

COVID-19: Guidelines for Pay, Leave and Telework

Issued March 15, 2020; Updated March 31, 2020; April 8, 2020; April 17, 2020; May 11, 2020, May 15, 2020, May 21, 2020, June 2, 2020, June 16, 2020

As of March 14, 2020, a State of Emergency was declared in Tompkins County in response to the COVID-19 outbreak.

On March 16, 2020, Governor Cuomo issued Executive Order 202.4, calling for a reduction in local government personnel of at least 50%, allowing non-essential personnel to work from home or take leave without charging accruals through April 15, 2020.

On April 7, 2020, Governor Cuomo issued Executive Order 202.14, continuing the temporary suspension and modification of laws relating to the disaster emergency, including the extension of Executive Order 202.4 through April 29, 2020.

On April 16, 2020, Governor Cuomo issued Executive Order 202.18, continuing the temporary suspension and modification of laws relating to the disaster emergency, including the extension of Executive Order 202.4 through May 15, 2020.

On May 8, 2020, Governor Cuomo issued Executive Order 202.29, continuing the temporary suspension and modification of laws relating to the disaster emergency, including the extension of Executive Order 202.4 through June 7, 2020.

On May 14, Governor Cuomo issued Executive Order 202.31, superseding the previous Executive Order and lifting workforce restrictions on local governments after May 28, 2020.

On May 29, 2020, Governor Cuomo issued Executive Order 202.32, superseding the previous Executive Order, and continuing the reduction in local government personnel of at least 50%, allowing non-essential personnel to work from home or take leave without charging accruals through June 28, 2020.

On June 7, 2020, Governor Cuomo issued Executive Order 202.39, stating that local governments in Phase Two regions may bring employees back to work beginning two weeks after such region meets the metrics to reopen Phase Two. Since Tompkins County has passed that two week mark, we are no longer required to maintain the 50% workforce goal, and **Emergency Leave will no longer be authorized after Friday June 19, 2020.**

The guidelines will be reviewed periodically and may evolve to ensure the health and safety of Tompkins County's workforce. These guidelines apply to all employees.

Purpose and Intent

Tompkins County employees will continue to provide the excellent services that the community expects and is reliant upon. In order to continue essential operations as we face COVID-19, employees will be able to work remotely and, if necessary, utilize emergency leave.

This guide outlines key considerations, best practices, and guidance specific to COVID-19 pay, leave and telework, including information that may be different from traditional "Work From Home" arrangements available in some County Departments.

Hours Worked

All employees who work when the County is open, either remotely or on-site, shall be paid for hours worked at their regular hourly rate of pay.

Paid Emergency Leave - As Needed Only

Tompkins County will allow employees to utilize up to 64 days of paid emergency leave (based on your number of hours worked per week; pro-rated for part-time staff) to use for personal health situations or to care for children or other dependents. This is considered a one-time benefit in response to COVID-19, subject to end after June 19, 2020. Employees may utilize paid emergency leave for COVID-19 related illness or dependent care needs without utilizing fringe time, including sick or disability time. Utilizing this leave is subject to approval by supervisors based on the needs of the department while also recognizing personal needs and obligations.

For example, 35 hour/week employees shall be able to utilize up to a maximum of 448 hours of paid emergency leave if needed over a 64 day period. This is calculated using the number of hours worked under a regular work schedule (7 hours/day x 64 days= 448 hours maximum).

Permitted uses of paid emergency leave – only to be used by those employees who are sick or not able to work full-time from home or find alternate care for their dependents:

- Employee or dependent has symptoms or diagnosis related to COVID-19 that has been confirmed by a health care professional. For additional information on COVID-19 symptoms please consult online resources from the Centers for Disease Control and Prevention and/or Tompkins County Health Department. For example, if an employee has a fever and their doctor recommends that they stay home and monitor their symptoms.
- Employee is healthy, but placed under COVID-19 related quarantine by their health care provider or Health Department and cannot work from home due to job duties or technical limitations.
- Employee is at higher risk for severe illness from COVID-19 as defined by the CDC (higher risk groups include being 65 years or older, having an underlying health condition or being immunocompromised) and cannot work from home due to job duties or technical limitations.
- Employee needs to provide care to dependents due to COVID-19 related closures.
- Employee has recently traveled to a high-risk area, as defined by the CDC or may have some other exposure to COVID-19.

Paid emergency leave may not be used for:

- Illnesses or dependent care unrelated to COVID-19.
- Replacement of pre-approved vacation, comp or personal time, assuming that the leave is not COVID-19 related.
- Absences for purposes other than those described above.

Employees who do not work due to personal decisions, or non-COVID-19 related illness or injury, may, with approval of their supervisor, utilize their available fringe time.

Approval of Paid Emergency Leave

Supervisors will be responsible for approving the use of paid emergency leave. Additional approval will not be required by the Human Resources Department, though supervisors will require that employees send requests in writing (email or paper) explaining why the emergency leave is being requested and, if

illness-related, the name of the health care professional they have consulted and guidance they have received.

Employees and their supervisors will be responsible for tracking to ensure that the use of paid emergency leave doesn't exceed the 64 day maximum.

Employees may not use emergency leave to accumulate more hours than allowed in their standard workweek. For example, if a 35 hour/ week employee works three 10-hour days due to work demands, and then needs to take emergency leave, they will only use 5 hours of emergency leave to round out their 35 hour workweek.

Tracking Paid Emergency Leave

If using TimeForce, under the "Absence Management Tab," the absence policy code is "Emergency."

If using paper timecards, code the time used as "EMRG."

As the COVID-19 situation continues to evolve, the information provided may not cover all the scenarios employees may face. If you have further questions please consult your supervisor and/or the Human Resources Department.

COVID-19 Telework Guidelines

COVID-19: Who May Work Remotely

Permitted situations where telework may be authorized, assuming the employee is healthy and able to perform duties:

- Employee is healthy but dependent has symptoms or diagnosis related to COVID-19 that have been confirmed by a health care professional. For additional information on COVID-19 symptoms please consult online resources from the Centers for Disease Control and Prevention and/or Tompkins County Health Department. For example, if an employee's child has a fever and their doctor recommends that they stay home and monitor their symptoms.
- Employee is healthy, but placed under COVID-19 related quarantine by their health care provider or Health Department.
- Employee is at a higher risk for contracting COVID-19 as defined by the CDC (higher risk groups include being 60 years or older, having an underlying health condition or being immunocompromised).
- Employee needs to provide care to dependents due to COVID-19 related closures.
- Employee has recently traveled to a high-risk area, as defined by the CDC or may have some other exposure to COVID-19.

Key Considerations:

Priorities & Essential Work

The employee and supervisor will evaluate the responsibilities and priorities of the position, considering customer/collaborator impact and feasibility of completing some or all of it remotely. It is likely that many employees either will not have enough work available remotely to fill their regular work day, or will have demands on their time, for example child care, that will make it impossible to work their full work day. In those cases, the employee should submit regular work hours for time actually worked and take emergency leave if permitted, or other fringe leave for the remaining hours.

Technology

At a minimum, an employee needs a computer, internet, and phone access to work remotely. This may be a County-issued or personal desktop or laptop computer. Tompkins County ITS will not provide technical support for personal devices.

Computer and Internet

Given technology constraints, it is best for employees who receive authorization to work remotely, to coordinate with their supervisor to determine the best approach. For guidance on using OneDrive, please visit the Microsoft Office Support or the County provided Brainstorm training center. On a limited basis, ITS will be setting up Virtual Private Network (VPN) accounts and configurations for employees who require this level of access.

If it is determined that an employee needs a VPN connection, a County-issued laptop is required for technical and security reasons. A VPN connection will allow for completing timecards, as well as accessing files and applications that are located on the County network. At a minimum, each Department should have one staff person with a VPN connection. That will allow a Department to ensure TimeForce certification and a limited ability for sharing via email of files located on the server. To set up a VPN account, please consult with your supervisor, who will consult with ITS.

Please consult with your Supervisor to discuss what computer you will be using, files you plan to access and whether you will be obtaining those files by downloading from the server, uploading to OneDrive, or requesting VPN. Additionally, you should plan with your Supervisor about how you will submit your hours worked remotely. You are responsible for following all County practices and policies to maintain security and protect confidentiality on your device. Please note that the County has limited ability to pay for any additional fees you may be charged by your internet or phone provider, or any damages you may experience to your personal devices, so please discuss any concerns you may have with your supervisor about those issues.

Phone

To work remotely, an employee may also need to roll phone calls forward from their work phones to either a home phone or cell phone. ITS will provide guidance on how to forward incoming calls. Speak to your phone provider about your plan(s) to ensure that you will not experience any overage fees.

Home Environment

Consider whether your home environment is conducive to remote work. Factors include the demands of other household members, household construction, appropriate lighting, seating, and other basic conditions. Set expectations with others in your home regarding your interactions and availability.

Pay

All employees who work remotely when the County is open will be paid for hours worked at their regular hourly rate of pay. Overtime and comp time accruals must be approved in advance by your supervisor.

Remote Agreements & Expectations

Department Heads or supervisors and employees must sign a written COVID-19 Telework Agreement outlining duration and expectations.

Time & Performance

Discuss with your supervisor how your time and performance will be managed. Communicate regularly with your supervisor regarding your work priorities, deliverables, timelines, etc.