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DATE: September 3, 2020

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: Approved Adoption of Civil Service Rules 1.15.2.4 and 11.35, and Amendments to Civil Service Rule 1.39.1, 11.13 and 11.13.1

At its General Business meeting held on September 2, 2020, the State Civil Service Commission adopted Civil Service Rule 1.15.2.4 and 11.35, and amended Civil Service Rule 1.39.1, 11.13, and 11.13.1, effective September 2, 2020.

In summary, these changes allow for the following:

- An employee to use sick leave to care for an immediate family member.
- An employee to use sick leave to care for a child due to a school closure or childcare provider closure related to COVID-19 through December 31, 2020.
- An employee with a high-risk immunological disorder to use sick leave to be away from the workplace to avoid a health exposure during a declared health pandemic.
- An Appointing Authority to enforce sick leave under certain conditions.
- Special paid leave for absences related to COVID-19 for emergency responders and healthcare providers exempted from the Families First Coronavirus Response Act.

The amended rules read as follows:

[CHAPTER 1: Definitions of terms used in the Rules](#)

1.15.2.4 'Immediate Family Member' for the purposes of sick leave is an employee's spouse, child or stepchild, foster-child, parent or stepparent.

1.39.1 'Sick Leave' is leave with pay granted to an employee who is suffering with an illness or injury which prevents him from performing his usual duties and responsibilities or who requires medical, dental, or optical consultation or treatment, or who requires the need to care for an immediate family member with similar circumstances.

CHAPTER 11: Hours of Work, Annual, Sick and Other Forms of Leave

11.13 Use of Sick Leave

- (a) Sick leave may be utilized by an employee who has sufficient leave to his credit for necessary absence from duty because of:
1. His own illness or injury, which prevents him from performing his usual duties.
 2. His own medical, dental, or optical consultation or treatment for the duration of time required for such appointments when it is not possible to arrange such appointments for non-duty hours.
 3. Repealed, effective January 1, 1963.
 4. Assertion, supported by medical certification, of his own need to be isolated from the workplace to avoid a health risk exposure during a health pandemic declared by the Governor because of his diagnosed high-risk immunological disorder.
 5. The need to care for a son or daughter as defined by the Emergency Family and Medical Leave Expansion Act through December 31, 2020, because there is no other suitable person available to care for the child and the child's school or place of care has been closed or the childcare provider is unavailable due to a COVID-19 related reason.
- (b) In lieu of requesting annual leave, an employee who has sufficient leave to his credit may request sick leave for necessary absence from duty for the following reasons:
1. Illness or injury of an immediate family member which necessitates the absence.
 2. Medical, dental, or optical consultation or treatment for immediate family members when it is not possible to arrange such appointments for non-duty hours.

Leave under this subsection may be used only when approved by the appointing authority or his designated representative.

- (c) Sick leave shall not be charged for non-work days.
- (d) Repealed, effective June 30, 1972.
- (e) Each appointing authority shall select a method to charge the sick leave records of all employees. The minimum charge to sick leave records shall be not less than one-tenth hour (6 minutes) nor more than one-half hour.
- (f) The appointing authority shall use the same method for charging to leave records for both annual and sick leave.
- (g) An appointing authority may require appropriate documentation to establish the need for leave as set forth above.

11.13.1 Enforced Sick Leave

An appointing authority may place an employee on sick leave when:

- (a) the employee asserts an inability to work due to the employee's illness or injury.
- (b) there is an apparent need to remove the employee from the workplace to avoid the spread of illness.

Under subsection (b) an appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave and presents for duty

displaying symptoms of illness. In order to enforce sick leave under this subsection, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory capacity. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after examining the employee, certifies that he is fit for duty.

11.35 Special Leave Related to COVID-19 Health Pandemic

- (a) Effective May 31, 2020, the use of special leave under Civil Service Rule 11.23(d) shall not be granted by an appointing authority for any employee absence related to the COVID-19 health pandemic. The Director is granted the authority to reinstate special paid leave under Civil Service Rule 11.23(d) for absences related to COVID-19 in the event the need arises due to a resurgence in the pandemic and an accompanying declaration by the Governor.
- (b) An appointing authority may grant time off without loss of pay, annual leave or sick leave to any healthcare provider or emergency responder who was exempted from the Families First Coronavirus Response Act by the Governor's Proclamation Order No. 43 JBE 2020 Section 4 and who has tested positive for COVID-19 or who has been advised by a healthcare provider to self-quarantine related to COVID-19, or who is experiencing COVID-19 symptoms and is seeking medical diagnosis.

Such special paid leave shall not extend beyond 15 working days and will be in addition to any other leave benefits afforded by law.

- (c) An appointing authority may grant time off without loss of pay, annual leave or sick leave to an asymptomatic employee who is directed by the appointing authority to be tested for COVID-19 and/or self-quarantine after being exposed through close contact to an individual with a confirmed positive COVID-19 diagnosis.

Such special paid leave shall not extend beyond 14 calendar days as recommended by the Centers for Disease Control and Prevention. Once the employee develops symptoms of illness or is confirmed with a positive COVID-19 diagnosis, he shall immediately be placed in an appropriate leave status, including leave without pay if the employee has exhausted both annual leave and sick leave.

Should you have any questions about the amendments, please contact your agency's Human Resources Office or your Agency Relationship Manager.

Sincerely,

s/Byron P. Decoteau, Jr.
State Civil Service Director