



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

MEMORANDUM

TO: Deputy Secretaries
Chiefs of Staff
Thomas Andrews, Chief of Staff
Local Health Department Health Officers
John Robison, Chief, Hospital Administration
Facility CEOs
Facility COOs
Program Directors

FROM: Jennifer McMahan, Director
Office of Human Resources

DATE: March 13, 2020

RE: Elevated Level II – Pandemic Flu and Other Infectious Disease Attendance and Leave Policy

In light of the Governor's determination to move the State from Level II to Elevated Level II of the [Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy](#) yesterday, MDH must accelerate its transition toward mandatory telework status for all eligible employees. Managers and supervisors must determine the telework eligibility of each employee. [Guidelines Attached] This means determining which employees are assigned responsibilities and functions that can be completed from home, with or without additional technical support; which of those employees are able to work from home in a full or part-time status; which employees are assigned duties that cannot be completed at home, but must be completed; and, which employees are assigned duties that cannot be completed at home and that do not need to be continued for the foreseeable future or could be reassigned to another employee. Please note that these instructions apply to regular state merit positions, temporary emergency (TE) positions, and state contractual employees (SPP).

The following are specific guidance for administering this process for each group of employees:

Employees who are eligible to telework either full or part-time who have teleworked successfully in the past, and who are not needed in the office at this time, should begin teleworking immediately. At some point in the near future, please complete the [Interim Pandemic-Associated Teleworking Agreement](#). If the employee is teleworking part-time, please

identify whether the balance of the workweek will be comprised of on-site duties as a mission critical employee and/or administrative leave. Guidance on each of these is found in the following paragraphs.

Employees who are eligible to telework, but who either have not done so before or have not done so relatively recently, should make immediate plans for a trial telework day or some other period of time reasonable for their function. This time should be used to determine whether any accommodations need to be made to achieve successful telework outcomes. Once complete, teleworking should begin. At some point now or in the near future, please complete the [Interim Pandemic-Associated Teleworking Agreement](#).

Managers with employees who are unable to telework, must determine whether the duties performed by each of these employees is emergency essential or mission critical during this period. If the manager determines that the duties are not emergency essential nor mission critical, the employee may be placed on administrative leave. When placing an employee on administrative leave, the appointing authority should use the attached template to designate the employee's status. Employees may be required to return to work from administrative leave at any time unless the employee is using approved leave. Additionally, managers should be thinking of assignments in the future that these employees can complete at home, then reassign the employee to full or part-time telework accordingly.

Finally, if an employee is assigned duties that cannot be performed outside of the worksite AND are of such a critical nature that they cannot be delayed, nor assigned to another employee; that employee must report to the workplace and perform those functions. Beginning at midnight, March 13, 2020, and throughout the Elevated Level II period, these employees will be eligible for premium pay, which is calculated by crediting the employee with one hour of paid time for every hour worked. Overtime will be paid after all hours have been credited for each pay week, in accordance with the employee's overtime status. Non-exempt/cash overtime eligible employees may receive cash for all premium hours and resulting overtime (unless they elect to receive compensatory time). Exempt/compensatory time only employees will receive cash for their regular time worked and compensatory time for any premium and/or hours over forty in a workweek.

If there are multiple employees in a unit or work area who are unable to telework, some of their work is mission critical, but multiple employees could share each other's duties, consider a rotating schedule so that not all of these staff will be required to report at the same time. In these situations, it is important to have a rotating schedule in place so that premium pay is offered and distributed equitably. Employees who are mission critical only for a portion of the workweek and who cannot telework will be placed on administrative leave for hours remaining in the same workweek.

Later today, DBM expects to issue a Workday Time Entry Code to be used by those employees who are working in an emergency essential and/or mission critical status. This code will trigger the system to apply premium pay according to guidelines. It is important that employees only use this Time Entry Code when required to be on-site. Any telework hours should be recorded as such and will result in pay for regular time worked.

DBM is creating a second Workday code that will be used by employees who are placed on Administrative Leave by their appointing authority. This code will be used in lieu of the standard practice of taking Administrative Leave from a leave balance. This information will be sent to all employees when it is available.

Some employees may be performing functions directly related to the COVID-19 initiative and those workhours may qualify for future reimbursement. These employees should use the COVID-19 Worktag. This is different from a time entry code. In the worktag window of the timesheet, employees should type "COVID" and the "PCA – COVID-19" option will appear. Select that for the block of hours that were worked performing activities directly related to COVID-19.

Managers must create and maintain a list of the following for each employee: whether the employee is eligible to telework either full or part-time, a copy of the regular or interim telework agreement, their generally designated emergency essential status (according to STATUTE), their emergency essential status for this event (in total or on an as needed basis). This list will need to be submitted in the near future. Please stay tuned for those instructions.

Finally, regardless of telework status, all employees should survey their workspaces and remove any item that should not be left in the workspace unattended for any period of time. These items may include food, plants, valuables, etc. Please have employees take these items home immediately.

Many thanks to each of you for your efforts and continued support. Please contact your assigned human resources representative with any questions.

Attachments

cc: Facility HR Directors
LHD HR Directors
Fiscal Officers
OHR Supervisors