

FAQs



COVID-19 Personnel Planning for 24/7 Facilities

COLORADO
Department of Personnel
& Administration

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This guidance is an extension of the existing COVID-19 Personnel Planning FAQs, which speaks to working from home, leave for state employees, employee health benefits, workers' compensation, and employee travel. The first round of questions was published on 3/11/2020 and can be accessed by visiting www.colorado.gov/dhr/covid-19-personnel-information.

These Frequently Asked Questions have been developed to help address the unique impact COVID-19 may have on the State's workforce in 24-7 operations. They are designed to help leadership, management, Human Resources Directors, and all state employees navigate topics related to human resources in these facilities.

Reporting to Work

1. What if an employee is directed to work at a facility with known COVID-19 but [has high risk factors according to the CDC](#) (people with certain chronic medical conditions)?

A: The employee should discuss their situation with their agency's FML/ADA Coordinator to determine the level of risk and what options may be available for accommodation or leave.

2. Q: If an employee is directed to work at a facility with known cases of COVID-19, will the State grant hazard pay?

A: An agency is permitted to grant hazard pay based on criteria established in State Personnel Rule 3-50, based on appropriate and communicated criteria. Agencies should consider if the employee has "exposure to physical hazards that are not a customary part or expectation of the occupation." However, hazard pay is currently limited to \$1 per hour. Consequently, agencies are encouraged to use incentive pay or discretionary shift differentials. Both should be granted in a manner consistent with the agency's incentive and/or compensation plan, which can be amended as necessary.

3. If an employee works at a facility with known COVID-19, what costs will the State reimburse?

A: For employees who work directly with people known or suspected to have COVID-19, the agency should consider reimbursement of extraordinary employee costs. Examples of this may include hotel stays and food purchases as the result of the situation where they cannot return home. The State Controller will be issuing guidance to accounting staff on how to manage COVID-19 related expense reimbursements. Employees should continue to request reimbursement through their usual process within their agency.

4. Q. Will there be costs involved relating to testing that employees must cover?

A: The Division of Insurance is requiring insurance companies to take actions related to COVID-19 in the areas of telehealth, prescription refills and cost shares (co-pays, deductibles and co-insurance). Kaiser and UnitedHealthcare will cover the costs for COVID-19 tests, which must be ordered by a doctor. This means testing will be given without deductibles, co-pays or co-insurance requirements.

5. Q: What if there is wide-spread COVID-19 in one of our facilities?

A: Proactively protect the workforce by requiring the use of protective personal equipment to reduce the spread of the disease, referring to the [CDC's guidance for healthcare facilities](#). Additionally, screen patients, visitors, and employees entering the facility to prevent introduction of infected individuals. Continuously monitor your hygiene practices to ensure healthy employees keep from becoming infected. If your staff becomes ill with COVID-19, they should be sent home and granted paid administrative leave as soon as possible to prevent spread.

To ensure continuity of operations, there are options to consider. While these are options that may require specific agency and possibly work-unit input to address, and each scenario will be unique in terms of need, regulation, and regulatory authority, some options to consider in no particular order, are as follows:

1. Allow the employee to work from home if possible.
2. Request employees to change shifts to cover employee's assigned shift.
3. Request employees to work extra shifts.
4. Mandate employees work extra shifts.
5. Reassign employees in higher staffed locations to locations in need of additional staffing.
6. Collaborate with CDHS/DOC and share staff through an MOU.
7. Reach out to and reinstate retired employees.
8. Use of overtime.
9. Use of incentive pay.
10. Use of discretionary pay differentials.

See the guidance above regarding reimbursable costs to provide further incentive. In addition, you should begin cross-training initiatives as soon as possible to ensure employees can fill in as necessary.

Agencies should consider the use of temporary employees. Note that temporary employees are not currently eligible for sick or paid administrative leave. The Governor may issue an executive order allowing temporary employees to receive sick or paid administrative leave as it relates to COVID-19 situations.

Workers' Compensation

- 6. Q: If COVID-19 is detected at a State facility or building, how will workers' compensation handle this? (This question is also in the COVID-19 Personnel Planning FAQ.)**

A: Based on guidance from our vendor, Broadspire, it would depend on whether a causal relationship can be established. The exposure has to be determined to be something that is unique to employment; The investigation would have to determine that the virus was transmitted via contact while at work or performing essential functions of the job. For certain class of workers, the answer is clearer. If the employee is a worker in the medical field or a first responder who was exposed at work, then yes, it would be compensable through worker's compensation. If the employee was on business travel to areas with widespread community transmission, this would likely be compensable as well. All claims of contracting the virus at work would need to be proven through an investigation.

- 7. Q: If an employee gets COVID-19 as a result of their job, what kind of leave should be used?**

A: An employee who contracts COVID-19 as a direct result of their job should be placed on paid administrative leave. Additionally, the employee may receive workers' compensation benefits subject to investigation as described above.