

TDOT Human Resources COVID-19 Guidance v.1

Monday, March 23, 2020

The State of Tennessee agencies have developed Continuity of Operations to maintain service to our customers, while also caring for the health and safety of our employees. Although the State has informed employees to work from home, we have an agile workforce that can leverage critical resources and strategies that will enable us to maintain essential business processes and services.

These frequently asked questions (FAQs) have been developed to help address the impact COVID-19 may have on the State's workforce. They are designed to help leadership, management, and human resources to navigate topics related to human resources including working from home and leave.

Consideration was given to potential impacts to critical functions and how they could continue to be performed by working from home when possible. The State will monitor these plans and will provide further guidance as needed.

BACKGROUND INFORMATION ON COVID-19

Coronaviruses are a large family of viruses that are common in humans and many different species of animals. The virus that causes COVID-19 is spreading in numerous countries, including the United States. COVID-19 is a new disease and the U.S. Centers for Disease Control (CDC) is still learning the severity of the illness, how the virus spreads, to what extent it may spread in the United States, and the potential short-term and long-term impact on those in the United States. Currently, the virus is thought to spread mainly from person-to-person:

- Between people who are in close contact with one another (within about 6 feet).
- Through respiratory droplets produced when an infected person coughs or sneezes.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.
- Although people are thought to be the most contagious when they are symptomatic (showing symptoms), they may also be contagious when they are asymptomatic (showing no symptoms).
- It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes, but this is not thought to be the main way the virus spreads.

Current Risk in the Workplace

The CDC emphasizes that while COVID-19 poses a potentially serious public health threat, the risk to individuals is dependent on exposure. For most people in the United States, including most types of workers, the risk of infection with COVID-19 is currently low.

To help minimize workplace exposure, the State of Tennessee is strongly encouraging employees who are currently able to work from home to do so through March 31, 2020. However, some employees are in vital positions which require their presence at an office, citizens' homes, or in some other interactive

setting to provide direct customer service. For these employees, it is critical to be especially vigilant in doing all we can to keep them healthy.

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The CDC advises that the best way to prevent infection is to avoid exposure to germs. There are simple everyday actions that can be taken to help prevent the spread of respiratory viruses:

- Avoid close contact with people who are sick.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Wash your hands often with soap and water for at least 20 seconds.
- Use an alcohol-based hand sanitizer that contains at least 60% alcohol if soap and water are not available.
- The CDC website continues to be a primary resource for questions regarding COVID-19. Click [here](#) to visit the website.

Please note: The TDOT Engineering Bureau and TDOT Aeronautics has issued specific operational guidance and revised work procedures in response to COVID-19. Engineering Bureau and Aeronautics Directors, management and supervisory staff are encouraged to consult with their Region or division leadership about specialized processes and workflow that may be implemented.

Special Guidance for Directors

Actively encourage sick employees to stay home. According to the CDC, employees with the following flu-like symptoms should not come to work:

- Fever of 100.4° F or higher (using an oral thermometer);
- Cough or sore throat;
- Headache or body aches;
- Diarrhea or vomiting; or
- Symptoms of acute respiratory illness.

Employees are recommended to stay home and not come to work until they are free of fever (100.4° F or higher using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g. Tylenol, cough suppressants).

We do have the ability to send an employee home with COVID-19 or symptoms associated with it. We can ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine risk. Currently, these symptoms include, for example, fever, chills, cough, shortness of breath, or sore throat. **All related COVID-19 workplace exposure and risk questions should be directed to Heather Stanford and Delaine Linville.**

Hiring and New Employees

For the most part, TDOT will temporarily postpone position announcements and other hiring requests until April 6, 2020. We are moving forward with the GTA Virtual Hiring process this week and will continue with our Internship postings, online interviews, and offers. **If you have any specific hiring concerns, please contact Heather Stanford, Delaine Linville, or Kristen Lynch to discuss your options.**

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We do have several new employees that are scheduled to start employment within the next several weeks. The only reason that we would delay the start date of an applicant is if the individual has COVID-19 or associated symptoms. **Again, these circumstances should be reviewed with Heather Stanford, Delaine Linville or Kristen Lynch.**

General Questions:

1. **How should I direct employees who feel they need to get tested?**
 - Employees should call a healthcare provider, clinic, or hospital. The provider will give them instructions on whether they need to be tested and where to go to for care and testing. If instructed to seek care, they should follow the precautionary advice of the medical provider before going into any health facility.
2. **What is the state's approach to use of leave for medically quarantined employees or confirmed COVID-19 cases?**
 - All employees are encouraged to work from home if possible, even if they are not experiencing symptoms. If work from home is not possible and the employee has been diagnosed with COVID-19 or quarantined by a health professional, **then paid administrative leave should be granted to that employee for up to ten workdays as recommended by that health professional, with the approval of Delaine Linville and Heather Stanford.** For employees who are otherwise ill, sick leave should be used.
3. **What actions can agencies take if there is a suspected case or an employee exhibits symptoms, but isn't pursuing evaluation/testing?**
 - All specific COVID-19 exposure risk questions will be directed to medical professionals at TDH State Health Operations Center by Heather Stanford and Delaine Linville, so that they can make directive decisions and offer recommendations and advice. If an employee has been determined by a health official to pose significant health risk to other employees, the first option should be work from home. If this is not possible, the employee may be granted up to ten days paid administrative leave as recommended by that health professional, with appropriate approval.
4. **What is the guidance around informing state employees if there has been a positive case in the workplace?**
 - All specific COVID-19 exposure risk questions should be directed to medical professionals at the Tennessee Department of Health (TDH) State Health Operations Center to make directive decisions and offer recommendations and advice. Contact with TDH will be made by **TDOT HR HQ staff.**
 - During the process it is critical to remember, as with any medical condition, confidentiality around an employee's health should be maintained to comply with federal regulations (FMLA, ADA, HIPAA). Agency and HR leaders may not disclose the identity of the infected employee. We may, however, provide general information (e.g. affected building, floor, or dates of exposure) that an employee has been infected to allow employees to monitor themselves for signs of symptoms. Employees will then be informed of any mitigating strategies that will be employed to ensure the safety of the work area, as well as modifications to their schedule or workplace.
5. **Can employees wear a facemask to work?**
 - The CDC does not recommend that people who are well wear a facemask to protect themselves from respiratory diseases, including COVID-19. Employees should only wear a mask if a healthcare professional recommends it.

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Approved Leave

1. **What is the guidance on granting paid administrative leave?**
 - If the employee has been determined by a health official or medical provider to pose significant risk to other employees, the first option should be work from home. If this is not possible, the employee should be granted up to ten days of paid administrative leave as recommended by the health professional, with the approval of **TDOT HQ HR Staff**.
2. **How is leave addressed for employees who are quarantined for COVID-19? Is it the same for employees who are ordered by health departments versus employees who are “self-quarantined”?**
 - If the employee has been diagnosed with COVID-19 or determined by a health official or medical provider to pose significant risk to other employees, the first option should be work from home. If this is not possible, the employee should be granted five days paid administrative leave. Under guidance from TDH, up to ten days paid leave may be issued. In line with CDC recommendations, we may consider relaxing requirements of medical documentation for COVID-like symptoms. Employees who are self-quarantined must submit a signed attestation that their request is for such symptoms before being granted paid leave.
 - Employees who are not ill but request to work from home because they are immunocompromised or have other high-risk factors should be offered that opportunity. If the job is unable to be performed by working from home, the employee should work with their supervisor to minimize the impact their absence would have on the workplace and use their accrued compensatory and annual leave with supervisory approval.
3. **If employees are deemed to be essential personnel because they perform a critical function, can we require them to work at their regular location?**
 - Employees whose duties are deemed essential for the continuation of agency business during the emergency declaration, and who are not ill, may be required to work at their regular location. This may include public-facing service providers.
4. **If schools or childcare facilities close for an extended period, are employees allowed to work from home in order to take care of their children or do they have to take leave?**
 - During the declared state of emergency, the policy will be relaxed to allow employees to work from home at the same time they are caring for a child or other dependent, if the arrangement does not significantly hinder the employees’ effective job performance. See DOHR Policy 14-001, Alternative Workplace Solutions (modified March 13, 2020).
5. **Are we going to require employees to submit a medical certification for absences longer than three days, or a fitness to return if they are absent from work due to COVID-19? Can we waive that requirement?**
 - Consistent with CDC and TDH recommendations, normal agency requirements to provide a doctor’s note to justify an extended absence due to flu-like symptoms have been relaxed if an employee is having difficulty obtaining one from the medical provider, unless the employee is currently required to provide medical verification for all absences. Employees still need to follow normal work unit procedures when calling in sick (including calling in sick each day of absence).
 - Before returning to work, employees who have tested positive for COVID-19 are required to present a doctor’s note stating they are no longer contagious and are able to

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return to work. As a practical matter, however, doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation. Therefore, TDOT HR will accept alternative certifications, such as boilerplate forms from local clinics, a stamp, or e-mails to certify that an individual is no longer contagious or symptomatic and is safe to return to work.

6. What is the guidance around the use of leave sharing?

- Employees who have Sick Leave Bank accruals available to donate may do so under the regular program which requires that the receiving employee have used all other accrued leave.

LEAVE SUMMARY

<u>Health Status</u>	<u>Event</u>	<u>Approach*</u>	<u>Note**</u>
No COVID-19 Symptoms	Employee expresses 'concern' about coming to work	1.Current Leave Policy 2.Accrued Annual and Compensatory Leave with Supervisory Approval	Essential staff may be required to work
COVID-19 Symptoms	Illness with no medical recommendation	1.Accrued Sick Leave 2.Leave Without Pay	
COVID-19 Diagnosis	Medically recommended quarantine (e.g., Department of Health, Medical Provider) May also include care for dependent (FMLA Definition)	1.Paid Discretionary Leave 2.Accrued Leave a. Sick Leave b. Comp Leave c. Annual Leave 3.Leave Without Pay	Up to 10-day total (Based on current 7 to 14-day quarantine guidelines)

*AWS should be utilized if possible, regardless of symptom status

**Discretionary leave for reasons related to the employee's own health is not strictly limited to 10 workdays. For example, if a health professional recommends quarantine for longer than 10 workdays, then the Commissioner of HR can approve a request for more than 10 workdays of paid discretionary leave.

** Discretionary leave should be granted to even a perfectly well employee if that employee is directed by the appointing authority not to report to work because of the outbreak. For example, if the employee's working hours were reduced or office closed because of COVID-19, then the employee should receive paid discretionary leave for the duration of that period.

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Employee Travel

1. Can employees travel for state business?
 - Employees should cease all non-essential business travel through March 31, 2020. Essential travel is determined by the Agency Appointing Authority. Non-essential in-person employee meetings and gatherings of 10 or more individuals should be canceled or adjusted through March 31, 2020. To perform collaborative work, employees should use alternative solutions such as WebEx, Jabber, and conference calls for conducting meetings.
2. Can agencies require employees to report if they have traveled to areas where there is widespread community transmission?
 - Yes, however all specific COVID-19 exposure risk questions will be directed to medical professionals at the TDH State Health Operations Center by TDOT HQ HR Staff to determine the level of risk the employee may pose to the workplace based on the travel location. Based on the level of risk public health may require employees to stay home from work for up to 14 calendar days. If it is possible for the employee to work from home, then consider using this option to protect the health of other employees.
3. Can agencies prevent employees from returning to work if they have traveled to areas where there is widespread community transmission?
 - Yes, however all specific COVID-19 workplace exposure and risk questions will be directed to medical professionals at the Tennessee Department of Health (TDH) by **TDOT HQ HR Staff** to make directive decisions and to offer recommendations and advice.