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## GENERAL CIRCULAR NUMBER 2020-010

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**DATE:** March 13, 2020

**TO:** Heads of State Agencies and Human Resources Directors

**SUBJECT:** COVID-19 – No. 3: Updated Workforce Guidance Regarding COVID-19

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**\*\*\*Updates have been made to Scenarios one and three. Scenarios four and five are new.\*\*\***

This general circular provides workforce guidance to state agencies regarding COVID-19, commonly referred to as the coronavirus.

It is imperative that all state agencies continue to monitor correspondence and directives from the Governor's COVID-19 Task Force. State Civil Service has received a number of questions from state agencies as they prepare for different scenarios relating to the potential spread of the virus. This general circular serves as guidance on available workforce options to specific scenarios as it relates to classified employees.

In an effort to keep workplaces healthy, employees should be encouraged to remain home when they are sick. This should be an on-going practice in the workplace and not just during formally declared outbreaks and pandemics. In terms of COVID-19, to prevent stigma and discrimination in the workplace, use only guidance described by the Center for Disease Control and Prevention (CDC) and Office of Public Health (OPH) when making workplace determinations. Employers should not make determinations of risk based on race or country of origin, and always maintain as confidential the identity of the people who are confirmed or suspected of having COVID-19.

Undoubtedly, situations will occur whereby visibly sick employees will present themselves ready to work while experiencing symptoms that may relate to COVID-19. To this extent, State Civil Service has received a number of questions regarding the use of C.S.R. 11.13.1 (Enforced Sick Leave). Under this rule, an Appointing Authority may place an employee on sick leave when the employee asserts the need to be absent from the workplace because of his own illness or injury. This scenario generally occurs when the employee is present at work but alleges that he cannot perform the essential functions of his job due to physician restrictions or due to other illness or injury. The rule does not cover situations where the Appointing Authority unilaterally concludes, without an assertion of illness by the employee or a physician's certification, that an employee cannot perform the essential functions due to illness.

An Appointing Authority may deem it in the best interest of his agency to have an employee away from the workplace when potentially exposed to COVID-19, whether or not the employee is exhibiting symptoms of the virus. In such cases, Appointing Authorities should maintain employees in paid status, if possible.

The following are the scenarios prompting questions from state agencies:

**SCENARIO ONE: Employee presumptively or positively diagnosed with COVID-19**

The employee shall remain home until he is cleared by a medical doctor to return to work. Normal sick leave rules apply. That is, the employee will continue in paid leave status via the use of sick leave. The Appointing Authority may authorize use of compensatory leave and annual leave, as applicable, upon exhaustion of sick leave.

**In the event all sick, compensatory and annual leave (in that order) are exhausted, the Director of State Civil Service has authorized Appointing Authorities to place the employee in Special Leave (Act of God), under Civil Service Rule 11.23(d) through midnight on April 12, 2020.**

Additionally, in this situation, FMLA leave may be applicable for eligible employees, and the FMLA regulations will govern. It is suggested that time limitations applicable to providing medical certifications be applied liberally due to other demands on healthcare providers.

**SCENARIO TWO: Employee is visibly sick and/or exhibits symptoms of COVID-19 and refuses to leave work**

While there are no rules that directly address this specific issue, the Appointing Authority should always start by asking the employee to leave work and, if he agrees, place the employee in sick leave status. If the employee refuses, the Appointing Authority should take the following actions, in the listed order of preference, until the employee is cleared by a medical doctor to return to work:

- Enforced compensatory leave under C.S.R. 21.6(b);
- Enforced annual leave under C.S.R. 11.9 (if annual leave balance is above 240 hours); or
- Place the employee off from work pursuant to Rule 12.10

**SCENARIO THREE: Employee possibly exposed to COVID-19 and has no symptoms of illness**

Under this scenario, an employee may have traveled internationally, may reside with a family member who has traveled internationally, may be aware of possible exposure to someone presumptively or positively confirmed to have COVID-19, or may have been contacted by health officials to advise that such contact has occurred. In such cases, the employee is required to report that information to Human Resources. Out of an abundance of caution, the Appointing Authority may desire to have the employee away from the workplace during the incubation period of the virus. Since the employee is ready for duty and has no visible symptoms of illness, every effort should be made to maintain the employee in paid status while off from work. When an Appointing Authority determines it is in the best interest of his agency, he may take the following actions, in the listed order of preference:

- Allow the employee to work remotely through the designated incubation period.
- Provide time off without loss of pay or loss of leave through the incubation period under Civil Service Rule 11.23(d). If the employee becomes ill or is diagnosed with COVID-19, the employee's status should be converted to sick leave.

Keep in mind that under this scenario, the Appointing Authority is acting in the best interest of his agency due to COVID-19. Employees who are required to remain home as a precaution should be required to continually update the agency on their status. Sick leave status will become appropriate if the employee tests positive with COVID-19 or becomes sick with any other illness. If the employee exhausts sick leave while still off from work, the Appointing Authority may authorize use of compensatory and annual leave, as appropriate. **In the event all sick, compensatory and annual leave (in that order) are exhausted, the Director of State Civil Service has authorized Appointing Authorities to place the employee who has been presumptively or positively diagnosed with COVID-19 in Special Leave (Act of God), under Civil Service Rule 11.23(d) through midnight on April 12, 2020.**

#### **SCENARIO FOUR: Dependent care issues arising from Proclamation No. JBE 2020-27**

Under this scenario, dependent care issues may arise from the closure of schools and daycares as a result of Proclamation No. JBE 2020-27. We encourage Appointing Authorities to allow employees to work remotely if able. If an employee is not able to work remotely and cannot report to work because of dependent care issues, the Appointing Authority may authorize use of compensatory and annual leave, as appropriate. Once compensatory and annual leave have been exhausted, Appointing Authorities may authorize the use of sick leave for this period per emergency policy guidelines implemented by the Civil Service Director. In the event compensatory, annual, and sick leave (in that order) are exhausted, the Director of State Civil Service has authorized Appointing Authorities to place the employee in Special Leave (Act of God), under Civil Service Rule 11.23(d) through midnight on April 12, 2020.

The leave usage provisions set forth above also apply to an employee remaining home to take care of a spouse or dependent child residing in his household who has been presumptively or positively diagnosed with COVID-19. In this event, FMLA leave may be applicable for eligible employees, and the FMLA regulations will govern. It is suggested that time limitations applicable to providing medical certifications be applied liberally due to other demands on healthcare providers.

#### **SCENARIO FIVE: Employees who have compromised immune systems**

For an employee who has a compromised immune system or health issues that prevent the ability to report for duty due to the risk of exposure to COVID-19, we encourage Appointing Authorities to allow the employee to work remotely if possible. If an employee is not able to work remotely and cannot report for duty because of health issues, the Appointing Authority may authorize the use of compensatory and annual leave, as appropriate. Once compensatory and annual leave have been exhausted, Appointing Authorities may authorize the use of sick leave for this period per emergency policy guidelines implemented by the Civil Service Director. In the event compensatory, annual, and sick leave (in that order) are exhausted, the Director of State Civil Service has authorized Appointing Authorities to place the employee in Special Leave (Act of God), under Civil Service Rule 11.23(d) through midnight on April 12, 2020.

Detailed questions are arising daily as state agencies update their continuity of operations plans. State Civil Service will monitor these questions and provide further guidance as needed.

For updates on the state's response to the coronavirus situation, visit the [Louisiana Department of Health website](#).

*Please note that this guidance sets forth best practices and does not alter any authority otherwise available to appointing authorities.*

Sincerely,

s/Byron P. Decoteau, Jr.  
State Civil Service Director