

GUIDELINES FOR DETERMINING ESSENTIAL EMPLOYEES AND UTILIZING TELEWORK

News surrounding the Coronavirus (COVID-19) changes almost daily. The safety and well-being of our employees during this time are of paramount importance. To that end, the State Personnel Department is issuing the following guidance to State agencies in response to the March 15, 2020 memorandum issued by the Governor regarding the Coronavirus (COVID-19) and the continuity of State government operations. Agencies should ensure that these guidelines are consistently applied and should express to their employees that these guidelines are temporary during the pendency of this event.

1. Who is classified as an essential employee?

An essential employee is an employee who is required to report to his or her designated work location to ensure the continued operation of the essential functions of the agency during an emergency. Each agency must determine which employees are essential to carry out its mission. There may be an essential employee who is able to perform his or her duties remotely, but by and large essential employees are expected to report to work.

2. Are essential personnel required to work?

Essential personnel are expected to report to work unless they are specifically excused by their supervisors. Failure to report to work may result in disciplinary action.

3. May an agency reassign an employee to other duties?

Yes. Employees, both essential and non-essential, may be temporarily reassigned to other duties. If the agency does not require non-essential employees to report to work, they should work from home if possible. If working from home is not possible for a non-essential employee, the employee will continue to be paid on an emergency basis pursuant to the Governor's authorization during the State of Emergency dated March 13, 2020.

4. May an agency implement telework for its employees?

An agency may allow and require employees to work from home as needed to maintain business operations and continuity of services. Employees should be reminded that this is a temporary measure and that any modifications of standard job duties during the period are also temporary.

5. What are some guidelines for those employees who will be allowed to telework during this State of Emergency?

- An employee that is allowed to telework must be available during his or her scheduled work hours by phone, email, or specified methods of communication with his or her supervisors, coworkers, and any other person with whom job-related communication is necessary.
- If the employee is Fair Labor Standards Act (FLSA) non-exempt, he or she will be required to record all hours worked. If overtime becomes necessary, it must be pre-approved by the supervisor.

- If an employee is teleworking, security and confidentiality of information must be maintained in the same manner as the normal place of work.
- All terms and conditions of employment remain in place.
- Employees that telework will still be subject to the rules, regulations, and policies of the agency.

6. May an agency require its employees to wear personal protective gear (masks, gloves, etc.) to limit exposure to COVID-19?

Yes. The agency should provide the protective gear and be prepared to make accommodations if needed, such as providing non-latex gloves if the employee has a sensitivity to latex.

7. May an agency implement alternate work schedules for its employees?

Yes. An agency may require its employees to work alternate work schedules, such as alternating work days or shifts, in order to achieve appropriate social distancing while still ensuring continuity of work.