

FAQs

COVID-19 Personnel Planning



COLORADO

**Department of Personnel
& Administration**

Date: 3/10/2020

This guidance will be updated as needed by DPA.

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 navigate topics related to human resources, including staffing, leave, benefits, and workers' compensation. Questions regarding the operations of 24/7 facilities will be added to this document. In the meantime, please work with your agency Emergency Response Coordinator.

General

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

A: Please visit the [Colorado Department of Public Health & Environment \(CDPHE\) 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: How should I direct employees who need to get tested?

A: First, employees should call a healthcare provider, clinic, or hospital. The provider will give you instructions on whether they need to be tested and on where to go to 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.

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

A: For asymptomatic employees, work from home should be the first consideration. If work from home is not possible, for the next 30 days, with the approval of executive leadership, paid administrative leave should be granted to employees who have been diagnosed with COVID-19 or who have been quarantined by a health official. For employees who are otherwise ill, sick leave should be used.

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.

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.

5. Q: What is the guidance around informing state employees 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. Public health should be consulted to investigate any risk of transmission in the workplace.

Work from Home

6. Q: Should employees who are able to work remotely, start doing so now?

A: At the present time, employees who are not symptomatic or who have not traveled to an at risk area are encouraged to maintain their normal work routine. We encourage employees to work with their supervisors and teams to review departmental/unit continuity of operations plans and practice your procedures and tools so that you are prepared to work remotely if it becomes necessary. In the meantime, please utilize CDPHE's [guidance](#) on how to keep the workforce safe.

7. 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, state agencies should use 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 (i.e. closures due to weather or other safety concerns).

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

A: Agencies should begin considering if employees will need remote access to important state systems, and if equipment will be needed for employees to work from home (e.g., laptops, internet connection, printing capabilities). The Office of Information Technology (OIT) has convened a task force to support agencies in this effort, and guidance will be forthcoming. In the meantime, please contact your IT Director if you have questions.

Leave for State Employees

9. 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 administrative leave.

10. 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.

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 this is not possible, they should work with their supervisor to minimize the impact their absence would have on the workplace and use their accrued sick leave.

11. 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 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.

12. 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 under the age of 13 or other dependent during state-recognized emergency situations.

13. 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)? Can we waive that requirement?

A: The Governor may issue an executive order temporarily suspending the requirement for a doctor's note for flu-like symptoms. Employees absent from work due to illness may return to the office when they have not had symptoms for more than 24 hours without the use of medication. If an executive order is signed, we will inform you and update these FAQs.

14. 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 to determine if they would want to make any changes due to COVID-19 (e.g. eligibility for new employees).

15. 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 should still 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.

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

A: Statute precludes the state from providing sick or administrative leave for temporary employees, interns, and volunteers. For the safety of all state employees, the Governor may issue an executive order allowing the use of paid administrative leave for state temporary workers, interns and volunteers as it relates to COVID-19 situations.

Employee Health Benefits

17. 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.

18. 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.

Workers' Compensation

19. 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 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.

20. 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.

Employee Travel

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

A: Currently, there is no travel ban for state employees and the State is following [CDC travel guidance](#) on areas to avoid.

22. 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 public health may require 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.

23. 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 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 guidance](#). 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 guidance](#) well.

If the employee is not actively symptomatic, use the [CDC risk assessment website](#) 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.