

OFFICE OF STATE HUMAN RESOURCES
EMPLOYEE WORK AND STATE OF EMERGENCY LEAVE PROVISION #3*
EFFECTIVE APRIL 1 – 30, 2020

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 these provisions apply 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 the third State of Emergency Leave provision 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 the 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. This State of Emergency Leave provision is per the employee's regular work schedule (or typical work schedule for temporary employees as determined by management) and does not include overtime or other special pay provisions.

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 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 those employees who 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. Agency 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.

State of Emergency Leave Provision #3

Note: While management will give every possible consideration to individual personal circumstances, management has the discretion to deny or defer special leave provisions (below) for mandatory employees whose presence is determined necessary to address urgent public health, public safety, or critical infrastructure needs.

Consistent with usual work schedules, up to 168 hours of paid State of Emergency Leave for the following reasons may be granted during the period of April 1 – 30, 2020, and no balance will be carried over beyond April 30, 2020:

- Employees who are sick due to symptoms consistent with COVID-19 or who are caring for a dependent with such symptoms will receive State of Emergency Leave up to the maximum hours allowed. All other absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if approved.
- Employees who cannot work because they have childcare or eldercare needs due to COVID-19-related facility closings may receive State of Emergency leave for the period of time they are unavailable. If more than one person in the household is a state employee, then the employees are expected to work with their supervisors to determine how to allocate paid State of Emergency leave to avoid inappropriate overlap of leave usage.
- Employees may receive paid State of Emergency leave if they cannot telework because their position and duties cannot be performed remotely, and reasonable alternate remote work is not feasible or productive.
- Employees who were on other pre-approved leave, choose not to work, or are unavailable for reasons other than provided for in the special COVID-19 provisions must use available and applicable leave types; e.g. vacation leave, paid parental leave, bonus leave, compensatory time, or take leave without pay.
- For part-time employees with irregular schedules, paid State of Emergency Leave should be based upon the employee's average hours per week over the course of a month. In no case shall paid State of Emergency Leave exceed 40 hours per week.

Discretionary Special Leave Provisions for Temporary Employees

- **Effective April 1, 2020**, the Agency Head or designee has the discretion to continue to offer full or partial special leave provisions listed above to temporary employees based on available funds and operational needs; to discontinue such temporary employees, or place them in inactive status, as deemed appropriate and consistent with state and federal law.
- The Agency Head has the discretion to offer telework to temporary employees and/or to designate such employees as essential to address critical operational needs.

* **State of Emergency Leave Provision #1:** On Friday, March 13, 2020, agencies and universities were notified that they could authorize up to 10 days (80 hours) of paid State of Emergency Leave for all employees (temporary and permanent) who request leave due to having symptoms potentially related to COVID-19, subject to the availability of funds. These 10 days of leave are separate and distinct from the above special State of Emergency Leave provision. The first paid State of Emergency Leave (up to 10 days) for employees having symptoms potentially related to COVID-19 became available effective March 10 through March 15 and will be available for use again after the above State of Emergency Leave Provision #3 ends on April 30, 2020 unless replaced by a subsequent provision.

* **State of Emergency Leave Provision #2:** On Tuesday, March 17, 2020, agencies and universities were notified that they could authorize up to 12 days (96 hours) of paid State of Emergency Leave for all employees (temporary and permanent) who request leave due to reasons stated therein, subject to the availability of funds. These 12 days (96 hours) of leave are separate and distinct from the State of Emergency Leave Provisions #1 or #3, and are effective from March 16 – 31, 2020. Balances do not carry forward beyond March 31.

NOTE: The Families First Coronavirus Response Act was signed into law by President Trump on March 18, 2020. This piece of legislation is intended to help workers, businesses and the healthcare sector in their response to the consequences of the coronavirus outbreak. The law provides Emergency Family and Medical Leave and Emergency Paid Sick Leave. OSHR is currently reviewing the new legislation and will issue some additional provisions before the new law goes into effect on April 2, 2020.

[Communicable Disease Emergency Policy](#)