

OFFICE OF STATE HUMAN RESOURCES
COMMUNICABLE DISEASE EMERGENCY POLICY
CLARIFICATION AND GUIDANCE ON COMPENSATION

Applies to GS 126 employees (and temporary employees as determined by agencies)
Exceptions to these provisions must be approved by the State Human Resources Director

While this clarification and guidance applies to all SHRA employees, The University of North Carolina System Office will send university-specific guidance to cover their SHRA and EHRA employees.

The following is policy clarification and guidance authorized by the State Human Resources Director in response to the COVID-19 event and is available for use at the discretion of each state agency, subject to the availability of funding or the operational needs of each Agency Head. These provisions are subject to modification or discontinuation by the State Human Resources Director at any time based on COVID-19 developments and Executive Orders.

An Agency Head shall determine, on a facility or location basis, when only designated mandatory employees are required to report to a worksite. Special compensation provisions are in effect when a specific agency's facility or location is officially closed (beyond closing a building to the public) or when management determines that only designated mandatory employees are required to report to a worksite, in which case those mandatory employees designated to report to work shall be compensated beyond regular pay, subject to the availability of funding.

Employee Designations and Work Assignments

- The CDC guidance on maximizing social distancing, staggered scheduling and teleworking opportunities to reduce the spread of COVID-19 should be considered by Agency Heads when determining which employees should be designated as mandatory for the purposes of compensation during this COVID-19 event. Agency leadership has the authority to designate any employee as mandatory when they are needed to provide support to mandatory operations at an agency worksite.
- The Agency should maintain a list of mandatory employees directed to report to a worksite based on 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.**
- **Mandatory employees are directed by their supervisor to report to work, or remain at work, at a designated Agency worksite, other than their personal residence, at regular and specific dates and times. (In most circumstances these employees are not eligible for telework options.)** These employees would typically include, but are not limited to, employees in positions that directly impact public health and patient care; public safety; operation of critical infrastructure and facilities; operation and safety of sensitive research labs and ongoing care for research animals, and the custody or care of persons or property for whom the state has a duty to continue to serve.

- **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. Management may allow these employees to telework or apply other State of Emergency Leave provisions below, as deemed appropriate.**
- **All employees who have not been directed by their supervisor to work onsite at any particular date and time may continue to be assigned work and are expected to telework, if feasible, given the nature of their position and duties, unless otherwise directed by their supervisor.**
Management may also reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities. If employees are reassigned, the agency head may compensate them accordingly, for the duration of the emergency.

Activation of Special Compensation Provisions for Designated Mandatory Employees

As stated above, an Agency Head shall determine, on a facility or location basis, when only designated mandatory employees are required to report to a worksite. Special compensation provisions are in effect when a specific agency’s facility or location is officially closing (beyond closing a building to the public) or when management determines that only designated mandatory employees are required to report to a worksite. When this occurs, those mandatory employees designated to report to work shall be compensated beyond regular pay, subject to the availability of funding.

- Mandatory employees will receive added compensation for hours required to work at a designated Agency worksite other than their personal residence, and only for those specific dates and times that such onsite reporting is required; offsite (teleworking) hours will not be subject to these added special compensation provisions. A teleworking employee who is instructed by their supervisor to intermittently go to the worksite for an incidental task that can only be completed onsite may be eligible for special compensation provisions for hours worked onsite, at the discretion of the agency head or designee. Mandatory employees include, but are not limited to, employees in positions that directly impact public health and patient care; public safety; operation of critical infrastructure and facilities; operation and safety of sensitive research labs and ongoing care for research animals, and the custody or care of persons or property for whom the state has a duty to continue to serve.
 - **(FLSA non-exempt) mandatory employees who are required to report to a worksite may** receive up to 1.5 times their hourly pay rate for all hours worked onsite or compensatory time at a rate of .5 hours for each hour worked onsite subject to the availability of funds or operational needs. The options to be set up within HR Payroll System options allow agencies to grant 1.05, 1.1 or 1.25 times the employees hourly pay rate for all hours worked onsite or compensatory time at equivalent ratios of one-fifth, one-tenth or one-quarter time for all hours worked. When determining compensation options, agencies should give careful consideration to sustainability of funding and the degree/type of in-person interaction in which an employee is engaged. Those employees who work in excess of 40 hours per work week will also receive overtime compensatory time off at .5 hours for each hour worked over 40, per federal overtime rules.
 - **Salaried (FLSA exempt) mandatory employees who are required to report to a worksite may** receive 1.5 times the regular pay rate for all hours worked onsite or

compensatory time at a rate of .5 hours for each hour worked onsite subject to the availability of funds or operational needs. As an option, agencies may grant 1.05, 1.1 or 1.25 times the employees regular pay rate for all hours worked onsite or compensatory time at equivalent ratios of one-fifth, one-tenth or one-quarter time for all hours worked. When determining compensation options, agencies should give careful consideration to sustainability of funding and the degree/type of in-person interaction in which an employee is engaged.

- **Special compensation provisions are intended for those mandatory employees required to report to a worksite as designated by an Agency Head. With the approval of an Agency Head, under special and limited circumstances, professional and management positions may be included under these special compensation provisions.**
- An agency shall have the discretion to award added compensation or compensatory time resulting from this State of Emergency Leave provision #3 as a lump sum payment, as a series of payments, or as paid leave, or in any combination, within 24 months of the date of accrual. When compensatory time is paid out, it is paid based on the employee's hourly rate of pay. Compensatory time must be used within 24 months of it being awarded, or it will expire. Agencies shall make every effort to give employees the opportunity to take this time off. Compensatory time earned during a public health emergency is not paid out upon separation and does not transfer to another State agency.
- At an agency's discretion, temporary employees (including retirees) may receive an adjusted higher hourly pay rate.

ADVISORY NOTE: Agency Heads have the flexibility to set compensation for **Salaried (FLSA exempt) mandatory employees who are required to report to a worksite** to receive up to 1.5 times their hourly pay rate not to exceed 40 hours worked onsite in a work week.

[Communicable Disease Emergency Policy](#)