

FAQs

COVID-19 Personnel Planning



COLORADO

Department of Personnel
& Administration

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*This guidance will be updated as needed by DPA. **Most recent updates are currently in RED.***

These Frequently Asked Questions have been developed to help address the impact COVID-19 may have on the State's workforce. They are designed to help leadership, management, Human Resources Directors, and all state employees (both classified and non-classified) navigate topics related to human resources, including staffing, leave, benefits, and workers' compensation.

General

1. **Q: Where can we find the latest updates on COVID-19 in general?**

A: Please visit the [State of Colorado's COVID-19 website](#) or the [Center for Disease Control website](#) for general updates on the virus. This is where the most recent and accurate information on the virus can be found.

2. **Q: What is the difference between self-isolation and self-quarantine?**

A: Both self-isolation and self-quarantine help protect the public by preventing exposure to people who have or may have a contagious disease.

- Isolation separates sick people with a contagious disease from people who are not sick. Self-isolation should be used when an individual: (a) has a positive COVID-19 test; or (b) has symptoms of COVID-19 (coughing, shortness of breath and/or fever); or (c) are getting ill and think they might have COVID-19.
- Quarantine separates and restricts the movement of people, who were exposed to a contagious disease, to see if they become sick. Self-quarantine should be done by people who are close contacts of a person who either has a positive test or symptoms of COVID-19.

Visit the [State's COVID-19 website](#) for additional details.

3. **Q: What is the State's approach to use of leave for quarantined employees or confirmed COVID-19 cases?**

A: For employees who are self-quarantined, work from home should be the first consideration. If work from home is not possible, with the approval of executive leadership, paid administrative leave should be granted to employees who are close contacts of a person who has either a positive test or symptoms of COVID-19.

For employees who are self-isolating, paid administrative leave should be given. An employee should self isolate when the employee: (a) has a positive COVID-19 test; (b) has symptoms of COVID-19 (coughing, shortness of breath and/or fever); or (c) are getting ill and think they might have COVID-19. In the event that these employees receive a negative COVID-19 test, sick leave should be given.

4. Q: What actions can agencies take if there is a suspected case or employee exhibiting symptoms and the employee isn't pursuing evaluation/testing?

A: If an employee is exhibiting signs of illness based on [CDC guidance](#), supervisors may send employees home in order to limit the spread of communicable illnesses.

Supervisors are not to give a medical diagnosis but rather exercise their current authority to send employees home when they appear to be ill and when it impacts an employee's ability to perform their work or the health of others. IMPORTANT: When you are putting employees on leave and/or allowing them to work from home, you must maintain confidentiality with regard to any employee's health issues.

If the employee appears healthy, but has been determined by a health official or their executive leadership ([based on CDC guidance for businesses](#)) to pose significant health risk to other employees, the first option should be work from home. If this is not possible, the employee may be granted paid administrative leave with the approval of their executive leadership. Follow [the CDC guidelines](#) to determine the risk an asymptomatic employee may have for the workplace. If an employee is diagnosed with COVID-19, they should be granted paid administrative leave. If a diagnosis is not confirmed, the employee should be placed on sick leave until they are no longer symptomatic as provided in the [CDC Discontinuation of Home Isolation guidance](#).

5. Q: I am a manager or supervisor. What types of questions should I ask if an employee reports a concern that they have been exposed to COVID-19?

A: As a manager or supervisor, you are not to give a medical diagnosis but are permitted to ask questions of an employee to determine their ability to perform their work and the potential impact on the environment. Questions you may ask include: why do you think you have been exposed?, are you experiencing symptoms ([as defined by the CDC](#))?, have you spoken to your doctor about the need for COVID-19 testing?, and have you been instructed to be tested?

6. Q: What is the guidance around informing state employees, building residents, meeting participants, or the public if there has been a positive case in the workplace?

A: First and foremost, as with any medical condition, confidentiality around an employee's health should be maintained to comply with federal regulations (FMLA, ADA, HIPAA). You may not disclose the identity of the infected employee. You may, however, provide general information (e.g. affected building, floor, or dates of exposure) that an employee has been infected to allow employees to monitor themselves for signs of symptoms. Employees should then be informed of any mitigating strategies that will be employed to ensure the safety of the work area, as well as modifications to their schedule or workplace. Visit CDPHE's website for [Public health recommendations to protect our communities](#). You should also immediately inform your executive leadership, who will take the lead in both discussions with CDPHE and also communicate about any closures.

7. Q: What should we do for employees who work in close proximity to an employee who is being tested for COVID-19 or has COVID-19 like-symptoms?

A: [Clean the work spaces using CDPHE's cleaning guidance](#). Consider allowing employees to work from home, if possible, while the cleaning takes place. In many work situations, it will not be feasible to have employees work from home; in that situation, encourage employees to use good hygiene practices to lower immediate exposure risk and ask employees to monitor themselves for signs of symptoms. Employees should then be informed of any mitigating strategies that will be employed to ensure the safety of the work area. Mitigation strategies could include alternate work location or rotating shifts to reduce the number of employees in a certain area.

8. Q: What is social distancing?

A: Social distancing means remaining out of congregate settings, avoiding mass gatherings, and maintaining distance (approximately 6 feet or 2 meters) from others when possible.

9. Q: What are the requirements for paying exempt (salary) employees if they are unable to complete a full day or week of work?

A: The exempt employee must receive a full day's pay for the partial day worked if they are ready, willing, able, and engaged to work. Should the employee need to take time off for personal reasons, leave is used for the hours not worked.

10. Q. What are the requirements for paying non-exempt (hourly) employees if they are unable to complete a full day of work?

A: Non-exempt employees must be paid for all hours worked. There is no requirement to pay non-exempt employees for hours not worked. However, during the COVID-19 pandemic, non-exempt employees who are ready, willing, able and engaged to work, will be placed on paid administrative leave when state facilities are closed and/or because they do not have the ability to work from home. Should the employee need to take time off for personal reasons, leave is used for the hours not worked.

Americans with Disabilities Act

11.Q: What responsibilities do employers have as it relates to the Americans with Disabilities Act?

A: The ADA and Rehabilitation Act rules continue to apply, but they do not interfere with or prevent employers from following the guidelines and suggestions made by the CDC or state/local public health authorities about steps employers should take regarding COVID-19.

12.Q: How much information may I request from an employee who calls in sick, in order to protect the rest of its workforce during the COVID-19 pandemic?

A: During a pandemic, ADA-covered employers may ask such employees if they are experiencing symptoms of the pandemic virus. For COVID-19, these include symptoms such as fever, chills, cough, shortness of breath, or sore throat. Employers must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

Continuity of Operations

13.Q: How can we prepare for potential partial or full closure of State government operations?

A: Appointing authorities should be actively reviewing their current Continuity of Operations Plans (COOP), including identifying and designating classified and non-classified positions and employees in these positions as essential, critical or support staff.

14.Q: What are the definitions for essential, critical, and support staff?

A: The designations are defined as follows:

Critical Positions. Employees in these positions can be FLSA exempt or nonexempt and are expected to work and/or remain at their worksite in delayed start, early release, or closure situations, unless otherwise directed by their agencies. Employees receive their regular rate of pay for time worked. Employees who are non-exempt receive overtime for any hours worked over 40 hours in their FLSA workweek (or in excess of established work hours in adopted work periods for law enforcement, healthcare, and fire protection employees).

Essential Positions. Employees in these positions can be only FLSA non-exempt and in positions that perform law enforcement, highway maintenance, and support services directly responsible for the health, safety, and welfare of patients, residents, students, and inmates. Employees receive their regular rate of pay for time worked and receive overtime for any hours worked over 40 hours in their FLSA workweek (or in

excess of established work hours in adopted work periods for law enforcement, healthcare, and fire protection employees). Paid leave is counted as work time.

Support Positions. Employees in these positions are expected to backup critical personnel when asked and to be accessible to resume and/or perform their assigned duties. These employees are given instructions on how and where to perform these functions. Employees in these positions can be FLSA exempt or nonexempt. Employees receive their regular rate of pay for time worked. Employees who are non-exempt receive overtime for any hours worked over 40 hours in their FLSA workweek (or in excess of established work hours in adopted work periods for law enforcement, healthcare, and fire protection employees).

15.Q: In the event of a partial or full closure of State government operations, can critical or support employees be required to report to work?

A: Appointing authorities should be reviewing their current COOPs to determine if working from home can be accommodated for essential, critical, and support staff employees during the period of partial or full closure.

All employees can be required to report to work. Employees should be notified and given instructions on how and where they are required to report to work.

16.Q: How should agencies handle essential or critical staff who are unable to report to work because of dependent care issues?

A: Essential and critical employees may be excused from work only if they are quarantined or ill. Please refer to the other FAQs on how employees quarantined or ill will be addressed and what types of leave are appropriate. To the extent possible, agencies should consider developing alternative shifts to allow essential and critical employees to care for children and/or to maintain social distancing by minimizing the number of employees in the workplace.

17.Q: We have employees who don't have full-time work they can do from home. How should we account for their time?

A: All agencies are encouraged to be creative with distribution of work and finding ways for employees to remain productive during this time. Consider redeploying employees to areas or worksites that need assistance, or redistributing back office work that might be done remotely away from employees who must report to the worksite. Assign projects for which there is typically little time (file clean up, process improvement, reviewing and updating position descriptions, performance appraisals, etc.) that can be done remotely. Institute rotating shifts to minimize the number of people in a space. Paid administrative leave may be appropriate as a last resort if other methods of keeping employees productive have been exhausted.

18. Q: What if a building that employees work in (not a State building) closes?

A: Employees should work with their supervisors to determine how best to continue to support their operations. Options can include, but are not limited to, working from home, being reassigned to a different location, being reassigned to the central office, and/or being reassigned different job duties.

19. Q: Will there be any consideration for employees to be paid hazard pay for the risk of being exposed to COVID-19 in doing the State's business?

A: Rather than hazard pay, which is currently limited to \$1/hour, agencies are encouraged to use incentive pay or discretionary pay differentials, if possible, to compensate employees for working in positions that place them in direct and sustained contact with high-risk individuals.

20. Q: Will the State continue to distribute mail to offices in the Front Range?

A: Yes. If all the employees in an office are on work from home schedules, offices are advised to designate an employee to come into the office periodically to open and distribute mail electronically to ensure we respond to the public appropriately. This might be particularly appropriate for someone who lives close to the work site and can get there easily. You might also consider this for an employee whose work does not allow them to work from home easily.

COVID-19 Testing and Employees Who Test Positive

21. Q: How should I direct employees who need to get tested?

A: Employees should be encouraged to call a healthcare provider, clinic or hospital, but not everyone will need to be tested for COVID-19.. The provider will give instructions on whether the employee needs to be tested and where to go for care and testing. If instructed to seek care, the employee should follow the precautionary advice of the medical provider before going into any health facility. It is important to remember that the employee must have an order from a health care provider to get tested and should not simply go to a healthcare facility or emergency room. See [CPDHE's guidance](#) for further details on who and when to be tested. Employees who are symptomatic and are not tested should still follow CDPHE guidance on [How to Isolate](#).

Employees who SHOULD be tested are those who are symptomatic and have contact with high risk populations in their work.

22. Q: What should leadership consider on whether to close a facility due to a positive COVID-19 test in a facility?

A: When COVID-19 is confirmed through a positive test result, the agency should close the affected area for 72 hours for cleaning. For instructions regarding disinfecting, click

[here](#). In considering what portion of a facility to close, agencies should consider several factors, including but not limited to:

- Impact to the mission and public (i.e., does the agency provide public facing services? Are services critical or essential?).
- Is the continuation of services legally required? If yes, can they be provided online?
- Risk to employees and the 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.).
- Facility layout (i.e., are there multiple floors, section partitioned by locking doors) and span of impacted area or potential for further contamination.
- Ability to conduct a partial closure of an office.
- [CDC](#) and [CDPHE](#) guidelines.
- Other potential legal considerations.

If an agency is concerned that it is unable to continue operations and needs to consider closing a facility, please consult with CDPHE and the Governor's Office.

23. Q: What if there are multiple confirmed or presumed positive COVID-19 cases in a facility?

A: Decisions regarding closure should be based on information gathered. While waiting for an employee's test results or in the instance of a presumed positive test result, executive leadership may choose to close the immediate space, floor or entire facility for 72 hours. If the employee tests positive or if it is presumed positive, follow the guidance on closure criteria below:

- Any facility with a single confirmed case of COVID-19 in an employee should have the affected area closed for a minimum of 72 hours for cleaning and social distancing. Executive leadership should partner with CDPHE to conduct contact tracing and further COVID-19 testing. Notify the landlord/building management.
- Any facility with a second confirmed case of COVID-19 in an employee within a 30 day period requires a second minimum 72 hour closure for cleaning, testing and public health investigation.
- Any facility with 3 confirmed cases of COVID-19 in employees within a 30 day period requires a closure for a minimum of 14 days.
- If 3 facilities within close proximity have confirmed cases of COVID-19 within a 30 day period, all facilities within that radius are required to close for a minimum of 14 days for cleaning, testing and public health investigation.

For instructions regarding disinfecting see [here](#).

24. Q: What do we do when an employee tests positive for COVID-19?

A: Please follow the steps:

- The employee will likely already be on administrative leave. Employees should continue to isolate until they have had no fever for at least 72 hours (without using medicine that reduces fevers) AND other symptoms have improved AND at least 7 days have passed since symptoms first appeared. .
- Assess what portion of the agency to close for 72 hours for cleaning.
- Notify the Emergency Operations Center through your liason.
- Notify your employees. The Division of Human Resources has provided a [template notification](#) for your use.
- Notify the landlord/building management.
- Contact building maintenance or a cleaning service to have the affected area cleaned. For instructions regarding disinfecting see [here](#).
- If the affected employee lives with or is in close contact with other state employees at other agencies, the other agency should be notified.

25. Q: What interventions should an agency consider to prevent the spread of COVID-19?

A: 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.
- If an employee has symptoms, they should be sent home as soon as possible. Do not wait for a positive test.

26. Q: If an employee is unable to get tested for COVID-19 due to lack of testing availability or doctor's direction to wait a certain amount of time first, will the employee still be eligible for paid administrative leave?

A: If an employee has symptoms, they should be sent home as soon as possible. Employees are encouraged to call a healthcare provider, clinic, or hospital as the provider can give them instructions on whether they need to be tested and on where to go for care and testing. If instructed to seek care, they should follow the precautionary advice of the medical provider before going into any health facility. In the event an employee is exposed and unable to be tested, they should remain on paid

administrative leave for 14 days. If they are ill and unable to be tested, they should remain on paid administrative leave until they have had no fever for at least 72 hours (without using medicine that reduces fevers) AND other symptoms have improved AND at least 7 days have passed since symptoms first appeared.

We want to do our part to reduce the spread of infection, so if employees are unable to be tested through no fault of their own, we want to take care of them through paid administrative leave.

27.Q: Are there any plans to prioritize the testing of public servants when the need arises?

A: Because state employees provide critical services to the people of Colorado, we are researching the options to provide this. Currently, the following is available to state employees who are covered under the UnitedHealthcare medical plan and have access to Paladina Health:

- Paladina Health now has the capability, supplies, and protective equipment to test patients for COVID-19 safely. Patients who suspect COVID infection should start by calling their local Paladina Health office as usual. Due to limited COVID testing supplies statewide, we will follow CDPHE guidelines to prioritize testing for people with chronic medical conditions, those aged 60 and up who are symptomatic, and health care workers.

Beginning this week, centralized testing sites will be set up for Paladina patients with suspected COVID infections whom our providers determine need to be tested. Again, if patients believe they need to be tested, they should call their local Paladina Health office.

28.Q: An employee’s doctor said they are sure the employee has COVID-19, but the patient hasn’t been able to get a test, what do we do?

A: Not everyone will be able to be tested. To reduce the possible spread of COVID-19, you should treat this as if it is a presumed positive diagnosis. The employee should be placed on administrative leave until they have had no fever for at least 72 hours (without using medicine that reduces fevers) AND other symptoms have improved AND at least 7 days have passed since symptoms first appeared.

29.Q: How can we distinguish between a “suspected but unconfirmed” case of COVID-19 and a typical illness?

A: Not everyone will need to be tested for COVID-19. Per CDPHE guidance, self-isolation should be used when an individual: (a) has a positive COVID-19 test; or (b) has symptoms of COVID-19 (coughing, shortness of breath and/or fever); or (c) are getting ill and think they might have COVID-19. Symptoms, especially early on, may be mild and feel like a common cold. Early symptoms could include a combination of cough,

body aches, fatigue, and chest tightness. Some people may not develop fever or fever may not appear until several days into the illness.

The [EEOC](#) has confirmed that you can inquire into an employee's symptoms, even if such questions are disability-related, as you would be considered to have a "reasonable belief based on objective evidence that the severe form of pandemic influenza poses a direct threat." Inquiries into an employee's symptoms should attempt to distinguish the symptoms of COVID-19 from the common cold and the seasonal flu. This should include inquiries into whether an employee is experiencing:

- Fever
- Fatigue
- Cough
- Sneezing
- Aches and pains
- Runny or stuffy nose
- Sore throat
- Diarrhea
- Headaches
- Shortness of breath

The most common symptoms of COVID-19 are fever and a dry cough. Visit the [CDC website](#) for more information on symptoms and testing.

It is important to remember that you must maintain all information about employee illness as a confidential medical record in compliance with the ADA.

Employee Health Benefits

30. Q: During Open Enrollment, how will the State ensure that employees have the opportunity to select their health insurance providers?

A: COVID-19 has changed a number of factors for both State agencies and employees, however, the Open Enrollment period will continue as planned. Open enrollment will start on April 14 and continue through May 18, 2020. This is the period of time that employees will select their health insurance providers. See [Benefits Guide](#).

Our vendors will be mailing postcard reminders to employees, and call centers will be available for most of the vendors, including Kaiser and Cigna. This will provide employees the option to discuss the benefit changes before, during, and after open enrollment.

Benefitsolver, the benefits enrollment portal, is accessible at www.benefitsolver.com. This site allows employees to access their benefits from their phones and home

computers. In addition, employees can download the MyChoice Mobile App from the app store and elect benefits on their mobile phone, iPad, or Tablet.

As we do every year we will also have a "Request for Exception for Open Enrollment" in which employees may provide extenuating circumstances for why open enrollment was not completed by the deadline. As each situation varies from employee to employee we carefully review each request before making a determination. The Request for Exception for Open Enrollment will be provided to agency benefits administrators after open enrollment closes.

31. Q: Will paper enrollment forms for benefits open enrollment be available for those who do not have access to a computer with internet or a smartphone?

A: Yes, we are working to develop a paper enrollment form. In addition, we are researching options to enroll directly via the phone.

32. Q: As we anticipate an increase in medical visits, what is being done to increase telehealth and nurse advice line options for state employees? Are Kaiser Permanente and UnitedHealthcare increasing staff or access in these areas?

A: Please see UnitedHealthcare's [FAQ on Coronavirus](#), [Virtual Visit Flier](#), [App Information](#), and [Teledoc Flier](#). Visit their [website](#) for additional information.

UnitedHealthcare has 3 different Virtual Visit providers:

- Teledoc can be accessed via myuhc or through the new UnitedHealthcare App, there is not a separate app to download.
- AmWell and Doctors on Demand can be accessed via myuhc ([amwell.com](#) or [doctorondemand.com](#)) or by downloading the respective app and accessing through the app.

Please see [Kaiser's informational sheet](#) and [frequently asked questions](#) with the latest information and advice to help you feel prepared. Visit their [website](#) for additional information. You can also read [further information](#) about how Kaiser Permanente is responding to COVID-19.

33. Q: Who will pay for COVID-19 tests for people covered by the state benefit plans?

A. 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.

34. Q: If an employee needs to change their address or take other actions in the Employee Self Service (ESS), but are working remotely with no VPN access, what can be done?

A: Agencies have individuals who have the ability to make updates in the Colorado Personnel Payroll System (CPPS) that flow directly into ESS. Employees should contact their HR department if changes are needed.

Employee Performance and Management

35. Q: If a 6-10 meeting needs to take place, can this be done remotely?

A: Yes, for the time being, we recommend that all 6-10 meetings should be offered via phone or videoconference whenever possible. Prior to the meeting, any documentation that will be discussed during the meeting should be provided to the employee. If the 6-10 meeting occurs in person, remember to practice proper social distancing. Work with your HR department to get updated 6-10 notices.

Employee Travel

36. Q: Can employees travel for work out-of-state?

A: All out-of-state travel for work is prohibited for state employees, within the Governor's purview, at this time. All other agencies and institutions of higher education are encouraged to implement a similar travel ban. If you work for an agency or institution outside the Governor's purview, please consult your leadership regarding this question.

37. Q: Can employees travel in-state?

A: For in-state travel by employees within the Governor's purview, only necessary travel is permitted. Work with your supervisor regarding necessary travel. All agencies and institutions of higher education outside the Governor's purview are encouraged to adopt a similar policy. If you work for one of these agencies or institutions, please consult your leadership regarding this question.

38. Q: Are there special efforts taken with motor pool cars?

A: Yes. Prior to returning a motor pool car to the downtown State Motor Pool (1525 Sherman), all cars should be taken to Water Works Carwash, located at 276 Broadway in Denver for a "State Vehicle Cleaning Service" which will clean the exterior and interior high touch points throughout the vehicle. Water Works will invoice the State for the service. Motor pools located outside the Denver-metro area should have similar local protocols in place. Check with your motor pool manager for established local procedures.

39. Q: Can agencies require employees to report if they have traveled to areas where there is widespread community transmission?

A: Yes, however, consult the [CDC travel website](#) to determine the level of risk the employee may pose to the workplace based on the travel location. Based on the level of risk, [CDPHE may advise](#) employees to stay home from work for up to 14 days. If it is possible for the employee to work from home, then consider using this option to protect the health of other employees.

40. Q: Can agencies prevent employees from returning to work if they have traveled to areas where there is widespread community transmission?

A: Yes. If the employee is symptomatic, the employee should be placed on paid administrative leave until a COVID-19 diagnosis. If a diagnosis is confirmed, the employee should continue on paid administrative leave until they are no longer symptomatic as provided in the [CDC Discontinuation of Home Isolation guidelines](#). If a diagnosis is not confirmed, the employee should be placed on sick leave until they are no longer symptomatic as provided in the [CDC Discontinuation of Home Isolation guidelines](#) as well. Our advice is to begin documentation for the Family Medical Leave process once the employee is ill in case complications arise. See FAQ specific to FMLA paperwork for more detailed guidance.

If the employee is not actively symptomatic, use the [CDC risk assessment website](#) and any relevant travel warnings from CDPHE to evaluate the level of risk. If the risk is high, consider if the employee is able to work from home. If so, the employee should work from home for the virus's incubation period, which is generally 14 days. If working from home is not possible based on the nature of the employee's work, the appointing authority may request paid administrative leave from their executive leadership to cover the period of isolation.

41. Q: How should I address personal travel or requests for annual leave for vacations (pre-approved or otherwise) with employees?

A: Considering the current crisis and the needs of the state, you may ask your employees to limit any unnecessary travel, but not require it. Appointing Authorities have the ability to cancel any pre-approved or future requests for annual leave due to staffing shortages and/or business necessity. Keep in mind any cancelled leave is at risk of forfeiture if it is not taken by the end of the fiscal year. Should the employee not have a reasonable opportunity to use annual leave due to business necessity and it results in forfeiture, the forfeited hours must be paid out to the employee before the end of the fiscal year pursuant to rule 5-4.

If an employee plans on traveling out-of-state or has recently traveled to a location within the state identified by the CDPHE as an area of community spread, employees must self-report this to their supervisor before returning to work.

42. Q: If an employee on annual leave knowingly travels to areas with community spread, (e.g. Eagle County) do they get two weeks of paid administrative leave upon their return?

A: Executive Leadership should remind agency employees that as public servants, they are expected now, more than ever, to support the health and well-being of their communities by adhering to CDPHE's guidance and distancing themselves from areas experiencing community spread. Additionally, their services will be crucial in the

upcoming weeks, and putting themselves at risk by traveling to these areas also puts the agency's mission and continuity of operations at risk.

According to [CDPHE's guidance](#), employees traveling to these communities should stay 6 feet away from co-workers, if unable to work from home. At this time, there is no requirement that these individuals be placed on administrative leave. Further, employees leaving one of these communities should minimize contact with other people for 14 days and watch for the development of symptoms like cough, fever, and shortness of breath.

43. Q: Are agencies able to purchase travel insurance for cancelations due to COVID-19?

A: The State Controller approved a waiver of Fiscal Rule 5-1 and related policy so that agencies may purchase cancel-for-any-reason travel insurance. This waiver will remain in place until there is no longer a threat to public health due to COVID-19.

Note that the usual travel insurance is for accidents. The state's travel agents do not include trip cancellation coverage in their contracted rates. State-issued credit cards do not offer cancel-for-any-reason travel insurance. You would have to purchase this insurance separately.

If you purchase cancel-for-any-reason insurance, review the coverage carefully to see if it covers COVID-19. Additionally, many airlines are waiving change fees.

Employment & Hiring

44. Q: Will DPA provide a blanket waiver for personal services agreements for urgent needs in response to COVID-19 operations for every department in the Executive Branch?

A: A personal services agreement is any kind of contract (e.g. 1099, leased worker) that is outside of normal employment. It does not include temporary aides which can be utilized without a waiver. Currently, a personal services agreement requires the personal services waiver to be in place, assuring that we aren't using a contractor in place of an employee. DPA is working to provide a blanket waiver specific to urgent needs in response to COVID-19 and will notify HR Directors if/when this gets put in place. As a reminder, departments need to notify dhr_consultingservices@state.co.us for any personal services agreements utilized for tracking purposes.

45. Q: I have immediate resource needs for classified positions and don't have time for the hiring process, what can I do?

A: You can consider using a provisional appointment, in which you temporarily appoint a qualified individual from outside the state system into a classified position. An eligible list is not necessary for provisional appointments, and they do not need to be posted. Appointees cannot retain the position as provisional for longer than nine

months from the date of entrance of duty or one month after the establishment of a referral list intended to permanently fill the position, whichever date is later. At the end of this time frame, the provisional employee must be separated. In order to move into this role permanently, an open-competitive process would have to occur within the established nine months.

46. Q: I have temporary employees approaching the nine-month limit for temporary employees. Can I extend them?

A: The nine month limit for temporary employees is in the Colorado Constitution, but DPA is examining how agencies can be flexible with this limit during the state of emergency.

47. Q: If a candidate for a classified position on a referral list declines to interview in-person due to COVID, should we remove them from the selection process?

A: We do not advise removing them from the selection process. Agencies should be as flexible as possible with interviewing during this period. Offer alternatives to in-person interviewing such as a virtual interview. Keep in mind that a virtual interview could be considered a reasonable accommodation during this time, and there may be obligations under the ADA.

48. Q: We are hiring employees during the outbreak; what steps can we take to protect our workforce?

A: The [EEOC](#) has provided guidance on this issue and has confirmed that you may screen applicants for symptoms of the COVID-19 coronavirus after you make a conditional job offer, as long as you do so for all entering employees in the same type of job. You can also take an applicant's temperature as part of a post-offer, pre-employment medical exam after you have made a conditional offer of employment.

The EEOC has also said you may delay the start date of an applicant who has COVID-19 or symptoms associated with it. According to current CDC guidance, an individual who has the COVID-19 coronavirus or symptoms associated with it should not be in the workplace. The EEOC has also said you may withdraw a job offer when you need the applicant to start immediately but the individual has COVID-19 or symptoms of it.

Leave for State Employees

49. Q: What is the guidance on granting paid administrative leave?

A: If the employee appears healthy, but has been determined by a health official or their executive leadership ([based on CDC guidance for businesses](#)) to pose significant risk to other employees, the first option should be work from home. If this is not possible, the employee should be granted paid administrative leave with the approval of their executive leadership. Follow [the CDC guidelines](#) to determine the risk an asymptomatic employee may have for the workplace. If an employee is diagnosed with

COVID-19, they should continue on paid administrative leave. Our advice is to begin documentation for the Family Medical Leave process in case the condition persists. See specific FAQ pertaining to FMLA paperwork for more detailed guidance.

50. Q: How is leave addressed for employees who are quarantined? Is it the same for employees who are ordered by health departments versus employees who are “self-quarantined”?

A: If the employee appears healthy, but has been determined by a health official or their executive leadership ([based on CDC guidance for businesses](#)) to pose significant risk to other employees, the first option should be work from home. If this is not possible, the employee should be granted paid administrative leave. Together with public health, follow [the CDC guidelines](#) to determine the risk an asymptomatic employee may have for the workplace. Once an employee is diagnosed with COVID-19, they should continue on paid administrative leave. Our advice is to begin documentation for the Family Medical Leave process in case the condition persists. See specific FAQ pertaining to FMLA paperwork for more detailed guidance.

51. Q: Should employees out on administrative leave complete Family Medical Leave Act (FMLA) paperwork?

A: Employees who are absent more than 3 days but granted paid administrative leave do not have to submit FMLA paperwork while on paid administrative leave unless they experience complications arising from COVID-19. In that situation and any others outside of COVID-19, FMLA paperwork should be provided, completed and returned in compliance with state or federal family medical leave laws. Employees should keep medical documentation if complications or unrelated illnesses arise during their paid administrative leave and FMLA or State Family Medical Leave (SFML) is subsequently applicable.

Employees who are absent from work due to COVID-19-like symptoms for 3 or more consecutive days are required to complete and submit the [Employee Self-Certification Form](#) in lieu of a medical certificate form.

52. Q: What is the process for people who are immuno-compromised and concerned with COVID-19 to seek paid administrative leave?

A: Employees not ill but asking to work from home because they are immuno-compromised or have other high risk factors should be offered that opportunity, if possible. Employees should be directed to their ADA coordinator to discuss and the department’s process for accommodations should be followed. If employees are able to work from home, that should be the first option. If an employee is unable to work from home, they are able to take any type of accrued leave (annual, sick, or compensatory).

53. Q: If we can prevent employees from returning to work, are they required to use their own sick/annual leave, take unpaid leave, or do we grant them paid administrative leave?

A: If an employee is asymptomatic, but not allowed to return to work because they are deemed high risk based on the judgment of public health or a clinician ([based on CDC guidance for businesses](#)), they should first be offered the ability to work from home. If this is not possible, they should be granted paid administrative leave with the approval of their executive leadership.

If the employee has been diagnosed with COVID-19 they will remain on paid administrative leave until they are no longer symptomatic as provided in the [CDC Discontinuation of Home Isolation guidance](#). If the employee is otherwise ill, they should use sick leave. If the employee's condition requires them to be out for more than 30 days, they may be eligible for short term disability. Our advice is to begin documentation for the Family Medical Leave process once the employee is ill in case the condition persists.

54. Q: If schools or childcare facilities close for an extended period of time, are employees allowed to work from home in order to take care of their children or do they have to take leave?

A: Agencies are advised to modify (at least temporarily) their telework policies to allow employees to work from home at the same time they are caring for a child that needs supervision or other dependent during state-recognized emergency situations.

Impacted employees must first work with their supervisor to determine if working from home or a schedule adjustment will allow them to continue working. If these measures do not allow for the employee to continue to work, then employees may use any accrued leave to care for their family members, including domestic partners, in-laws and step relatives. Special consideration will be given to any other person whose association with the employee is similar to that of a family member.

55. Q: If an employee has symptoms, can we force them to get tested?

A: If an employee has symptoms, they should be sent home immediately. You should encourage, but cannot require, them to call a healthcare provider, clinic, or hospital as the provider can give them instructions on whether they need to be tested and on where to go for care and testing. If instructed to seek care, they should follow the precautionary advice of the medical provider before going into any health facility. See CDPHE's guidance on "[How to Get Tested](#)."

56. Q: Are we going to require employees to submit a medical certification for absences longer than three days, or a fitness to return if they are absent from work due to illness (required by personnel statute)?

A: On March 11, 2020, the Governor issued an executive order temporarily suspending the requirement for a doctor's note for absences from work for three or more consecutive days due to COVID-19-like symptoms. In lieu of a doctor's note, employees must self-certify the COVID-19-like illness by completing the [State of Colorado Self-Certification Form for COVID-19-like Symptoms Form](#) within 15 calendar days from the date of the first absence, barring extenuating circumstances, and present a signed copy to their supervisor, who will provide it to the agency's HR office. The suspension of the medical certificate requirement does not suspend any documentation requirements that pertain to serious health conditions or injuries, as defined in the State Personnel Administrative Procedures, Rule 1-69, that may qualify for job-protection under the Family Medical Leave Act.

57.Q: When can employees return to work following COVID-19-like symptoms?

A: Use the [CDC Discontinuation of Home Isolation guidelines](#) to determine if it's safe for an employee who has been out ill to return to work. Currently, their guidelines indicate it is safe when the employee is free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 72 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. cough suppressants) AND at least 7 days have passed since symptoms first appeared. Please refer [to their website](#) for any updates to this guidance.

58.Q: What is the guidance around the use of leave sharing programs?

A: Employees who have leave available to donate may continue to utilize their agency's leave sharing program to support their colleagues during this period. Agencies should review their current program in conjunction with rules 5-8 and 5-9.

59.Q: What is the guidance around the use of overtime and/or comp time for employees called in to cover work for an infected employee?

A: Agencies are encouraged to evaluate their current policies to ensure they are able to allow payout of overtime if budgets allow. Overtime/Compensatory time must be granted only to non-exempt employees who are working more than 40 hours in their FLSA workweek. Exempt employees who are covering for absences may be granted incentive pay or paid administrative leave as recognition of their efforts based on an agency's existing compensation policies.

60.Q: Should Departments address leave and social distancing differently for temps, interns, and volunteers?

A: Temporary employees or interns, paid directly by the State and not through a third party vendor, who are absent from work due to COVID-19-like symptoms or because they are quarantined because of COVID-19, may receive paid administrative leave, up to 30 days, at the approval of the appointing authority. The paid leave ends when the temporary employee receives a negative COVID-19 test result. If the employee or intern tests positive for COVID-19 they will remain on paid administrative leave until they are

able to return to work until they are no longer symptomatic [as provided in the CDC guidance](#). Volunteers are not paid and therefore not eligible for paid leave, however the same principles regarding social distancing apply.

Mental Health and Wellness

61. Q: Is the Colorado State Employees Assistance Program (CSEAP) providing any services relating to COVID-19?

A: Taking care of yourself during times of stress and uncertainty is extremely important. In addition to CSEAP services, these [resources](#) have been collected for State of Colorado employees to help you maintain your own wellness during an infectious disease outbreak.

CSEAP will be providing recurring webinars on Managing Stress and Anxiety During Uncertain Times. Participants are limited to 100 so will be providing this training on a weekly basis during the COVID-19 pandemic. While this webinar acknowledges the uncertainty of our current pandemic, this presentation does NOT provide an educational focus on COVID-19 or workplace response to COVID-19. Visit the [CSEAP website](#) for the most recent information on CSEAP's available webinar trainings. Of course, CSEAP will also continue to offer one-on-one counseling and referral services, and leveraging virtual counseling where appropriate to ensure the safety of clients and counselors. Please contact 303-866-4314 or Toll Free 800-821-8154 to make an appointment. Office hours are Monday - Friday 8:00 am - 5:00 pm. After hours contact is Colorado Crisis Services at 1-844-493-8255 or coloradocrisisservices.org.

62. Q: COVID-19 is constantly on our minds. What resources can you provide to help make sure employees are taking care of themselves?

A: Taking care of yourself during times of stress and uncertainty is extremely important. In addition to CSEAP services, these [resources](#) have been collected for State of Colorado employees to help you maintain your own wellness during an infectious disease outbreak.

Reporting to Work (24/7 Facilities)

Please see the [24/7 Facilities FAQs - COVID-19 Personnel Planning](#).

School and Location Closures due to COVID-19

Please see the [Closures FAQs - COVID-19 Personnel Planning](#).

Workers' Compensation

63.Q: If COVID-19 is detected at a State facility or building, how will workers' compensation handle this?

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 classes 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. Employees who contract COVID-19 at work will be provided paid administrative leave until a determination is made if it is covered by workers' compensation. If it is covered by workers' compensation, an employee would transition to coverage under workers' compensation.

64.Q: Are our workers' compensation partners accepting employees for COVID-19 testing?

A: Our workers' compensation partners are following the CDC guidelines that state if an employee feels they are showing signs and symptoms and meet the criteria for testing, to contact their primary care physician for the closest facility to test them for the virus. Employees are encouraged to stay home if they feel they are showing any signs or symptoms before they are cleared by a medical provider.

65.Q: Are employees working from home covered by workers' compensation?

A: Yes. Employees working from home are covered under workers' compensation for injuries arising out of the course and scope of employment. Coverage applies to the same extent it would if an employee were injured in the office. While the circumstances of each employee's home environment may differ from the office, we cannot tell an employee not to file a claim related to an injury sustained while working from home. If an employee notifies their employer that they want to file a claim, we will handle that situation as we would any other work-related claim. Please Note: The State of Colorado assumes no liability for injuries occurring at the work from home location outside of the employee's work hours or injuries that do not arise out of employment. The State of Colorado is not responsible for injuries to third parties, including family members, at the work from home location, or for damages to the employee's personal property.

66. Q: What are employees' responsibilities for reporting incident or injury occurring at home?

A: By law, the employee must report a work-related injury or illness in writing to the employer within 96 hours (4 calendar days) even if the employer has actual knowledge of the injury or illness. Broadspire will adjust the claim and investigate the injury or illness for compensability. If the claim is found not compensable, all medical costs will be the responsibility of the employee or the employee's primary insurance carrier.

67. Q: What is the timeline for employers to report a workers' compensation claim?

A: All agencies and institutes of higher education covered through the State Office of Risk Management's (SORM) self-insured program are required to report the injury to Broadspire within 24 hours from the date of notification that the accident or incident occurred. If the employee does not want to complete a first report of injury or does not comply with providing a written statement, this does not alleviate the employer or supervisor's responsibility under the 24-hour reporting requirement.

68. Q: What other responsibilities do employers and supervisors have?

A: The employer must provide the injured employee with an up-to-date designated provider list, along with the first report of injury (FROI) form to properly document the injury. For an up-to-date designated provider list, visit www.goperspecta.com/VPD/broadspire/public/ProviderSearch/Main

69. Q: Are there special claims considerations for working from home during the COVID-19 outbreak?

A: With the current recommendations for social distancing, SORM encourages employees who file a workers' compensation claim to use telemedicine as an avenue to be evaluated by a treating physician. Telemedicine is a convenient way for both patients and care providers to treat and diagnose minor work related injuries such as sprains and strains; repetitive motion injuries; minor functional movement injuries; cuts, scrapes, bruises; etc. Our workers' compensation providers, Concentra and HealthOne currently offer telemedicine resources.

- <https://www.concentra.com/occupational-health/telemedicine/>
- <https://healthonecares.com/service/healthone-virtual-network>
- <https://workwellworks.com/wwecare-telemedicine/>

70. Q: What are some steps employees can take to minimize risk and improve safety while working at home?

A: SORM strongly encourages employees working from home to do the best they can to create an adequate and ergonomically correct workspace. An adequate work space is one that enables the employee to fully perform the requirements of the job. This includes, but is not limited to, physical dimensions; quiet and distraction-free space; proper furniture; equipment such as computer, monitor; internet capability; phone; and privacy. Due to the State of Colorado and CDC guidelines, no in-person ergonomic evaluations will be performed by SORM or Broadspire staff. Please visit [the SORM web](#)

[page to take an online ergonomic assessment](#). Additionally, employees should review the [Flexplace Safety Checklist](#) to assess the suitability and safety of the workspace.

Work from Home

71. Q: What measures should an agency take to have 50% of employees work from home?

A: Governor Polis directed all state agencies to implement work from home for 50% of employees where viable. Agencies have developed plans to implement this and have identified those employees who should work from home. This does not mean that all employees able to work from home are allowed to do so. Agencies may have staffing level requirements and the ability to use alternative shifts and social distancing to continue necessary operations. For employees who must continue to report to work, please utilize [CDC's guidance](#) on how to keep the workforce safe.

72. Q: What is the guidance for state agencies on utilizing telework and working from home? Is that developed on an agency basis?

A: As a temporary measure and as appropriate based on the current circumstances related to COVID-19, state agencies should begin developing a plan for work from home whenever practical to maintain business operations and continuity of service. This may require modifications to standard duties or exceptions to typical telework practices. Additionally, agencies are advised to modify (at least temporarily) their telework policies to allow employees to work remotely at the same time they are caring for a child or other dependent during state-recognized emergency situations.

73. Q: What are best practices for working at home?

A: Governing, an online magazine for state and local governments, provides [a top ten list](#). Additionally, the Colorado Department of Labor and Employment prepared a [comprehensive guide](#) on best practices.

74. Q: Will the departments be increasing the capabilities of staff members to work from home, especially those without laptops?

A: All departments are currently working with OIT to procure additional laptops and VPN to enable more staff to work from home. OIT secured an additional 1,800 laptops that are currently being deployed to the agencies based on highest need.

75. Q: What should agencies be considering from a technology perspective to allow employees to work from home?

A: Agencies have assessed the need for remote access to important state systems, and if equipment will be needed for employees to work from home (e.g., laptops and internet connection). The Office of Information Technology (OIT) has convened a task force to support agencies in this effort, and their [Tech Kit for Remote Workers](#) provides guidance on how to make working from home successful. Employees should review the

guidance along with the [Remote Cybersecurity Tips](#) to ensure state and personal information is secure. This guidance and additional resources can also be found on the State's [TechU website](#). Please note, this guidance is a working document and may change as situations evolve. Please contact your IT Director if you have questions.

76.Q: If an employee does not have an internet connection and wants to work from home, will the State pay for this service?

A: If the employee is asking to work from home - and not being directed- they should supply everything needed to do so, including internet service. If they have a hot spot on their phone, they could choose to use that instead. Agencies can decide to supply other equipment (e.g., laptop, printer) for employees choosing to work from home.