

From SEBAC Leadership:

Latest on State Government Response to COVID-19 -- 3.20.2020

Union leaders have been combining efforts to make sure that the perspectives of frontline workers are being heard as the State's response to COVID-19 evolves. During the crisis we have asked for a daily point of contact between a designated union leader for each bargaining unit, and a designated management representative so there will be continuous sharing of information.

We are urging the State to move further and faster in its COVID-19 response, both for state employees, and the public, and to be a true model workplace for other employers in the state, and for the public we serve. In this regard, we have several things to report. We have also attached a shorter outline of our core principles just before the most recent documents from the Administration. These are the latest two documents from OPM/OFA concerning COVID-19's impact on state employees. They are directly applicable to employees in the executive branch, but we understand that other state employers (Judicial, Higher Ed, and Criminal Justice) are largely following. We are providing Administration documents not because we agree with everything in them – indeed you will see below that we have some significant concerns especially with the latest document. We are attaching them simply to make it easier for members to access them along with this report.

- (1) Before we get to our most significant concerns about the response so far, we want to acknowledge what the Administration has done right. That is, the Lamont Administration's decision to allow **workers affected by home quarantine of themselves or their family, or school, eldercare, or transportation closures** to remain at home or on paid leave without reducing their accruals. In that regard:
 - a. We are seeking and hope to shortly receive clarification that if the CDC 14-day guidance is lengthened, or the schools' or eldercare's closures extended, we will continue that practice.
 - b. We are seeking and hope to shortly receive clarification that while these workers may be asked to perform work at home if their work lends itself to this possibility, this will be on the honor system in recognition that during the crisis, the home working environment may contain many distractions and obstacles to working.
 - c. We are seeking clarification that workers who may have symptoms but are physically able to work will not need to use their sick time but will be treated like others who are quarantined. Otherwise those workers may have a disincentive to self-report their symptoms.

- (2) However, there are currently **three major flaws in the Administration’s identification of workers who should be informed they do not need to report to work** at state locations, one of which has shown substantial improvement since we first raised the concern:
- a. We pressed for **immediate accommodation** of those at particular risk due to age or medical condition. In the original guidance these workers were told to report to work as usual, and in guidance as recent as Wednesday, they are being told to report to work as usual unless their supervisor allowed telework or “flexible scheduling.” We have indicated that we think that is very wrong, and they should be told they have a right to remain home and telework. In the most recent guidance (attached here), those workers with a specific doctor’s directive to remain at home may do so for 14 days. This is a definite improvement. However, we continue to be concerned since, while a worker at home due to a quarantine will likely be released to return to work after 14 days, that is not true of a worker who must remain home because COVID-19 poses a special danger, e.g. someone with severe emphysema. The 14-day limit makes no sense for such a person. So we hope for and will press for this limit to be extended, just as it should be for those forced to stay home because of school or eldercare closings.
 - b. Employees who have had **contact with individuals who are being quarantined** due to exposure are being told they must report to work. They too should be told they may remain home and telework.
 - c. There is no clear statement that **workers who have been exposed to COVID-19 – whether by travel or any other way** – should call their provider and self-quarantine. It is important to everyone’s health that workers understand that fact and understand they will therefore be paid while they self-quarantine, subject to the same work at home provisions as the others in this category.
- (3) With respect to **workers not needing to be at home because of quarantine, or transportation or school closures**, we are seeking immediate implementation of the governor’s statements that “workers who can work from home should.”
- a. We are pressing for the **greatest possible flexibility** for workers to work at home. We want a clear understanding on a bargaining unit by bargaining unit basis on how this will be implemented quickly and fairly.
 - b. For those workers who do or must work at the workplace we are pressing for **clear safe workplace standards and practices**, some of which have already been implemented and some which we hope are implemented shortly. These standards will vary to take into account the particular needs of bargaining units and workplaces, but include:

- i. Investigate closure of large buildings where possible through the maximum use of telework and/or relocation to smaller facilities
 - ii. No large meetings (already implemented).
 - iii. Proper visitation restrictions (meaning public spaces are open only for those with a business purpose).
 - iv. Emphasize virtual communication (being implemented).
 - v. Disinfecting standards assuring the most constant possible clearing of work or common areas– including proper staffing to perform the work.
 - vi. Appropriate workplace protections for all workers making work areas “COVID safe” to the greatest possible extent.
 - vii. Provide additional protections for those who have jobs made hazardous by COVID-19 risk.
 - viii. Clear and effective communications about which employees will be deemed “level one” meaning need to be a work because of the nature of their duties during the crisis.
 - c. The daily contact between designated union and management representatives per bargaining unit should be used to assure rapid resolution of issues with respect to any of the above.
- (4) We share a joint interest in **protecting the critical public services** our members provide. Within this context, and consistent with the Best Practices Principles above, we have urged the following:
- a. Maintain services to the most reasonable and safest extent possible
 - b. Greatest possible online access
 - c. Prioritize:
 - i. Protecting the public from spread
 - ii. Meeting essential needs
 - iii. Preventing harm that could be caused by service disruptions
 - d. Postpone:
 - i. Non time-sensitive initiatives
 - ii. Any changes increasing exposure
- (5) We are also pressing for **legislative and administrative action** to help make Connecticut a leader in protecting working families during this crisis:
- a. Expand sick pay and leave requirements for all of Connecticut’s workers at least during the crisis and perhaps beyond.
 - b. Expand the amount and length of unemployment insurance during the crisis.
 - c. Adopt Airborne Pathogen workplace standards under Connecticut Occupational Health and Safety Laws which would be binding on all public employers and provide guidance for private employers (only Federal OSHA can

create a standard that binds private employers, and the Trump Administration continues to resist that).

We face a public health challenge unlike any we have encountered in recent memory. The solidarity and dedication of our membership gives us the confidence that we will face it well, and come out stronger than we went in, although we know it will not be without disruption and suffering. We hope that the immediate and focused application of the above principles will aid all of us in protecting our dedicated membership and the public they serve. **We will keep members informed as things evolve and change and urge all members to reach out to union representatives and leads with their views, ideas and concerns as we move through this crisis and forward to better days.**

Principles of a Just State in Crisis

- General
 - Best Practices Model for Private Sector
 - Best Practices Model for the Rest of Public Sector
 - Constant Interaction between Unions and Management
- Best Practices
 - Provide Safe Workspaces
 - No large meetings
 - Proper visitation restrictions
 - Emphasize virtual communication
 - Disinfecting standards – including staffing
 - Appropriate workplace protections for all workers
 - Provide additional protections for those who have jobs made hazardous by COVID-19 risk.
 - Voluntary Staggered Work Schedules where applicable
 - Greatest Flexibility for work at home
 - Accommodate for those at risk due to age or physical condition
 - Paid leave not counted against accruals for quarantine
 - If recommendation goes beyond 2 weeks, extend
 - Paid leave not counted against accruals for being “ill” but able to work
 - Telework an expectation to the extent feasible, but with honor system recognizing many potential issues at home
 - Leave for school closings
 - Appropriate and mutually discussed Level 1, adds and subtracts
- Public Service Principles
 - Maintain services to the extent possible
 - Greatest possible online access
 - Prioritize
 - Protecting the public from spread
 - Meeting Essential Needs
 - Preventing Harm
 - Postpone
 - Non time-sensitive initiatives
 - Any changes increasing exposure
- Legislate & Administrative
 - Leave protections no consequences
 - Sick Pay – no consequences
 - Unemployment Insurance
 - State OSHA Standard & Guidance
 - State Support for Other Public Employers

To: Connecticut State Agencies

From: The Office of Policy & Management and the Department of Administrative Services

Re: Guidance regarding absences, requests for telework and/or changes in work schedules due to COVID-19

Date: Revised March 19, 2020

As the State of Connecticut continues to respond to the rapidly changing circumstances presented by the COVID-19 pandemic, state agencies must make every effort to continue their operations and provide the services and programs that are relied upon by the citizens and businesses of Connecticut. This general guidance is being provided to agencies and State employees to assist in the overall understanding of and available means of responding to various circumstances issues related to COVID-19. Agency- specific instructions designed to meet individual operational needs may be provided by the employing agency.

Per usual, if you are not feeling well you should not come to work. If you are experiencing symptoms of COVID-19 you should not come to work and should contact your medical provider for instruction. The Centers for Disease Control (CDC) also recommends employees take their temperature before reporting to work. These standard precautions should be taken to ensure a healthier workforce. It is also important to be aware that if an employee and/or their dependents is struggling to adjust to changes associated with COVID-19, Agency EAP programs are available and offer a variety of benefits and services to assist employees and their dependents in their time of need.

Employees are impacted by COVID-19 in different ways. The agency’s response depends upon the specific circumstances as set forth below:

Level A	Level B	Level C	Level D
EMPLOYEE SHALL <u>NOT</u> COME TO WORK	EMPLOYEE SHALL <u>NOT</u> COME TO WORK	EMPLOYEE IS NOT PROHIBITED FROM COMING TO WORK	EMPLOYEE IS NOT PROHIBITED FROM COMING TO WORK
Employee is actually sick with COVID-19 or COVID-19-like symptoms	Employee is returning from a country designated by the CDC as a Level 3 country	Employee needs to stay at home to care for children or other dependents because school, daycare or eldercare has closed	Employee is returning from a Level 2 country or has engaged in inter-state travel within the United States

Employee is caring for sick family with COVID-19 or COVID-19-like symptoms	Employee has been directed by a medical provider or government official to self-monitor at home due to potential COVID-19 exposure or employee's underlying medical condition	Employees cannot get to work because of transportation disruptions	Employee who is domiciled with or had contact with a person who has been directed by a medical provider or governmental official to self-monitor at home
			Employee had contact with someone who had contact with a person who has been directed by a medical provider or government official to self-monitor at home
			Employee who has concerns about exposure through contact with persons in public settings, including the workplace.
			Employee is medically fragile (per medical documentation on file at the agency) but has had no apparent exposure
GUIDANCE	GUIDANCE	GUIDANCE	GUIDANCE
Telework, if approved by agency AND medically appropriate (People who are too sick to work or are caring for seriously ill family members should not be expected to work)	Telework, if approved by agency	Telework or flex schedule, if approved by agency	Telework or flex schedule, if approved by agency
If telework is not	If telework is not	If telework is not	Employee may request

possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). (If employee teleworks part-	possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). (If employee teleworks part-	possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). (If employee teleworks part-	to use accruals to take time away from work consistent with standard policies
time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)	time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)	time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)	
If the employee's illness or need to care for sick family members continues beyond the 14 calendar days, employee may use earned accruals or choose to go unpaid, provided that sick employees must use their sick leave accruals first. Once the employee has exhausted sick leave accruals, they can use other accruals, take unpaid leave, or apply for additional benefits as provided by state policy or collective bargaining agreement.		If employee's inability to come to work because of COVID-19-related disruptions continues beyond the 14 calendar days, the employee has choice of using any of earned accruals, including sick leave, or take unpaid leave.	

1. Does an agency need to submit each individual request to DAS and OLR before approving telework or a change to the employee's work schedule?

No. In deciding whether to grant a temporary, situational approval of telework or a

change in the work schedule, the agency has the discretion to make decisions on the basis of its operational needs and existing resources (including IT resources) without getting preapproval from DAS and OLR provided the agency follows the guidelines set forth in this document.

2. What documentation does the agency require in order to consider a temporary change to an employee's work schedule or telework in order to address a COVID-19 related situation?

In this temporary emergency situation formal telework applications are not necessary; however, the request must include the employee name(s), title, bargaining unit, employee's IT resources, proposed schedule, a brief statement of duties to be performed and factors by which the agency can verify that the employee is performing the required duties.

A declaration page from their homeowners insurance does not need to be immediately provided and can be submitted at a later date.

In this temporary emergency situation, pre-approval IT Security review by BEST is not required if the employee is using one of the following options:

- State provided laptop and VPN,
- Microsoft Teams,
- Other previously BEST-Approved protocol for offsite work.

Agencies shall retain all documentation provided by the employees.

Agencies shall create an Excel spreadsheet of all employees who have been approved for temporary, situational telework or changes in the work schedule. The agency spreadsheet must include the department code, employee(s) name, employee id, job code, title, bargaining unit and for employees whose schedules are modified, the current schedule and revised schedule. This spreadsheet must be submitted to DAS on a weekly basis.

3. What factors should be considered in order to approve a change to an employee's work schedule or telework?

Agencies need to consider their overall operational needs, including the level of on-site staffing needed to provide their services and programs, as well as their existing resources, including IT resources, when considering such requests. Agencies should continue to consider the factors set forth in the Interim Telework Guidelines/General Letter 32 when assessing agency operational needs.

In this temporary emergency situation, the following exceptions to the Interim Telework Guidelines/General Letter 32 are allowed:

- Authorize employees to telecommute even if they do not have a previously approved telecommuting plan. (NOTE: Telework is not appropriate for level 1 employees except in extraordinary circumstances.)
- Authorize employees to telecommute even if they are not in a job classification listed in Appendix A of the Interim Telework Guidelines, however, under no circumstances can an employee in a hazardous duty job be allowed to telework.
 - Non-hazardous duty managers, supervisors, confidential employees and appointed officials are permitted to telework pursuant to Item No. 2719-E.
- Allow employees to telecommute for 50% or more of their scheduled workweek.
- Allow employees to telecommute because they need to be home for childcare or eldercare reasons.
- Authorize modifications to employees' work schedules in order to reduce the total number of employees in the workplace at any given time. (NOTE: Flexible scheduling is not appropriate for level 1 employees except in extraordinary circumstances).
- Consider allowing employees in a working test period to telecommute as long as performance can be assessed with measurable outcomes. Agencies may need to consider an extension of a working test period if an employee in their working test period is approved to telework.

4. Do we require an employee to self-monitor at home if they live in or travel from a state or country that has not been designated as a Level 3 by the CDC?

No. According to the CDC guidance issued on March 12, 2020, individuals returning from a Level 3 country should self-monitor at home for 14 days from the date they left the country. Individuals who are returning from *Level 2 countries are no longer directed to self-monitor at home for 14 days.*

5. Can an employee be approved for VSRP in lieu of taking COVID-19 leave (paid or unpaid)?

No

6. If an employee cannot provide a medical certification, what alternative documentation should the employee provide?

If an employee cannot provide medical certification, the employee shall provide a written

explanation to their agency Human Resources professional describing their symptoms, the directions they have received from medical providers or government officials (if any), and any other supporting documentation they may possess.

7. How should an employee code COVID-19 related leaves or telework in CORE-CT?

Depending on the reason for the leave, the following codes must be used.

ON THE TIMESHEETS

Authorized Paid Leave Pursuant to 5-248(a): LOPD, used in conjunction with override reason code PDC19

Telework: REGTC, used in conjunction with override reason code TCC19

Personal Illness (when need for leave exceeds paid leave pursuant to 5-248(a)): Appropriate sick leave code and other accrual codes as necessary, used in conjunction with override reason code SCV19

Caregiver of a family member who is sick with COVID-19 (when not teleworking or when need for leave exceeds paid leave pursuant to 5-248(a)): Appropriate sick leave code and other accrual codes as necessary, used in conjunction with override reason code SFC19

School, Daycare or Transportation closure (when not teleworking or when need for leave exceeds paid leave pursuant to 5-248(a)): Appropriate leave code, used in conjunction with override reason code BCC19

IN JOB DATA

For COVID-19 related absences of more than five (5) days.

Authorized Paid Leave Pursuant to 5-248(a):

Action: Paid Leave of Absence Reason: Paid Leave Authorized

All other situations standard leave codes/reasons apply.

QUESTIONS REGARDING COVID-19 GUIDANCE–March 16, 2020

DAS and OPM will do our best to respond to agency questions as they come up. Conditions are evolving, so please note that answers today may change in the coming days or weeks.

8. If spouses are both employed by the state, are they each eligible for 14 days of compensation under 5-248(a) to provide childcare?

No. The provision allows for a parent to be at home with children. If the spouses wish

to split the time within the 14-day period, they may do so. Note that splitting the time does not increase the duration of the 14-day period.

9. Can a qualified individual access the 14 days of compensation under 5-248(a) intermittently?

Yes. The time is available to a qualified individual for up to 14 days. Accessing the time intermittently (and using less than the full allotment) does not extend the benefit beyond 14 days.

10. Can we take the temperature of staff that show up to work?

In a healthcare setting, yes, you may take the temperature of staff.

11. Are clericals now allowed to telework during this period?

Yes, under specific circumstances. To allow telework, there must be identifiable tasks that can be performed at home, with a discernable, measurable outcome.

12. An employee has requested to use the compensation allocation under 5-248(a) because they have a child whose college is closing, and the child needs to be moved home. Does this apply?

No. Paid leave under 5-248(a) does not apply in this situation, as the purpose is to afford employees the ability to be at home with individuals who are not able to provide self-care.

13. Is the time off limited to a 14-day period?

Yes, commencing upon the first date of eligibility.

14. If we have Level 2 P-1 employees can we designate them situationally as Level 1 as part of the emergency?

Yes. Agencies should assess their staffing and operational needs and inform staff accordingly.

15. Our agency has "essential" NP-2 staff members. Would they be able to get paid to stay home for childcare issues?

Neither Bargaining Unit designation, nor the Level 1 / Level 2 designation have any impact on employee eligibility. Therefore, the answer to this question is "yes".

16. Will Building and Grounds Officers be allowed to work while Technical High Schools are closed?

Yes, if the agency has a business need for them to perform work during the period of school closure.

17. We had an officer report that they are self-quarantined on advice of the medical provider. Is it correct that the information from the provider can be in a variety of formats – email, letter, etc.?

Yes. For these purposes, the information does not need to be on the standard medical certificate; although a signature is not required under the current situation, the document should include contact information for the medical provider.

18. An employee is out on an approved FMLA leave and their child's school is now closed. How do we code the absence?

FMLA continues to be charged because the employee is unable to work due to an FMLA qualifying reason.

19. An employee has a child whose school is closed and they do not have an alternative means of child care? Can they bring their child to work?

No.

QUESTIONS REGARDING COVID-19 GUIDANCE- March 17, 2020

DAS and OPM will do our best to respond to agency questions as they come up. Conditions are evolving, so please note that answers today may change in the coming days or weeks.

20. When does the 14-day calendar period of paid leave under 5-248(a) start?

The 14 day period begins on the date the need for its use commences. For example, if a school closed on March 16, 2020, but the employee does not need to use the leave to care for their child until March 20, 2020, the 14 day calendar period begins on March 20, 2020 and continues for 14 calendar days or until the school reopens, whichever is earlier.

21. Is an employee in a Working Test Period eligible for the 14 calendar days of leave under 5-248(a)?

Yes. The agency can extend the Working Test Period to accommodate the leave days taken.

22. Is documentation required to ensure a school's closure.

No, because all schools are currently closed.

23. Can a supervisor ask an employee who is seeking leave under 5-248(a) about the age of children at home?

When an employee is seeking leave, asking that employee about the age of children is not the recommended approach for a supervisor. Please remember that at-home care is not limited to dependent children. If an employee inquires about taking leave to provide at-home care, the recommended approach is to ask the employee about the need to be at home. This question can open a discussion about the hours for which an employee requires at-home coverage, and whether their needs could be met through means such as working ½ days, modifying the schedule, etc.

24. An employee at our agency has just reported that she has a confirmed diagnosis of COVID-19. What should we do?

In the event an employee has been confirmed to have COVID-19 (i.e. actually had a positive test, not just respiratory-like symptoms), everyone who has close contact with that employee needs to self-monitor at home for 14 days from the date they were last exposed to the person confirmed to have COVID 19.

In this context, “close contact” means a person who was within 6 feet and spent more than 15 minutes with the person in an enclosed space (like an office or conference room).

In the event that an agency learns that it has an employee who has been diagnosed with COVID-19, the agency’s HR personnel should contact the employee to verify the following information:

- That the person has actually tested positive for COVID-19 (as opposed to just being told by a medical provider to assume that he or she may have it)
- The last date the person was physically in the office
- The locations in the office where the person spent more than 15 minutes
- The people in the office with whom the person was in close contact

The agency should notify any employee who was in close contact with the person who was diagnosed to send them home to contact their own medical provider and to self- monitor at home for 14 days. (In so doing, the agency must make every effort to avoid comprising the confidentiality of the diagnosed person’s identity). The agency should also follow the CDC’s guidance regarding cleaning the areas occupied by the diagnosed employee.

25. Agencies are and will be in the process of onboarding new hires, how should that be handled?

Each agency has to do what makes sense under their instant circumstances, balancing operational needs with health and safety. Consider delaying start dates and remote onboarding where possible. When new hires start, agencies should assign and employ them consistent with the conditions of their work unit.

QUESTIONS REGARDING COVID-19 GUIDANCE- March 18, 2020

- 26. Employees have heard that people aged 60 or above should stay home. Does this apply to the State workforce?**

This guidance document should be followed when making determinations about the State workforce. Unless the employee cannot come to work for reasons outlined under Level A or C on the grid provided, then determinations should be made using the guidance provided under Level B or D. Telecommuting is encouraged for all employees unless operational needs or technology constraints prevent it.

- 27. Is documentation required to prove that a daycare or eldercare facility is closed?**

Yes, it is recommended to secure documentation. Either the name of the establishment with specific contact information or documentation from the establishment about the closure should be obtained.

- 28. Is there a maximum number of staff that can be allowed to be at home on paid leave under 5-248(a) based upon the operational needs of the agency?**

No.

- 29. If an employee is out on paid leave for the 14 calendar day period due to school closure and then this same employee becomes sick with COVID-19 or COVID-19-like symptoms, would this employee be entitled to be out on paid leave for another 14 day calendar period based upon the current guidance?**

No. Based upon the current guidance, eligible employees are entitled to one 14 calendar day period of paid leave under 5-248(a) commencing on the date the need for its use begins.

- 30. If the window for payment of leave under 5-248(a) is 14 days, for what hours during that period is an employee allowed compensation, and how would this apply for part time employees?**

Compensation for the paid leave is determined based on the employee's regular scheduled hours, less hours worked. This means that for part timers, availability for pay would encompass only the portion of the 14 days during which there were regular scheduled hours.

- 31. An employee in the office is coughing a lot. Can we send that employee home?**

Yes, under these specific circumstances: A person who is exhibiting COVID-19 like symptoms (fever, coughing or shortness of breath) should be separated from co-workers and sent home unless the employee can assert with a reasonable degree of certainty that the symptoms are due to a condition or circumstance completely unrelated to COVID-19 (such as coughing because he or she choked on a sip of water or shortness of breath due to walking up several flights of stairs). The agency HR

professional or senior management on-site should engage in this communication with the affected individual (preferably by phone in order to maintain appropriate social distancing).

32. Can an agency require an employee to telecommute even if the employee would rather work in the office?

Yes, because, generally, the State has the authority to assign staff to work in temporary duty stations; this authority includes assigning staff to work from their homes. In practice, agencies should exercise discretion using common sense and empathy in order to understand the specific concerns or issues that prompted the employee to resist working from home.

QUESTIONS REGARDING COVID-19 GUIDANCE- March 19, 2020

33. What documentation is required to allow an employee to return to work who has used the total entitlement of 14 calendar days paid leave under 5-248(a) for the purpose of self-monitoring due to a possible exposure to COVID-19?

An employee who remains asymptomatic can return to work upon receipt of a statement from the employee indicating they have no symptoms.

34. What happens after an employee has used the total entitlement of 14 calendar days paid leave under 5-248(a) as a result of being directed by a medical provider or government official to self-monitor at home due to potential exposure to COVID-19 or underlying medical condition and for whom telework is not an option?

If the employee remains directed by a medical provider or government official to stay at home for self-monitoring beyond 14 calendar days, the employee can use the appropriate sick leave accruals.

35. What happens after an employee has used the total entitlement of 14 calendar days paid leave under 5-248(a) as a result of being sick with COVID-19 or COVID-19-like symptoms, or while caring for sick family with COVID-19 or COVID-19-like symptoms?

If the employee remains sick or the family member remains sick and still requires care, the employee can use the appropriate sick leave accruals. If applicable, donated sick leave, advanced sick leave or extended sick leave apply.

36. Can an employee be required to return to work who has been approved to attend classes for career mobility?

Yes. Classes have either been canceled or are now offered on-line allowing the employee to take the class during off hours. At this time, proper levels of staff must be maintained to meet agency operational needs.

To: Connecticut State Agencies
From: The Office of Policy & Management and the Department of Administrative Services
Re: REVISED COVID 19-related personnel situations in state agencies
Date: March 11, 2020

In the past when the State faced pandemic situations such as SARS, the Avian (bird) flu, swine flu etc., the State planned for coverage and continuity of operations in the event of a catastrophic outbreak leading to staffing shortages. Consideration was given to potential impacts to critical functions and how they could continue to be performed by telecommuting when possible, or temporary personnel if necessary. The State is in the process of revisiting those plans, and additional direction will be provided as circumstances evolve. For more immediate circumstances we offer the following guidance.

Employees Are Ill or Who May Be Exposed to COVID-19

Employees who are ill with COVID 19 or manifesting symptoms of the virus (including fever, coughing and shortness of breath) should follow the instructions of their health care professional. The illness may or may not arise to the level of an FMLA covered event. The Agency Human Resources Office shall provide relevant FMLA paperwork as appropriate. Employees who are ill should utilize accrued sick leave. Once the sick leave is exhausted, said employees may use other accrued leave including vacation, personal leave or accrued compensatory time. There may be additional paid leave benefits such as advance sick leave, leave donation and sick leave bank as prescribed by the specific collective bargaining agreement or policy.

The Centers for Disease Control (CDC) recommends that employees who report to work demonstrating symptoms of COVID-19 or develop such symptoms while at work should be directed to return home. Because individuals may demonstrate such symptoms for reasons other than COVID-19 (or other infectious diseases), agency Human Resources professionals should speak with the affected individual in a confidential setting. If the symptoms appear to be COVID-19 related but the employee does not voluntarily agree to go home, the agency Human Resources professional should consult with DAS and OLR, before requiring the employee to return home.

Employees caring for a family member or someone domiciled in the same residence who is ill with COVID 19 or manifesting symptoms of the virus may utilize sick

family leave, vacation, personal leave, or compensatory time upon request for the portion of the day devoted to caregiving. Such employees should stay at home and self-monitor consistent with the CDC guidelines for 14 days from the original date of exposure. Said employees may request to telework for the portion of the day not devoted to caregiving. The illness may or may not arise to the level of an FMLA covered event. The Agency Human Resources Office shall provide relevant FMLA paperwork as appropriate. The Agency Human Resources Officer may request appropriate documentation to support such request.

To the extent that the employee who is providing care to a family member is directed by a medical professional to self-monitor, the employee will be eligible for paid leave pursuant to 5-248(a) for 14 days from the date of exposure.

Employees who have travelled to one of the Level 2 or Level 3 countries as defined by the CDC, and return asymptomatic*, should stay at home and self-monitor consistent with the CDC guidelines for 14 days from the date of return. If they are approved to telework by their agency head, then they should be allowed to do so during the self-monitoring period. The telework guidelines shall be suspended, as needed, thus allowing them to telework for the entire period and not for only two days per week. Those employees for whom telework is not approved by their agency head shall stay at home and self-monitor consistent with the CDC guidelines, and they shall be placed on paid leave pursuant to 5-248(a) for 14 days from the date of exposure. In either situation, the employee must provide documentation of travel to a Level 2 or Level 3 country, including a travel itinerary and a photocopy of the passport substantiating proof of said travel and date of return.

Employees with a family member domiciled with the employee who travelled to one of the Level 2 or Level 3 countries as defined by the CDC, should stay at home and self-monitor consistent with the CDC guidelines for 14 days from the date of exposure. If they are approved by their agency head to telework, then they should be allowed to do so during the self-monitoring period. The telework guidelines shall be suspended, as needed, thus allowing them to telework for the entire period and not for only two days per week. These employees who are not approved to telework shall stay at home and self-monitor- consistent with the CDC guidelines, and shall be placed on paid leave pursuant to 5-248(a) for 14 days from the date of exposure. The employee must provide documentation that the family member domiciled with the employee travelled to a Level 2 or Level 3 country, including a travel itinerary and a photocopy of the passport substantiating proof of said travel and date of return.

Employees who are asymptomatic but have been directed by a medical provider or public official to stay home and self-monitor due to possible community exposure, should follow such directives. If they are approved to telework by their agency head, then they should be allowed to do so during the self-monitoring period. The telework guidelines shall be suspended, as needed, thus allowing them to telework for the entire period and not for only two days per week. Those employees for whom telework is not approved by their agency head shall be placed on paid leave pursuant to 5-248(a) for 14 days from the date of exposure.

Inter-state Travel Freeze

In accordance with Governor Lamont's March 9, 2020 email to all state employees, there is an immediate freeze on state employee travel on state business outside of Connecticut until further notice. Any requested exceptions must be approved by the head of the affected agency in consultation with COO Josh Geballe.

This travel freeze includes state-funded travel by state employees as well as travel by state employees involving *state-funded time away from work* (including training, conference or education leave).

When cancelling previously made travel arrangements, the following protocols developed by DAS and the Office of the State Comptroller should be followed:

- For airfare booked/reserved through Sanditz Travel, the agency (i.e. the employee who planned to travel or the individual who made the arrangements) should contact Sanditz Travel as soon as possible and Sanditz will provide a credit on account for up to one year for the specific state employee. For that state employee, the one-year date of the credit starts with the date the flight was originally ticketed, and the re-scheduled flight must be booked with the same airline. After one year from the original booking of the flight, the state employee's unused credits on account will be lost. Please note all airlines charge a change fee, with some fees as much as \$200 domestically and \$400 internationally.
- With respect to conference registration fees, the agency should contact the conference organizer as soon as possible regarding the respective cancellation policy for the conference and request a refund the registration fee.
- For hotel/lodging reservations, the agency shall call the hotel or lodging facility as soon as possible to provide notice of travel cancellation. Typically, the lodging facility holds the room on a credit card and charges are not incurred until the actual check-in and completion of stay. If there is no notice of cancellation, agencies put themselves at risk for having to pay.

- In all instances, agencies shall seek email confirmation from all applicable vendors to provide documentation of their efforts to cancel the travel plans and to provide confirmation that credits have been issued for the travel.

Additionally, any state employees working with out-of-state contractors who travel to Connecticut-based sites, planning to welcome out-of-state colleagues for meetings or other out-of-state visitors should evaluate whether these activities can proceed remotely through teleconference or online collaboration and, if so, should take that approach.

Other Social Distancing Measures

Consistent with agency needs and within the agency's existing resources, including the any necessary IT equipment, commissioners and agency heads have some discretion to determine whether and when to implement the following social distancing measures:

- Authorize additional employees to telecommute (provided that the employees are in job classes that have been authorized by DAS and OPM for telework);
- Allow employees to telecommute for 50% or more of their scheduled workweek;
- Authorize modifications to employees' work schedules in order to reduce the total number of employees in the workplace at any given time;
- Evaluate with agency-hosted meetings, conferences and training sessions are necessary to hold and/or could be held via teleconference instead of in-person.

Employees who have a medical condition that may put them at higher-than-average risk for infection who believe that they need **other or additional** workplace modifications should follow their agency's standard process for requesting accommodations under the Americans with Disabilities Act (ADA), the Pregnancy Discrimination Act and the Connecticut Fair Employment Practices Act. Agencies should assess such requests in accordance with their standard policies.

Because each of these options may implicate collective bargaining agreement terms concerning hours of work in the event of an emergency, they should be implemented only in consultation between agency Human Resources professionals and DAS and OLR staff. With regard to employees who are represented by collective bargaining units, execution of these options should only occur after OLR has provided final sign off as such actions may warrant OLR executing an agreement with the respective union(s) or ensuring appropriate communication has occurred.

These guidelines are our effort to follow the Occupational Safety and Health Administration (OSHA) mandates requiring employers to maintain a safe and healthy

work environment free of “recognized hazards” to employees’ health or safety that could result in injury or death. Having done everything to ensure the health and safety of employees in the workplace, there is no cause to accommodate employees who are otherwise unwilling to work with others based upon their own personal comfort levels.

Since the CDC has encouraged individuals to contact a health care provider remotely rather than physically going to a medical facility, requirements for a medical certificate documenting the illness may be waived.

For any situations not covered by these guidelines, you are encouraged to contact DAS or OLR for specific guidance.

*<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

FREQUENTLY ASKED QUESTIONS

1. If an employee cannot provide a medical certification, what alternative documentation should the employee provide?

If an employee cannot provide medical certification, the employee shall provide a written explanation to their agency Human Resources professional describing their symptoms, the directions they have received from medical providers or public officials, and any supporting documentation they may possess.

2. Are managers and other non-represented employees eligible for telecommuting either because they are self-monitoring at home or as a social distancing measure?

Yes, consistent with the agency’s operational needs and existing resources, an agency head may approve managers, confidential employees and appointed officials to telecommute, provided such employees are not in hazardous duty positions. A formal policy / item will be completed to support this temporary policy.

3. How should employees who are approved to take paid leave pursuant to 5-248(a) because they are self-monitoring at home and cannot telecommute code their time?

Employees who are approved to take paid leave pursuant to 5-248(a) should code the timesheet with Time Reporting Code (TRC) of LOPD in combination with the Override Reason Code (ORC) of PDC19. However, if an employee becomes sick as

a result of contracting COVID-19, the employee should code the timesheet with the appropriate SICK leave TRCs.

4. What measures are being taken to ensure that state office buildings are clean?

Property management firms and cleaning contractors have been directed to increase the use of disinfectants when cleaning state office buildings and to increase the frequency of disinfectant cleaning, especially focusing on common touch points.

5. What measures are being taken to clean state fleet vehicles

Consistent with General Letter 115, it is the responsibility of the driver to ensure that the interiors of state-owned vehicles are kept clean.

6. Is the State considering additional technology options to enable agencies to expand telecommuting?

DAS and its partner agencies are developing ways to enable greater numbers of state employees to be productive outside the state office environment. Most of these options will mean extending cloud collaboration and security capabilities. We are enabling agency collaboration by using Microsoft Teams. This software allows people to share documents, ideas, video and audio conference in secure ways with other state employees and outside entities. DAS has started daily meetings with agency IT leadership to investigate all remote work options. Besides Teams and our emergency operations center collaboration solution, WebEOC, we are extending our Virtual Private Network and Virtual Desktop solutions to provide access in a secure manner to those employees whose job function will allow remote working. We are adding both capacity and new capability daily. Agencies should work within their CEPF resources or existing inventory for computer needs.