

FREQUENTLY ASKED QUESTIONS FOR EMPLOYEES STATE EMPLOYEE LEAVE TIME AND STAFFING – COVID-19

PLEASE THOROUGHLY REVIEW THESE FAQ'S

1. If I am diagnosed with COVID-19, what should I do?

The employee should notify their human resources office as soon as possible and forward medical documentation within three business days to the Appointing Authority's representative or office tasked with receiving sick or leave documentation. Diagnosed employees should stay home and follow medical direction regarding treatment and absence from work. In accordance with the Guidelines, employees can be absent from work for the time period specified in accordance with the provided documentation without using accumulated leave time.

2. If I have been diagnosed with or exposed to COVID-19, when can I return to work?

In most cases, employees who have been exposed to (as considered in [guidance](#) from the NJ Department of Health) or diagnosed with the COVID-19 virus will not be permitted to enter the workplace until they are either medically cleared (regarding those with COVID-19) or until the expiration of the recommended period of quarantine from the point of last exposure (regarding those who were exposed).

Appointing Authorities operating health care facilities shall rely on NJ Department of Health [guidance](#) regarding health care personnel in determining when those individuals may return to work.

The CDC has released [Interim Guidance](#) regarding "Critical Infrastructure Workers," defined to include (i) federal, state, and local law enforcement, (ii) 911 call center employees, (iii) Fusion Center employees, (iv) hazardous material responders from government and the private sector, and (v) janitorial staff and other custodial staff; workers – including contracted vendors – in food and agriculture, critical manufacturing, informational technology, transportation, energy and government facilities, who may have been exposed to the virus. Appointing Authorities that employ these individuals shall rely on the CDC guidance to determine when exposed individuals can continue to work.

As this situation continues to develop, Appointing Authorities must remain current on workforce-related guidance issued by the DOH and the CDC, and revise their policies as guidance is updated.

3. What if I am quarantined or otherwise unable to work due to exposure to COVID-19?

If an employee is directed by a medical professional or government agency to self-isolate or quarantine due to suspicion of exposure to or diagnosis with COVID-19, and/or is undergoing a period of self-quarantine or isolation pursuant to public health assessment recommendations, then the employee will not be required to utilize accumulated leave time if they provide documentation verifying the same within three work days of the initial absence.

4. What if I become ill during a workday and suspect I have symptoms consistent with COVID-19?

All possible cases of COVID-19 will be taken seriously. If you become ill while at the workplace and suspect your symptoms are consistent with COVID-19, you should immediately contact your human resources office, or your human resource office will ensure that you are separated from other employees and sent home, consistent with guidance from the Centers for Disease Control and Prevention (CDC) and the New Jersey Department of Health (DOH). That guidance is available [here](#). Medical documentation must be provided to your human resource office clearing you to return to work.

5. What happens if I am impacted by the COVID-19 virus through a school closing?

Employees who are not under suspicion of having been exposed to the virus or diagnosed with the virus but wish to stay home with a child, regardless of age, of whom they are the parent or legal guardian due to the closure of a preschool program, elementary or secondary school (high school or below), or child care center related to COVID-19, will be required to provide documentation verifying the closing. Wherever possible, employees should be accommodated for remote work during these periods. Please note that the Appointing Authority can require essential employees to work from home. If the Appointing Authority requires duties to be performed by non-essential employees, it must convert their status to essential employee. If a work from home arrangement cannot be accommodated, such employee will not be required to use accumulated leave during the period of the COVID-19-related closure.

For the purposes of direct care employees, custody staff in correctional facilities, and any other employee deemed essential in accordance with N.J.A.C. 4A:6-2.5 or the Appointing Authority's COOP, if their child's preschool program, elementary or secondary school, or child care center is closed due to such things as preparation to respond to a potential outbreak or cleanings, they may be required to report to work, in accordance with the requirements set forth in their agency's COOP, as if the curtailment of State operations and services had been implemented.

6. If I need to stay home to care with a family member diagnosed with COVID-19, what should I do?

If the employee's absence is caused by the employee's need to care for an immediate family member who (i) has been diagnosed with COVID-19, (ii) was directed by a medical professional or government agency to self-isolate or quarantine due to possible exposure to or diagnosis with COVID-19, and/or (iii) is undergoing a period of self-quarantine or isolation pursuant to public health assessment recommendations, the employee shall submit documentation verifying the family member's COVID-19-related illness, exposure, and/or quarantine period to the Appointing Authority's representative or office tasked with receiving sick or leave documentation within three days of the employee's initial absence. If no such documentation is received, the employee will need to use accumulated leave time.

For purposes of this provision, employees may only take leave to care for immediate family members, as defined in *N.J.A.C. 4A:1-1.3*.

7. If I am subject to documentation requirements due to excessive absenteeism or abuse of sick leave, will I be penalized for further COVID-19 related absences?

Employees who had previously been subjected to documentation requirements under their Appointing Authority's standard operating procedures due to excessive absenteeism or abuse of sick leave shall not be disciplined for future absences that occur as a result of their being suspected of or diagnosed with the COVID-19 virus or having to be absent to care for a family member impacted by the virus.

Appointing authorities have been advised that they should not use any absenteeism related to the COVID-19 virus to subject any employee to a documentation requirement for excessive absenteeism. However, if no documentation is received within a reasonable time to support an asserted COVID-19 related absence, an Appointing Authority may exercise its discretion in determining its response.

Example: Employee A, who is on a documentation requirement due to excessive absenteeism, calls out stating she has been exposed to COVID-19. Three days later, Employee A provides documentation from her medical provider that she was in contact with an individual diagnosed with COVID-19 and is required to self-quarantine. In this case, no disciplinary action should be considered. Employee A's e-Cats/TALRs/Timesheet should utilize the appropriate code to reflect that she will not be charged with her accumulated leave.

8. What type of documentation will I be required to submit for my leave claim?

For cases where individuals are undergoing a period of isolation or quarantine, documentation from a local, state or federal governmental agency, a medical professional, office, or hospital or proof that the employee was recently in a location where the recommendation by a governmental agency is to self- quarantine will satisfy the requirement to provide documentation. Additional forms of documentation may be permitted by the Appointing Authority.

For cases where individuals are caring for an immediate family member sickened by or diagnosed with COVID-19, then the employee shall submit documentation verifying the family member's COVID-19-related illness to the Appointing Authority's Human Resources Office within three days of the employee's initial absence.

An employee may fax or send a scanned copy via email of the documentation in support of their COVID-19 related absence to their human resource office.

9. My appointing authority has just designated me as an essential employee. Can the appointing authority require me to come to work instead of work from home?

Yes, in accordance with Guidelines, the provisions of N.J.A.C. 4A:6-2.5 were relaxed to permit appointing authorities to implement and revise, as necessary, its Essential Employee Attendance Plan (EEAP), to address operational needs during this unique emergency condition and ensure the consistent delivery of services to the public consistent. Appointing authorities have been encouraged to review and update their COOP/EEAP, as necessary, during the COVID-19 emergency to ensure proper staffing for the delivery of these services to the public. As indicated in FAQ #5, essential employees who are the parent or legal guardian of a child whose school is closed due to a COVID-19 related concern may be required to report to work during the period of the school closure.

10. I am employed in the Temporary Employment Services (TES) or Per-diem position. Am I eligible to receive paid time off and not have it count against my accrued paid leave? What about employees of temporary agencies that contract with an appointing authority?

TES and Per-diem employees who earn sick leave under the provisions of the Earned Sick Leave Act and are scheduled to work who has a situation that falls under any of the situations warranting absence from work related to the COVID-19 emergency will not be charged for any of their accumulated paid leave time.

With respect to employees of temporary agencies that contract with an appointing authority, neither the State of New Jersey nor the Civil Service Commission has jurisdiction to mandate that employees employed by outside agencies be paid at any time.

11. I work for a State College/University. Am I covered by these FAQ's?

These FAQs apply to all individuals who serve in positions subject to Title 11A, the Civil Service Act. Some positions in State Colleges/Universities are **not** subject to Title 11A while other **are** subject to Title 11A. If you are not sure if your position is subject to the provisions of Title 11A, contact your human resources office. However, jurisdictions and employees who are not subject to Title 11A may use these FAQs to develop their own guidance.

12. I work for a municipality or in county government, do the FAQs and Guidelines apply to me?

Please note that the Guidelines published by the CSC apply only to State employees and are not mandatorily applicable to local government employees. It is up to each local jurisdiction to determine whether these or similar Guidelines are appropriate for their employees. Please contact your Human Resources Office for further guidance.

13. What activities, events, or meetings sponsored or conducted by the Civil Service Commission have been cancelled or postponed because of the COVID-19 emergency?

- All Open Competitive and Promotional Testing
- All Civil Service Commission Instructor Led Training
- Civil Service Commission meeting scheduled for April 1, 2020 (postponed)
- Diversity Summit scheduled for April 17, 2020 (cancelled)
- Police Advisory Board scheduled for April 28, 2020 (cancelled)
- New Jersey State Employee Recognition Day Ceremony for May 7, 2020

14. I have a high-risk medical condition that may be exacerbated if I am exposed to COVID 19. What should I do?

All agencies should be making every effort to accommodate employees for work-from-home arrangements. These arrangements cannot, however, be made in every circumstance, and agencies may require essential employees to report to work. Pregnant or otherwise at-risk employees should absolutely consult with their physicians concerning the level of risk and any precautions that they should be taking. Upon presentation of medical documentation recommending that the employee self-quarantine due to the risk levels associated with their conditions, the employee may utilize the paid time off without use of accumulated leave time afforded under the Guidelines. However, if no such documentation is presented, and absence from work is the personal choice of the employee, accumulated leave time must be utilized if a work-from-home arrangement cannot be accommodated.

The potential applicability of the Family Medical Leave Act and Americans with Disabilities Act is outside the purview of the Guidelines.

15. May I cancel my pre-approved leave time?

During the period of the emergency, Appointing Authorities shall permit employees to cancel their preapproved vacation and sick leave, subject to the Appointing Authorities' normal policies and procedures with respect to notification deadlines for the cancellation. Wherever possible, in order to address critical staffing issues, Appointing Authorities shall encourage employees to provide advanced notice of the cancellation.

16. I am a non-essential employee. Am I required to report to work?

All State employees should be either reporting to work or working remotely. Employees who are not currently designated essential should not be asked to report to their normal work site. Where those employees have been or can be accommodated for remote work, they must continue to work from home.

Employees working from home should be made aware that this is an evolving situation that necessitates their continued cooperation. All employees, regardless of designation, that have been accommodated for at-home work should be notified that they may be required to report to their worksite at any time as plans and employee designations continue to shift. Employees not designated as essential and not presently accommodated for work from home should be prepared to serve when called upon. To that end, employees should check their work email (or other point of communication on file with their human resources representative and/or supervisor) regularly throughout the day to ensure that they are promptly informed of any change in designation, return to work notices, or other time-sensitive information.

17. How should we handle employees who have returned from travel?

Agencies should follow current public health protocols, as recommended by the Centers for Disease Control and the New Jersey Department of Health.