

**\*Updated 03-31-2020. Based on the evolving nature of this situation, this information is the most current and updated, and is subject to change.**

This is written as general guidance for most office environments, however, emergency responders and health providers may use different standards and protocols given their unique operational needs (e.g., health care providers may frequently be in contact with individuals being tested for or who have tested positive for COVID-19).

Additionally, this guidance is intended for planning purposes in each potential scenario outlined below. Employers and employees should use this planning guidance to help identify risk levels in workplace settings and to determine any appropriate control measure to implement. Additional guidance may be needed as COVID-19 pandemic conditions change, including as new information about the virus, its transmission, and impacts become available.

Finally, DMS continues to review H.R. 6201, as passed by Congress and signed by the President. The bill includes provisions related to leave, which may be applicable to some of the situations discussed below, and becomes effective on April 1. Additional guidance will be disseminated once available.

### **Scenario-Based Guidance**

#### **Scenario: An agency employee tests positive for COVID-19.**

##### **1. What does the agency direct the employee to do?**

The agency will direct the employee to remain at home and not return to the workplace until they have been cleared by a medical professional or meet the requirements provided in the [CDC guidance](#). The employee would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

##### **2. What does the agency do with respect to employees who came into contact with an employee who tests positive?**

While maintaining confidentiality of the employee who tests positive, the agency will direct the employees who work in the same unit and/or came in contact with the employee who tested positive to remain at home and not return to the workplace until a period of 14 days with no symptoms has passed since contact with the positive person. Supervisors should be advised to notify the designated agency human resource professionals so HR can work with the infected employee to obtain possible contacts beyond work or the office/unit within the agency and then notify the impacted employees and their supervisors.

The employees would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

### 3. What sanitation procedures will occur when an employee/employees are sent home?

If this occurs, the agency should contact the DMS Real Estate Development Management (REDM) facility manager (in a DMS-managed facility), their landlord (in a private-leased facility), or their building manager (in an agency-managed facility) to notify them of the situation.

It is recommended to close off areas used by the ill persons and the spaces of those that came into close contact with the person that tested positive and wait as long as practical before beginning cleaning and disinfection. Open outside doors when possible to increase air circulation. Cleaning staff should clean and disinfect all areas (e.g., offices, bathrooms, and common areas) used by the ill persons, focusing especially on frequently touched surfaces.

In general, agencies and their landlords should follow [CDC Environmental Cleaning and Disinfection Recommendations](#) for offices. Cleaning refers to the removal of dirt and impurities, including germs. Disinfecting works by using chemicals to kill germs on surfaces. Agencies and employees should proactively wipe down surfaces with disinfectant wipes.

In DMS-managed facilities, janitorial vendors have increased the number of cleanings throughout the day by frequently cleaning door handles, elevators, and other often touched or used surfaces. These cleanings are being done early morning, mid-morning, early afternoon, and late afternoon, using alcohol-based sanitizers and disinfectant wipes and neutral disinfectant cleaners for floors. It is recommended as a standard practice that agencies frequently wipe common areas with disinfectant wipes to reduce the likelihood of the spread of germs.

### 4. What can employers do to help mitigate potential risk of exposure?

Employers can encourage employees to practice social distancing, provide telework options for positions that are eligible, utilize staggered work schedules to reduce the number of employees in the office at the same time, etc. Additional planning resources are available on DOH's dedicated [COVID-19 webpage](#), the [CDC webpage](#) for businesses and employers, and from the [Occupational Safety and Health Administration](#).

#### Scenario: An agency employee is being tested for COVID-19.

##### 1. What does the agency direct the employee to do?

The agency will direct the employee to remain at home and not return to the workplace until test results are confirmed negative or they have been cleared by a medical professional to do so. The employee would be eligible to use his/her accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

##### 2. What does the agency do with respect to employees who came into contact with an employee who is being tested for COVID-19?

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

While maintaining confidentiality of the employee who is being tested, the agency will direct the employees who work in the same unit and/or came in contact with the employee who is being tested to remain at home and not return to the workplace until test results are confirmed negative or a period of 14 days with no symptoms has passed since the contact with the positive person. Supervisors should be advised to notify the designated agency human resource professionals so HR can work with the employee being tested to obtain possible contacts beyond work or the office/unit within the agency and then notify the impacted employees and their supervisors.

The employees would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

### **3. What sanitation procedures will occur when an employee/employees are sent home?**

If this occurs, the agency should contact the DMS REDM facility manager (in a DMS-managed facility), their landlord (in a private leased facility) or their building manager (in an agency managed facility) to notify them of the situation. The facility manager may direct additional cleanings and disinfection of the employee's work area. In a leased facility, the agency may request additional cleanings and disinfection.

In general, agencies and their landlords should follow [CDC Environmental Cleaning and Disinfection Recommendations](#) for offices. Cleaning refers to the removal of dirt and impurities, including germs. Disinfecting works by using chemicals to kill germs on surfaces. Agencies and employees should proactively wipe down surfaces with disinfectant wipes.

In DMS-managed facilities, janitorial vendors have increased the number of cleanings throughout the day by frequently cleaning door handles, elevators, and other often touched or used surfaces. These cleanings are being done early morning, mid-morning, early afternoon and late afternoon, using alcohol-based sanitizers and disinfectant wipes and neutral disinfectant cleaners for floors. It is recommended as a standard practice that agencies frequently wipe common areas with disinfectant wipes to reduce the likelihood of the spread of germs.

### **Scenario: An agency employee displays symptoms of COVID-19.**

#### **1. What does the agency direct the employee to do?**

As always, if the health of fellow employees is endangered by an employee exhibiting observable symptoms of an infectious disease, supervisors have the authority and obligation to require the employee to leave the workplace. Where practicable, supervisors should first seek the approval of their manager, division director, or human resources office before sending a sick employee home.

Symptoms of the COVID-19 virus include fever, cough, or shortness of breath. The employee would be eligible to use his/her accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees with symptoms who request and are able to work remotely may do so in consultation with their supervisors. Employees without

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

### **2. What does the agency do with respect to employees who came into contact with an employee who displays symptoms?**

While maintaining confidentiality of the employee who is displaying symptoms, the agency will direct the employees who work in the same unit and/or came in contact with the employee who is displaying symptoms to remain at home and not return to the workplace until test results are confirmed negative or a period of 14 days with no symptoms has passed since the contact with the person displaying symptoms. Supervisors should be advised to notify the designated agency human resource professionals so HR can work with the employee who is displaying symptoms to obtain possible contacts beyond work or the office/unit within the agency and then notify the impacted employees and their supervisors.

The employees would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

### **3. What sanitation procedures will occur when an employee/employees are sent home?**

In general, agencies and their landlords should follow [CDC Environmental Cleaning and Disinfection Recommendations](#) for offices. Cleaning refers to the removal of dirt and impurities, including germs. Disinfecting works by using chemicals to kill germs on surfaces. Agencies and employees should proactively wipe down surfaces with disinfectant wipes. The facility manager may direct additional cleanings and disinfection of the employee's work area. In a leased facility, the agency may request additional cleanings and disinfection.

In DMS-managed facilities, janitorial vendors have increased the number of cleanings throughout the day by frequently cleaning door handles, elevators, and other often touched or used surfaces. These cleanings are being done early morning, mid-morning, early afternoon, and late afternoon, using alcohol-based sanitizers and disinfectant wipes and neutral disinfectant cleaners for floors. It is recommended as a standard practice that agencies frequently wipe common areas with disinfectant wipes to reduce the likelihood of the spread of germs.

**Scenario: An agency employee has come into contact with someone outside of the workplace who tests positive for COVID-19.**

#### **1. What does the agency direct the employee to do?**

The agency will direct the employee to remain at home and not return to the workplace until a period of 14 days with no symptoms has passed since the contact with the positive person.

The employee would be eligible to use his/her accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

### **2. What does the agency do with respect to employees who came into contact with the employee who came into contact with someone who tests positive?**

While maintaining confidentiality of the employee who may potentially have been exposed, the agency will direct the employees who work in the same unit and/or came in contact with the employee who may potentially have been exposed to remain at home and not return to the workplace until test results are confirmed negative or a period of 14 days with no symptoms has passed since the contact with the person displaying symptoms.

The employee would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

### **3. What sanitation procedures will occur when an employee/employees are sent home?**

In general, agencies and their landlords should follow [CDC Environmental Cleaning and Disinfection Recommendations](#) for offices. Cleaning refers to the removal of dirt and impurities, including germs. Disinfecting works by using chemicals to kill germs on surfaces. Agencies and employees should proactively wipe down surfaces with disinfectant wipes. The facility manager may direct additional cleanings and disinfection of the employee's work area. In a leased facility, the agency may request additional cleanings and disinfection.

In DMS-managed facilities, janitorial vendors have increased the number of cleanings throughout the day by frequently cleaning door handles, elevators, and other often touched or used surfaces. These cleanings are being done early morning, mid-morning, early afternoon, and late afternoon, using alcohol-based sanitizers and disinfectant wipes and neutral disinfectant cleaners for floors. It is recommended as a standard practice that agencies frequently wipe common areas with disinfectant wipes to reduce the likelihood of the spread of germs.

### **Scenario: An agency employee has come into contact with someone who is undergoing testing for COVID-19.**

#### **1. What does the agency direct the employee to do?**

In an abundance of caution, the agency will direct the employee to remain at home and not return to the workplace until the test results are confirmed negative or a period of 14 days with no symptoms has passed since the contact with the person undergoing testing.

The employee would be eligible to use his/her accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

#### **2. What does the agency do with respect to employees who came into contact with an employee who came into contact with someone undergoing testing for COVID-19?**



## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

In an abundance of caution, the agency will direct the employees to remain at home and not return to the workplace until the test results are confirmed negative or a period of 14 days with no symptoms has passed since the contact with the person who had contact with the person undergoing testing.

The employees would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisors. Employees without available leave (their own or donated) who are unable to work remotely would be subject to leave without pay.

### 3. What sanitation procedures will occur when employee/employees are sent home?

In general, agencies and their landlords should follow [CDC Environmental Cleaning and Disinfection Recommendations](#) for offices. Cleaning refers to the removal of dirt and impurities, including germs. Disinfecting works by using chemicals to kill germs on surfaces. Agencies and employees should proactively wipe down surfaces with disinfectant wipes. The facility manager may direct additional cleanings and disinfection of the employee's work area. In a leased facility, the agency may request additional cleanings and disinfection.

In DMS-managed facilities, janitorial vendors have increased the number of cleanings throughout the day by frequently cleaning door handles, elevators, and other often touched or used surfaces. These cleanings are being done early morning, mid-morning, early afternoon and late afternoon, using alcohol-based sanitizers and disinfectant wipes and neutral disinfectant cleaners for floors. It is recommended as a standard practice that agencies frequently wipe common areas with disinfectant wipes to reduce the likelihood of the spread of germs.

**Scenario: An employee who tested positive for COVID-19 is no longer experiencing any symptoms.**

#### 1. What is required for them to be able to return to the workplace?

Please refer to the [CDC Website](#) for the most current guidance on returning to the workplace.

### **Telehealth Guidance**

#### 1. What is Telehealth?

Telehealth is the provision of healthcare remotely by means of telecommunications technology, including, but not limited to, assessment, diagnosis, consultation, treatment, and monitoring of a patient.

Telehealth services may occur in your own home, from a kiosk in your local pharmacy, or in a hospital or other health care facility. A doctor or other licensed health care practitioner may talk with you or conduct a visit with you via your phone or computer, as long as the device allows the doctor to see and talk with you.

To be covered, an audio conversation must allow for both the telehealth provider and the patient to talk to one another and for the telehealth provider to have a live, real-time

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

visual image of the patient and the patient to have a live, real-time video image of the provider.

### 2. Is Telehealth available to State Employees?

Effective March 26, 2020, through [Executive Order 20-85](#), members of the State Group Insurance Health Plans (Standard and High Deductible HMO Plans and the PPO Plan) may use telehealth to access covered health care services from contracted health care practitioners acting within the scope of their licenses and Florida law. Telehealth services will be covered the same as an in-office visit.

Expanding telehealth access is vital for both those undergoing treatment of COVID-19, experiencing symptoms, or for those seeking preventative care. Telehealth also complies with the social distancing guidance issued by the Centers for Disease Control and Prevention (CDC).

Early access to and waiver of cost sharing for telehealth services will be effective through the expiration of the state of emergency. Preventive telehealth services will become effective under the State Group Health Insurance Plan on January 1, 2021.

### 3. Are there additional costs to Health Plan Members who utilize Telehealth?

The employee has no out-of-pocket costs, including no deductible, co-insurance, or co-payment for services regardless of the service type or place of delivery.

### 4. Does Medicare cover telehealth services?

Yes. Medicare members are also eligible to receive services through telehealth.

To see what is covered under Part B (Medical Services) for Medicare and the conditions for physician participation, visit the [Centers for Medicare and Medicaid Services' Telehealth Information page](#).

### 5. I need to see a doctor about something other than COVID-19, can I use telehealth?

During the state of emergency, which is specified in the Governor's Executive Order 20-52, telehealth services for any health care service provided by a licensed health care provider acting within the scope of his or her license is covered.

## Immunizations Guidance

### 1. Do state employee healthcare benefits cover immunizations?

Yes, your State Group Health Insurance Benefits covers all immunizations recommended by the [ACIP \(Advisory Committee on Immunization Practices\)](#).

### 2. Is there an immunization for COVID-19?

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

No, there is not currently an immunization or vaccine for COVID-19. However, while a flu vaccination is not a cure for the COVID-19 virus, both are respiratory viruses, and this preventive measure can help lessen your chances, and your family's chances, of illness and exposure. Additional information is available at the [National Foundation for Infectious Diseases](#).

### 3. Where can health plan members receive immunizations?

Under current health plans, members can receive immunizations at their physician's office.

Additionally, under Executive Order 20-85, Governor DeSantis has authorized the option for members to receive all immunizations at retail pharmacies such as CVS, Wal-Mart, Winn-Dixie, or other local community pharmacies until the COVID-19 public health emergency has ended.

### 4. Is there a cost to Health Plan Members for immunizations?

For any immunization on the [ACIP schedule](#), there is no cost to the member for the immunization. If the immunization is not on the ACIP schedule, the member may be responsible for up to 100 percent of the cost of the immunization.

If the immunization is provided in a physician's office and it is a non-preventive office visit, the employee may incur an office visit fee. The office fee will vary depending on whether the member is in an HMO or PPO, whether the physician is a primary care provider or specialist, whether the provider is in or out of network, and finally, the setting in which the immunization was given (office, urgent care, hospital, etc.).

## Travel Restriction Guidance

Governor DeSantis issued a directive on March 12, 2020, an executive order (20-80) on March 23, 2020, and an additional executive order (20-82) on March 24, 2020, related to travel.

For the most current travel-related guidance, please refer to the following links:

- [March 12, 2020 Directive](#)
- [Executive Orders](#)
  - [Executive Order 20-80](#)
  - [Executive Order 20-82](#)

### 1. If an employee travels to an area of substantial community spread, will the employee be prohibited from returning to the workplace?

Yes, pursuant to Governor DeSantis' Executive Orders [20-80](#) and [20-82](#). The executive orders do not apply to persons performing military, emergency, or health response.

### 2. What resources can agencies use to determine the areas of the United States experiencing community spread or transmission of COVID-19 as identified by the CDC or a state public health agency?



## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

- [Florida Department of Health's COVID-19 Dashboard](#)
- [Centers for Disease Control and Prevention's COVID-19 Resources](#)
- Department of Health's COVID-19 Call Center 1-(866) 779-6121 or [COVID-19@flhealth.gov](mailto:COVID-19@flhealth.gov). The Call Center is available 24 hours a day, seven days a week.
- More information to assist in identifying these areas will be provided as it is made available.

**3. What type of leave may an employee use when prohibited to return to work due to personal related travel?**

The employee will need to utilize his/her accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed. Employees who can work remotely may do so in consultation with their supervisor. Employees without available leave (their own or donated) or access to a sick leave pool who are unable to work remotely would be subject to leave without pay.

**4. If a state employee travels internationally, on a cruise, or to an area of the United States experiencing community spread of COVID-19, as identified by the Centers for Disease Control and Prevention, do the normal documentation requirements for a medical certification apply before an employee may use their personal leave (including sick leave) hours during the 14-day period he or she is not allowed to return to work?**

No. Employees do not have to provide a medical certification as documentation to use their personal leave.

**5. If a state employee travels internationally, on a cruise, or to an area of the United States experiencing community spread of COVID-19 as identified by the Centers for Disease Control and Prevention, do the normal documentation requirements (including medical certification) apply before an employee may receive sick leave transfer hours during the 14-day period he or she is not allowed to return to work?**

For sick leave transfer hours, the Department of Management Services has suspended the administrative rule provisions governing the existing sick leave transfer program to expand the opportunities for employees to transfer sick, annual, special compensatory, and regular compensatory leave to fellow employees. The medical certification requirement has also been suspended.

**6. May agencies require a medical release certification prior to allowing employees who have been absent from the workplace due to an illness to return to work?**

While return-to-work authorizations may be required at an agency's discretion, agencies should consider the operational needs of the agency and the nature of the work being performed by employees when determining whether such authorizations are necessary. Requiring fitness-for-duty certifications for all types of illnesses can place an unnecessary burden on health care practitioners and employees may be unable to obtain such certifications during emergency conditions.

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

**7. Are the travel directive and Executive Orders referenced above retroactive to employees who traveled prior to their issuance?**

Yes. If an employee has traveled to any of the destinations described, the employee should be sent home and must not return until 14 days have elapsed following the date of return from their travel.

**8. All non-essential in-state and out-of-state business travel is prohibited for the next 30 days. What is considered essential travel?**

Essential travel is determined by each agency and its unique operations. Ultimately, each agency head determines what is considered essential, mission-critical travel for their agency.

**9. A state employee traveling for business should avoid, when possible, attending large gatherings - how is a large gathering defined?**

Refer to the [CDC's guidance on gatherings](#).

### **General Leave Guidance**

**1. What resources are available for more information about COVID-19?**

- [Executive Orders 20-51, 20-52, 20-80, 20-82, 20-83, 20-85](#)
- [Florida Department of Health's COVID-19 Resources](#)
- [Centers for Disease Control and Prevention's COVID-19 Resources](#)
- Department of Health's COVID-19 Call Center 1-(866) 779-6121 or [COVID-19@flhealth.gov](mailto:COVID-19@flhealth.gov). The Call Center is available 24 hours a day, seven days a week.

**2. If an employee is ordered by the Florida Department of Health (FDOH) or the U.S. Center for Disease Control (CDC) to mandatory isolation related to COVID-19, what leave should be used by an employee during this period?**

Since the employee would be under a mandatory isolation as ordered by either the FDOH or the CDC, the employee would be eligible to use their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay for work time missed while on an ordered isolation period, regardless of whether the employee has tested positive for COVID-19. If an employee is not sick, telework should be considered.

DMS continues to review H.R. 6201, as passed by Congress and signed by the President. The bill includes provisions related to leave and becomes effective on April 1. Additional guidance will be disseminated once available.

**3. Are OPS employees eligible for paid hours off during an isolation period?**

## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

No. The use of accrued leave is available only to employees filling salaried positions within the State Personnel System. OPS employees are specifically excluded pursuant to Rule 60L-33.005, Florida Administrative Code (F.A.C.), Other Personal Services Employment.

OPS workers are eligible to telework and should contact their supervisor for additional direction.

DMS continues to review H.R. 6201 as passed by Congress and signed by the President. The bill includes provisions related to part-time employee benefits specifically for COVID-19 and becomes effective on April 1. Additional guidance will be disseminated once available.

#### **4. Are supervisors authorized to send sick employees home?**

Yes, if the health of fellow employees is endangered by an employee exhibiting observable symptoms of an infectious disease, supervisors have the authority and obligation to require the employee to leave the workplace. Where practicable, supervisors should first seek the approval of their manager, division director, or human resources before sending a sick employee home. Symptoms of the COVID-19 virus include fever, cough, or shortness of breath.

#### **5. Are leave requests under the Family and Medical Leave Act (FMLA) and the State's Family Supportive Work Program permitted for a qualifying personal illness or to care for sick family members during the response to COVID-19?**

Yes. Employer obligations under the federal FMLA and state FSWP continue. Agencies should support employees seeking medical assistance for themselves and their families including the approval of FMLA and FSWP for eligible employees, when appropriate.

DMS continues to review H.R. 6201 as passed by Congress and signed by the President. The bill includes provisions related to additional FMLA benefits specifically for COVID-19 and becomes effective on April 1. Additional guidance will be disseminated once available.

#### **6. If a school or day care center closes in response to COVID-19 and employees request leave to be off with their children, may employees use sick leave in addition to other personal leave to stay home with their children?**

Yes, Governor DeSantis directed DMS to waive rules governing leave (DMS EO 20-01, Rule 60L-34.0041, F.A.C., and Rule 60L-34.0042(3) and (5), F.A.C.) to allow our State Personnel System employees to utilize, as well as, donate available leave (sick, annual, special compensatory, and regular compensatory leave) to another state employee to mitigate the disruption of COVID-19. This is important because if schools are closed, day care centers are closed, or elderly parents are homebound due to their vulnerability to the virus, we want to ensure that state employees can use whatever leave is available to them to help take care of their families.

Agencies are encouraged to be flexible, to the extent possible, when reviewing leave requests to care for children who are unable to attend school or day care centers that close in response to COVID-19

**7. If a school or day center closes in response to COVID-19, will state employees be allowed to bring their children to work in state buildings?**

No, employees will not be allowed to bring their children to work as state buildings are limiting access to visitors at this time.

**8. If an employee does not have enough leave to cover necessary absences from the workplace due to childcare, dependent care, or COVID-19 social distancing requirements, may other employees donate leave to them?**

Yes, Governor DeSantis directed DMS to waive rules governing leave (DMS EO 20-01, Rule 60L-34.0041, F.A.C., and Rule 60L-34.0042(3) and (5), F.A.C.) to allow our State Personnel System employees to utilize, as well as, donate available leave (sick, annual, special compensatory, and regular compensatory leave) to another state employee to mitigate the disruption of COVID-19. This is important because if schools are closed, day care centers are closed, or elderly parents are homebound due to their vulnerability to the virus, we want to ensure that state employees can use whatever leave is available to them to help take care of their families.

**9. What are the parameters for donating annual leave, sick leave, regular compensatory leave, and/or special compensatory leave in response to COVID-19?**

Pursuant to the Governor's Directive, DMS issued guidance for employees wishing to donate leave. Employees who wish to make any type of leave donations (sick, annual, regular compensatory, or special compensatory) must have and retain at least 80 hours of sick leave. Any transfer must be of at least eight hours to the specific recipient. To initiate a leave donation, the employee should complete a "COVID-19 Emergency Leave Transfer Request to Donate" form and submit it to the agency's HR Office. Donated leave can be transferred across all agencies within the [State Personnel System](#). Employees eligible for disability leave may not receive donated leave. Any unused leave donations will be returned to the donating employees after Executive Order 20-52 expires.

**10. Is management permitted to rescind approved annual and compensatory leave?**

Yes, if an employee's absence would disrupt the State's business operations (e.g., significant staffing shortages). Before rescinding approved leave, management should seek staff to volunteer for work. Rescinding leave that is already in progress should be reasonably based on an employee's ability to return to work.

However, we understand that employees with an underlying medical condition, compromised immune system, and/or caring for children at home due to school and day care closures, may be unable to return to work. In these situations, please work with the employee and identify staffing resources that can supplement in these circumstances.

**11. If an individual is under isolation and/or experiencing mild symptoms consistent with COVID-19, may agencies permit and/or encourage employees to telework?**

As directed by Governor DeSantis, agencies are encouraged to offer telework as an option during these uncertain times. If the nature of an employee's work responsibilities can be accomplished away from the assigned work facility and if any necessary technological/equipment needs can be satisfied, the agency may permit and encourage the employee to telework. Agencies should review their telework policies to ensure they are current and up-to-date and consider whether any component of their policies should be modified to allow broader use of telework as appropriate.

**12. How should agencies manage their contingent workforce such as contractors, volunteers, and OPS employees?**

Agencies should plan for the possibility that their contingent workforce may be impacted by COVID-19. While the State Personnel System does not provide paid leave to individuals in these work arrangements, as with its own employees, agencies should also be flexible to the needs of the contingent workforce and plan for the possibility that the contingent workforce may be limited. Additionally, agencies may consider using contingent workers to continue normal operations if a significant portion of the workforce (i.e., employees in legislatively authorized and established positions) is impacted by COVID-19.

DMS continues to review H.R. 6201 as passed by Congress and signed by the President. The bill includes provisions related to part-time employee benefits specifically for COVID-19 and becomes effective on April 1. Additional guidance will be disseminated once available.

Contracted and consultant workers should refer to their employer for information related to their benefits package.

**13. What leave is available for a State Personnel System employee if their office is closed?**

Pursuant to the Governor's [Executive Order 20-52](#), building closures are reported by the [DMS Division of Real Estate Developed and Management](#).

If a building occupied by State Personnel System employees is closed, non-essential Career Service, SES, and SMS employees who are released from duty will receive administrative leave.

Essential employees should consult with their supervisors for further direction on how to report in accordance with their agency's continuity of operations plan. Employees below the bureau chief level who are directed to work during office closures will earn special compensatory leave.

**14. [Executive Order 20-83](#) refers to protective measures for vulnerable populations. What leave options are available to individuals over the age of 65 or with serious underlying medical conditions who are being urged to stay home?**

Employees may utilize their accrued annual leave, sick leave, personal leave, donated leave, or leave without pay. Employees who can work remotely may do so in consultation



## COVID-19: Frequently Asked Questions HR Practitioners (SPS Agencies Only)

with their supervisor. Employees without available leave (their own or donated) or access to a sick leave pool who are unable to work remotely would be subject to leave without pay.

DMS continues to review H.R. 6201 as passed by Congress and signed by the President. The bill includes provisions related to leave and becomes effective on April 1. Additional guidance will be disseminated once available.

### **Federal Guidance:**

**1. Does the Families First Coronavirus Response Act include benefits for state employees?**

Yes. As passed by Congress and Signed by President Trump, H.R. 6201 contains several provisions related to employee leave, FMLA, and health benefits.

DMS continues to review this legislation and will provide additional guidance as it becomes available.