due to having symptoms potentially related to COVID-19, subject to the availability of funds. These 10 days of leave are separate and distinct from the above special State of Emergency Leave provision. The first paid State of Emergency Leave (up to 10 days) for employees having symptoms potentially related to COVID-19 became available effective March 10 through March 15 and will be available for use again after the above State of Emergency Leave Provision ends on March 31, 2020.

[Communicable Disease Emergency Policy](#)