

## **Frequently Asked Questions Concerning COVID-19 and its impact on SPMS Employees**

### **1. What is COVID-19?**

The Novel Coronavirus 2019 (COVID-19) is a new or novel coronavirus, also called SARS-CoV-2. Coronaviruses are a large family of viruses that cause illness in animals and humans, including the common cold, severe acute respiratory syndrome (SARS), and Middle East Respiratory Syndrome (MERS).

There is no specific medical treatment or vaccine at present for COVID-19. There is a great deal of information available on the Centers for Disease Control's website at <https://www.cdc.gov/coronavirus/2019-ncov/index.html>, as well as on the Maryland Department of Health's website at <https://phpa.health.maryland.gov/Pages/Novel-coronavirus.aspx>.

### **2. What are the symptoms of COVID-19?**

Current symptoms reported for patients with COVID-19 have included mild to severe respiratory illness with fever, cough, and difficulty breathing.

### **3. Where can I find policy guidance on dealing with COVID-19 in the workplace?**

The Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy is posted on the DBM website and may be viewed at the following link:

<https://dbm.maryland.gov/employees/Documents/PandemicFluAttendanceLeavePolicy.pdf>.

### **4. The Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy refers to a "flu-like illness." What is a flu-like illness?**

A condition under which a person displays some or all of the following symptoms typically associated with the flu: fever, chills, cough, sore throat, runny nose, body aches, headache, tiredness, diarrhea, or vomiting. Fever is usually described as temperature of 100.4° F (38° C) or greater.

### **5. If an employee is sick while at work, should the employee go home?**

Yes. Employees with a flu-like illness should be encouraged to use their leave to recover at home.

On March 9, 2020, we entered Level II (flexible operations) of the Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy. While at Level II, an employee who does not have paid leave available may request Advanced Sick Leave, or in the case of temporary employees, advanced paid time off (refer to the Advanced Sick Leave Policy issued in March 2020) to deal with the employee's own illness or that of an immediate family member.

If an employee is sick, but asymptomatic, or caring for an immediate family member who is ill and wishes to work remotely, agencies are being encouraged to permit telework, if possible, or use a combination of leave and telework.

## **Frequently Asked Questions Concerning COVID-19 and its impact on SPMS Employees**

**6. If an employee has a flu-like illness, does leave have to be approved by the supervisor before the employee may leave the worksite?**

An employee must notify a supervisor prior to leaving work due to illness. If an employee is requesting a form of leave other than sick leave, you should encourage supervisors to err on the side of caution and approve leave liberally in order to prevent the spread of illness in the workplace.

**7. What do I do if an employee is exhibiting symptoms associated with COVID-19, but refuses to take time off to recover?**

Whenever possible, employees should take their own leave to recover from a flu-like illness, but if an employee refuses to do so and the employee appears to be unwell, the employer may send the employee home on administrative leave.

**8. If an employee has had a flu-like illness, when can they return to work?**

Employees should remain out of work for five (5) to seven (7) days from the onset of a flu-like illness, and after remaining symptom and fever-free (without the use of fever reducing medications) for twenty-four (24) hours.

It is expected that hospitals, urgent care centers and doctors' offices will be overwhelmed by patients seeking treatment. For this reason, while Level II is in effect, an employee will not be required to provide medical documentation upon return to work for a flu-like illness, even if the employee has been out sick for five or more consecutive days or is on a sick leave control measure (i.e., one-day doctor's note requirement).

Normal documentation requirements are in effect if the employee is out sick due to a non-flu-like reason.

**9. Can employees who are not sick, but are afraid to come to work because of COVID-19 stay home and use leave?**

Concern about COVID-19 is understandable, but employees should be encouraged to prepare, not panic. If an employee makes a request to take leave for any reason unrelated to the employee's own illness or that of an immediate family member, supervisory approval is required.

**10. If an employee is sick at work, do they go to Pivot or to their primary care physician?**

If an employee is sick and needs medical attention, they should contact their primary care physician. The State's Medical Director is not to be used to treat an employee's personal illness.

## **Frequently Asked Questions Concerning COVID-19 and its impact on SPMS Employees**

**11. Should in-person meetings or group trainings be avoided?**

Yes. When possible, limit working in close proximity. Encourage supervisors to consider alternatives to in-person large meetings, such as conference calls, WebEx, posting training to The Hub, etc.

**12. If an employee contracted COVID-19 while traveling, would regular health insurance cover those health expenses?**

If someone contracts COVID-19 while traveling, the coverage for health expenses would be determined based on the employee's health insurance or any additional insurance the employee may have purchased. Coverage is subject to plan provisions including medical necessity in the event of an urgent or emergent need. Travel for State business should be avoided during this time, if possible.

**13. Is there a State policy in the event a State employee is quarantined either in a foreign country or back in the U.S.? How would that be addressed in terms of time off/teleworking, and costs incurred such as hotel and meal costs?**

If an employee is traveling for non-business purposes and can telework, that would be the ideal solution. Any hotel/meal costs would be the responsibility of the employee. If the employee is unable to work remotely, the employee would need to request leave. If the employee does not have accrued leave to cover the period of quarantine, during the period that the State is in Level II of the Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy, the employee may request advanced sick leave.

**14. If employees are teleworking, will they be reimbursed for paper, printer ink and any other supplies used for work purposes?**

Employees who telework may use State property, when available, to accomplish their duties. If supplies are needed, supervisors should determine if the supplies are available to take home. Employees also should be encouraged to explore alternate solutions to printing, such as scanning and emailing, when possible.

**15. How do supervisors address situations where sick leave is taken by staff members who are not visibly ill?**

Not every medical condition is obvious. At Level II, the main objective is to minimize the spread of COVID-19, pandemic flu or other infectious diseases while maintaining State operations. Eligible employees should be allowed to telework if they are able or use leave if the employee reports being ill. If a supervisor has a valid reason to believe an employee is abusing sick leave, they should investigate and consider mitigating circumstances as they would in any other situation.

## **Frequently Asked Questions Concerning COVID-19 and its impact on SPMS Employees**

**16. What is an “emergency essential” or “mission-critical employee?”**

An employee whose duties are of such a nature as to require the employee to report for work or remain at the worksite to continue agency operations during an emergency. The appointing authority may excuse emergency essential/mission-critical employees from duty, or require their presence at work, as circumstances and conditions warrant, to maintain minimum staffing requirements for the affected facility.

**17. Can agencies declare additional employees as emergency essential/mission-critical during this time?**

Yes. An appointing authority may declare additional employees as emergency essential/mission-critical when necessary, to avoid or mitigate serious damage to public health, safety, or welfare.

**18. How much information may an employer request from an employee who calls in sick, in order to protect the rest of its workforce during a Coronavirus-like event?**

Normally, it is not appropriate to ask an employee about their illness or diagnosis. A typical seasonal flu or even the 2009 H1N1 outbreak was not sufficiently severe to pose a direct threat and justify medical inquiries and examinations.

Employers may ask employees who call out the reason for the absence. In the case of COVID-19, guidance from the U.S. Equal Employment Opportunity Commission (EEOC) states that employers may ask if employees are experiencing COVID-19-related symptoms. Any information received about employee illnesses must be maintained confidentially and discussed with only those who have a “need to know,” such as the appropriate agency human resources professional.

**19. Must HR tell supervisors about the nature of an employee’s absence?**

No. Human Resources (HR) staff should not be sharing confidential medical information about employees with other employees, even if those other employees are supervisors.

**20. Can supervisors tell other employees about a co-workers potential COVID-19 exposure?**

No. Supervisors and HR staff cannot share any information about an individual’s medical condition or reason for their absence from the workplace.

Employees are at low risk for exposure if they typically work more than 6 feet from an individual who has been lab-confirmed as infected with COVID-19, and their exposure to the infected employee was not prolonged.

## **Frequently Asked Questions Concerning COVID-19 and its impact on SPMS Employees**

**21. Can supervisors ask employees what type of medications they are taking to help determine if they may have COVID-19 or whether they can return to work?**

Employers may ask if an employee has taken a fever-reducing medication but should not inquire further.

**22. When may an ADA-covered employer take the body temperature of employees during pandemic event?**

The EEOC considers this a medical examination, which would only be permitted if the outbreak becomes sufficiently severe or widespread, as assessed by the CDC or State or local public health officials. It is important to note that not all individuals with COVID-19 have a fever so an employee with a normal temperature still may be infected.

**23. Is an employer allowed to require employees to go home or stay home if the employee has symptoms consistent with COVID-19?**

Yes, if the employee is exhibiting signs of COVID-19, an employee may be sent home or required to stay home to prevent the spread of illness.

**24. When employees return to work, does the ADA allow employers to require a doctor's note certifying the employee's fitness for duty?**

Yes, but as a practical matter, doctors and other health care professionals may be too busy during and immediately after a pandemic outbreak to provide fitness-for-duty documentation. As such, the CDC's guidance encourages employers not to require a doctor's note. During Level II and Level III, if an employee was out because of a flu-like illness, an employee will not be required to present a doctor's note to return to work.

**25. How would a school closure affect an employee who is teleworking to promote social distancing in response to COVID-19?**

Normally, an employee who is teleworking must be free of childcare duties, but when Level II has been implemented, supervisors are encouraged to take a more flexible approach to permit an employee to work around their childcare duties. This may involve permitting the employee to start and stop work, as necessary, if the employee is accurately recording work time.