

# MEMORANDUM

**TO:** All Employees

**FROM:** Office of Human Resources

**DATE:** March 16, 2020

**SUBJECT:** COVID-19: Employee Guidance

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This policy was updated on March 24, 2020 to adopt terms created by H.R. 6201, the Families First Coronavirus Response Act and create a standardized process for “at-risk” employees.

Further, in the event that the information contained in newly added sections VI, VII and VIII contradicts information contained elsewhere in this policy, Sections VI, VII and VIII shall govern.

## OVERVIEW

- If an Employee displays the symptoms of COVID-19, the employee will be instructed to leave the workplace and seek a medical evaluation. These releases should be done cautiously and with the understanding that the day an employee is asked to leave the workplace will be without a loss of pay to the employee. The symptoms are as follows:
  - Fever; and/or
  - Signs of lower respiratory illness (cough or shortness of breath);
- Supervisors should notify the Department of Human Resources (or the Springfield Fire Department) if an employee reports they have been exposed to COVID-19 so it can be determined what additional actions are necessary.
- The Department of Human Resources has been encouraged to be liberal in the application of leaves and advancement of time for employees presenting COVID-19 symptoms.
- Employees may receive up to 80 hours paid sick leave, separate from existing benefit time, pursuant to the Families First Coronavirus Response Act. However, the terms should be read very carefully.
- The Family Medical Leave Act has been expanded to address childcare issues during a public health emergency. However, the terms should be read very carefully.

**I. IF AN EMPLOYEE REPORTS TO WORK DISPLAYING SYMPTOMS OF COVID-19**

1. If an employee exhibits the symptoms of COVID-19 during the work period, the Employer should:
  - a. send the employee home;
  - b. provide the employee approved time off with pay; and
  - c. direct the employee to immediately call his/her medical provider and report his/her symptoms in order to obtain a diagnosis and assessment of ability to return to work.
  - d. Supervisors should notify HR (or SFD) if someone reports they or their employees have been exposed to COVID-19 so it can be determined what additional actions are necessary.
2. The Employer may require employees with symptoms of COVID-19 to leave the workplace and seek a medical evaluation. These releases should be done cautiously, and with the understanding that the day an employee is asked to leave will be without a loss of pay to the employee.
3. In the event that an employee reports to work with symptoms of COVID-19 and is asked to leave, the Employer will endeavor to maintain the employee's confidentiality to the greatest extent permitted by the need to preserve public health and safety.
4. The employee should be informed that if the employee's medical provider determines the employee is **able to return to work**, the employee must do so immediately. The Employer may ask the employee to provide proper documentation.
5. If the employee's medical provider determines the employee is **unable to return to work**, the employee must provide documentation indicating whether there is suspected COVID-19 or not.
  - a. If the employee has a **diagnosis of potential COVID-19**, initially, the employee should remain in approved time off with pay status (without loss of benefit time). If the Employer suspects abuse of such approved time, the Employer should request additional documentation or an assessment by the Illinois Department of Public Health or local department of public health to substantiate that the employee poses a public health risk that would justify approved time off with pay.
    - i. Any employee that has received a diagnosis of COVID-19 should not report to work for at least 14 days following their last positive test and should not

return until free of fever, signs of a fever, or any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines, like cough suppressants.

ii. Effective March 16, 2020 until May 1, 2020 or by further notice, any absence due to COVID-19 shall not be considered when determining eligibility for bonus days.

b. If the **diagnosis is not COVID-19**, the documentation should also list the date the employee can return to work. Any absence by an employee after documentation of a non-COVID-19 diagnosis must be covered by the employee's sick leave or other appropriate benefit time. If an employee does not have available sick time, the Employee may be eligible to:

i. Use other benefit time such as vacation or personal days;

ii. Receive an advancement of sick leave; or

iii. Utilize a benefit time donation agreement in accordance with current practices and any applicable collective bargaining agreement.

6. The above processes should also be applied to any employees who call in reporting symptoms consistent with COVID-19 and request approved time off with pay.

7. If an employee is absent from work due to COVID-19 symptoms or quarantine and has followed the above guidelines, any discipline required by a collective bargaining agreement's attendance monitoring policy shall be waived by the Employer.

## **II. IF AN EMPLOYEE CALLS IN AND REQUESTS USE OF SICKTIME**

1. If an employee calls in and **requests use of sick time** or other appropriate benefit time, the Employer should allow the employee to use such time in accordance with Sections VI and VII, the applicable CBA and agency policies and procedures. If the Employer suspects abuse of sick time, the Employer should request documentation in accordance with the applicable CBA and agency policies and procedures.

## **III. IF AN EMPLOYEE IS QUARANTINED BY A MEDICAL PROVIDER, IDPH OR THE CDC**

1. If an employee is quarantined by a medical provider, IDPH or the CDC, initially, the employee should be provided approved time off with pay (without loss of accrued benefit time). If the Employer suspects abuse of such approved time, the Employer should request

additional documentation to substantiate that the employee poses a public health risk that would justify continued approved time off with pay.

2. The employee or designee should report the quarantine order to the Employer as soon as practical. The Employer may require substantiation of the diagnosis or quarantine order.
3. The Employer may require quarantined employees to work remotely. Likewise, quarantined employees may request to work from home.

#### **IV. EMPLOYER APPROVAL TO TELECOMMUTE REQUIRED**

1. Any request or assignment to telecommute or work from home, shall be pursuant to the City of Springfield's "Telecommuting During Emergency of Adverse Situations Policy." A copy of the policy is forthcoming. However, an employee's ability to telecommute or work from home is subject to Employer approval based on feasibility. Preference will be given to those individuals that are at-risk to COVID-19 and/or have children impacted by school closure and require childcare.

#### **V. STAFFING REQUIREMENTS**

1. City Departments are currently evaluating staffing levels to minimize the COVID-19 risk to City employees while maintaining essential services. As a result, the following actions may take place in the coming weeks at the Department's discretion and subject to the Approving Authority's authorization:
  - a. Essential Employees – Those employees that must continue to report to the workplace to ensure critical services will be expected to report as scheduled. However, where possible and subject to operational need, the employer may implement a staggered or altered shift schedule to minimize employee risk and maintain essential services.
  - b. Employees with Remote Work Capacity – Employees who telecommute or work from home pursuant to Section IV will be expected to work remotely during their regularly scheduled hours and will be expected to utilize appropriate benefit time when they are not working remotely.
  - c. Employees without Remote Work Capacity – In the coming weeks, certain employees may be directed not to report to their work location. These employees will be provided approved time off with pay (without loss of benefit time) until such time as they are directed to return to their work location. During their regularly scheduled work hours, they are required to remain reachable by phone and available to report back to work upon direction.

**VI. MARCH 24, 2020 UPDATE TO INCLUDE THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (H.R. 6201)**

1. The Families First Coronavirus Response Act provides additional relief for those individuals impacted by COVID-19. Pursuant to the Act, as of April 02, 2020, full-time City employees may take up to 80 hours of paid sick leave for the following purposes:
  - a. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
  - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  - d. The employee is caring for an individual who is subject to an order as described in paragraph (a) or has been advised as described in paragraph (b).
    - i. Pursuant to the Act, an employee taking paid sick leave pursuant to this paragraph is only entitled to two-thirds of their normal rate of pay.
  - e. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
    - i. Pursuant to the Act, an employee taking paid sick leave pursuant to this paragraph is only entitled to two-thirds of their normal rate of pay.
  - f. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
    - i. Pursuant to the Act, employees that are emergency responders may be exempt from paragraph (f).
    - ii. Pursuant to the Act, an employee taking paid sick leave pursuant to this paragraph is only entitled to two-thirds of their normal rate of pay.
2. **The paid sick leave as outlined above should be immediately available to all eligible city employees.**

3. For part-time City employees, the Employee is entitled to paid sick leave for the above reasons for a number of hours equal to the number of hours that such employee works, on average, over a 2-week period.
4. Pursuant to the Act, any paid sick leave for the purposes of the above sections is distinct and separate from any other paid benefit time.
5. The ability to use time pursuant to the above sections expires on December 31, 2020 and does not carry over from one year to the next.
6. The Employer may not require Employees to use other benefit time prior to use the benefit time outlined in paragraph 1 of this section..
7. The employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act. A copy of the notice will be provided when available.

**VII. March 24, 2020 UPDATE TO ADDRESS CHANGES TO THE FAMILY MEDICAL LEAVE ACT.**

1. The Families First Coronavirus Response Act also included an expansion of the Family Medical Leave Act to address a “public health emergency.” The relevant information is as follows.
  - a. Employees (part-time or full-time) who have been employed for at least 30 calendar days can take FMLA leave for “a qualifying need related to a public health emergency.” A public health emergency means an emergency with respect to the COVID-19 outbreak.
  - b. An employee has a “qualifying need related to a public health emergency” if the employee is unable to work or telework due to (1) a need for leave to care for the employee’s son or daughter who is under 18 years of age if the school or place of care has been closed; or (2) the child care provider of the son or daughter is unavailable due to the public health emergency.
  - c. “Child care provider” means a provider who receives compensation for providing child care services on a regular basis.
  - d. The first ten (10) days of FMLA leave for “a qualifying need related to a public health emergency” may consist of unpaid leave, but an employee may elect to substitute any accrued vacation leave, personal leave, medical or sick leave. An

employer may not require employees to substitute paid leave for the first ten (10) days of leave.

- e. After the first ten (10) days, the remaining days of public health emergency leave must be paid by the employer at a rate that is no less than two-thirds (2/3) of the employee's regular rate of pay for the number of hours the employee would normally be scheduled to work, but in no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate.
- f. For employees with varying schedules to such an extent that the employer is unable to determine with certainty the number of hours the employee would have worked, the rate of pay should be calculated as the average number of hours the employee was scheduled per day over the six (6) month period ending on the date the employee takes leave, including hours for which the employee took leave of any type.
- g. Pursuant to the Act, employees that are emergency responders may be exempt from these alterations.
- h. The FMLA leave as outlined above should be immediately available to all eligible city employees.**
- i. The employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees are customarily posted, a notice, to be prepared or approved by the Secretary of Labor, of the requirements described in this Act. A copy of the notice will be provided when available.

### **VIII. "At-Risk" Employee Policy**

1. The United States Center for Disease Control has provided guidance on who it considers to be at risk due to the COVID-19 virus. The relevant persons are as follows:
  - a. People aged 65 years and older
  - b. People who live in a nursing home or long-term care facility
  - c. Other high-risk conditions could include:
    - i. People with chronic lung disease or moderate to severe asthma
    - ii. People who have heart disease with complications
    - iii. People who are immunocompromised including cancer treatment
    - iv. People of any age with severe obesity (body mass index BMI  $\geq$  40 or certain underlying medical conditions, particularly if not well controlled, such as those with diabetes, renal failure, or liver disease might also be at risk

- v. People who are pregnant should be monitored since they are known to be at risk with severe viral illness, however, to date data on COVID-19 has not shown increased risk.
2. For the purposes of being fair and consistent to all employees, if an individual believes that they are at risk pursuant to the above criteria, the employee should provide documentation to the Office of Human Resources. The intent is to treat this process similar to those applying for FMLA or other accommodation.
  3. Upon receipt of the relevant documentation and a review to determine whether the above criteria applies, Human Resources will work with the Employee's Supervisor/Department to determine whether telecommuting, an altered work schedule or other accommodation is possible.
  4. Due to each position being different and not every employee is capable from working from home or on an altered schedule, each employee's request will be handled on an individual basis.