

BHE/AFSCME Meeting on Covid-19

March 13, 2020

USE OF LEAVE ISSUES

What if an employee calls in sick?

- The university/college through its HR representative(s) may and should ask the employee if he/she is experiencing influenza-like symptoms, such as whether the employee has a fever, a cough, or shortness of breath, or some combination of these symptoms. If an employee calls their supervisor to inform them of their illness, the call should be referred to HR.
- Universities/Colleges must regard any responses as confidential medical information. The university/college should maintain responses in HR but should not share responses with other employees. Additionally, university/colleges HR representatives may and should ask if employees have been diagnosed with COVID-19 or been exposed to COVID-19.
- If employees are experiencing the symptoms listed above, employees should be instructed to remain out of the workplace and use their leave accruals to cover their absence from the workplace. If the employee indicates or tests presumptively positive for the virus the employee should be instructed to remain out of the workplace for 14 days, during which time the employee shall use accrued sick or other leave to be compensated.
- Health compromised employees who request leave shall be placed on accrued sick or other leave.
- If employees have exhausted all accrued leave, AFSCME employees without accrued leave available should be encouraged to apply for an extension of sick leave per the terms of the contract. Employees not eligible for an extension of sick leave and with no accrued vacation or personal leave should be treated as all other employees who are unable to work due to illness but have no accrued or extended leave during the remainder of the CDC recommended 14-day period.
- If an employee indicates that he/she was diagnosed with COVID-19, the university/college will need to assess campus community exposure.

What happens when an employee calls in report that he/she has been exposed to COVID-19 but is not displaying symptoms.

Employees must notify their university/college if they have been or potentially have been exposed to COVID-19 as defined by the CDC. The term “exposed” shall be defined by the CDC CDC definition of Close Contact as follows:

Close contact is defined as:

- a) being within approximately 6 feet (2 meters) of a COVID-19 case for a prolonged period of time; close contact can occur while caring for, living with, visiting, or sharing a healthcare waiting area or room with a COVID-19 case

– or –

b) having direct contact with infectious secretions of a COVID-19 case (e.g., being coughed on)

- The employee shall remain out of the workplace for 14 days during which time they shall utilize their accrued sick or other accrued leave for the 14 day CDC-recommended period.
- If the University/College determines that an employee has telecommuting capabilities, it may instruct the employee to work from home, if feasible, and pay the employee accordingly.
- If the Employee has been in contact with other persons who may have been in contact with someone who had or was presumptively diagnosed positive with the virus and wish to self-quarantine, the CDC guidelines state that such persons are not required to self-quarantine and may report to work. Should an employee wish to self-quarantine, the employee shall use their accrued sick or other leave for the 14 days.

What happens when an employee presents with symptoms or is presumptively diagnosed positive with the virus?

- Per the contract, sick leave should be used whenever an employee cannot perform his or duties due to illness related incapacity. Additionally, universities/colleges, through their HR office, may and should ask if employees have been diagnosed with COVID-19 or have been exposed to COVID-19.
- If the employee was diagnosed with COVID-19 or was exposed to COVID-19, the university/college will follow the guidance above (employee who calls in sick).
- In the event the employee indicates that he/she was not diagnosed or was not exposed to COVID-19 and his/her symptoms no longer persist, the employee may return to the work. If the university/college chooses to keep the employee out of the workplace for the CDC, 14-day period out of an abundance of caution, the university/college will place the employee on paid administrative leave for the remainder of the 14-day period.
- If not actually ill, an employee with telecommuting capabilities, may be instructed and/or may be allowed to work from home and paid accordingly.

Inquiring about travel.

- Employees shall disclose whether they have traveled to Level II and III countries. Please consult the CDC website for a list of such countries. It is changing and growing rapidly.
- Employees who have traveled to a Level II or III location and who do not display symptoms of COVID-19 may be told not to report to work out of an abundance of caution if recommended by the CDC and/or DPH. In most circumstances as of this date, the employee shall utilize sick or other accrued leave for the 14-day period.
- In rare circumstances, if an employee is deemed essential to continue college operations and is able to work remotely, the employee may be instructed to work from home and shall be paid.

- The university/college should instruct employees who have traveled to Level II and III countries to notify the university/college if they begin to experience symptoms consistent with COVID-19 while on leave.

Article 11 Section 1 C2- Use of Sick Leave to Care for a Sick Family Member

- Universities and colleges, for the duration of the COVID-19 emergency, shall waive the limits on the use of sick leave for the care of family members quarantined and/or ill with COVID-19.

Article 12- Extension of Sick Leave

- Universities and colleges, for the duration of the COVID-19 emergency, shall waive the five day waiting period after exhausting all accrued leave to make a request for an extension of sick leave either because of their illness due to COVID-19 or to care for an ill family member diagnosed with COVID-19 or deemed presumptively positive for the virus or because they are health compromised individuals. The granting of an extension of sick leave shall be made on an individualized basis per the pertinent terms of the collective bargaining agreement.

Fitness for Duty Doctor's Note for Return to Duty

- Employees who were ill with COVID-19, and on leave as a result, may be required to be examined by a physician of the employee's choosing at the employee's expense following an absence of ten or more consecutive days in order to determine the employee's fitness to return to his/her regularly assigned duties.

Article 11 Section 9 Family Leave

- Employees shall be able to utilize Section 9 as appropriate per the contract terms to care for family members.