***SUMMARY OF CIVIL SERVICE GUIDELINES DURING COVID-19***

As set forth in Governor Murphy’s Executive Order No. 103, the Civil Service Commission is authorized to waive, suspend or modify any existing rules where enforcement will be detrimental to the public welfare. The Executive Order also authorizes the Commission to take appropriate steps to address the public health hazard of COVID-19 and, accordingly, has issued guidelines to do so.

1. **Alterations to Existing Work Arrangements**

Generally, in normal situations, State agencies, commissions, political subdivisions and other appointing authorities subject to Civil Service regulation may implement flextime programs, alternate work week programs and adjust the daily or shift hours upon approval of the Commission Chair or her designee. However, as set forth in Executive Order 103, appointing authorities are permitted to implement or modify flextime or alternate work week programs and may adjust established hours of daily or shift operations without the need for prior approval. These arrangements may include modifications regarding hours of work and break times. Before implementing any new program or modification of an existing program, appointing authorities shall advise the Governor’s Office of Employee Relations.

**II. Applicable Leave Time Procedures**

1. Employee’s Illness

An employee is not required to utilize accumulated leave time if they provide documentation verifying the following within three work days of the initial absence: (a) diagnosed with COVID-19; (b) directed by a medical professional or government agency to self-isolate or quarantine due to suspicion of exposure to or diagnosis with COVID-19, and/or (c) undergoing a period of self-quarantine or isolation pursuant to public health assessment recommendations. If an employee does not provide documentation, then the employee will be required to utilize their own accumulated leave time.

B. Care for Immediate Family Member

If an employee’s absence is caused by the need to care for an immediate family member who (i) has been diagnosed with COVID-19; or (ii) was directed by a medical professional or government agency to self-isolate or quarantine due to suspicion of exposure to or diagnosis with COVID-19; and/or (iii) is undergoing a period of self- quarantine or isolation pursuant to public health assessment recommendations, the employee must submit documentation verifying the family member’s COVID-19- related illness, exposure, and/or quarantine period to the Appointing Authority within three days of the employee’s initial absence. If documentation is not provided, the employee will be required to use any accumulated leave time.

1. Exposure To or Diagnosis With COVID-19

Employees who have been exposed to or diagnosed with COVID-19 virus will not be permitted to enter the workplace until they are either medically cleared, or until the expiration of the recommended 14-day period of quarantine from the point of last exposure (regarding those who were exposed).

**III. Employees Subjected to Documentation Requirements for Excessive Absenteeism/Abuse of Sick Leave**

Employees who had previously been subjected to documentation requirements under their employer’s policies and procedures due to excessive absenteeism or abuse of sick leave shall not be disciplined for future absences that occur as a result of their being suspected of, or diagnosed with, the COVID-19 virus or having to be absent to care for a family member impacted by the virus. Employers are also not permitted to use any absenteeism related to the COVID-19 virus to subject any employee to documentation requirements for excessive absenteeism. If an employee does not submit documentation within a reasonable period of time to support the asserted COVID-19 related absence, the employer may exercise its discretion in determining its response.

**IV. School Closures**

Employees who have not been exposed to the virus or diagnosed with the virus but who wish to stay home with a child of whom they are the parent or legal guardian due to the closure of a preschool or school program or child care center related to COVID-19, will be required to provide documentation verifying the closing. Employers have been directed to review their current Continuity of Operations Plans (COOP) to determine if work from home arrangements can or should be accommodated for both essential and non-essential employees during the period of closure. If a work from home arrangement cannot be accommodated, the employee will not be required to use accumulated leave during the COVID-19-related closure.

If the employee is staying home to care for a child who is under suspicion of having the virus or has been diagnosed with COVID-19, the employee will be required to provide documentation from a medical professional or government agency in order for the leave time procedures above to apply.

For direct care employees, custody staff in correctional facilities, and any other employee deemed essential in accordance with Civil Service rules or the employer’s COOP, if their child’s preschool or school program is closed, they may be required to report to work as if the curtailment of State operations and services had been implemented.

**V. Staffing**

Employers should actively review their current COOP, including lists of employees designated as essential. In the event of a partial or full closure of State government operations, essential employees should be notified regarding whether they are required to report to work, in accordance with their essential designation, and will be paid at their regular rate of pay. Representative unions should also be notified of such changes.

Appointing Authorities should also be reviewing their COOP to determine if requests to work from home can or should be accommodated for both essential and non-essential employees during this period of time.

In the event of staffing shortages that disrupt the usual delivery of government services due to a COVID-19 diagnosis and/or necessity of quarantine, it may become necessary for employers to reassign essential work duties to ensure the continuity of operations. This potential temporary assignment of out-of-title work is permissible as long as the employee is otherwise qualified for the out-of-title work, the assignment is temporary in nature, and the employee’s normal duties resume upon return of the absent employee.

Where appropriate, essential employees may be required to work from home under certain circumstances, at the employer’s discretion. In this circumstance, the employer must provide all equipment, tools, and resources necessary to accommodate such work.

**VI. Required Medical Documentation**

In situations where individuals are undergoing a period of isolation or quarantine, documentation from a local, state or federal governmental agency, a medical professional, office, or hospital or proof that the employee was recently in a location where the recommendation by a governmental agency is to self- quarantine will satisfy the requirement to provide documentation. Additional forms of documentation may be permitted by the State agency, commission, or Appointing Authority following consultation with the Chair of the Commission. For individuals who are caring for an immediate family member sickened by or diagnosed with COVID-19, the employee shall submit documentation verifying the family member’s COVID-19-related illness to the Appointing Authority’s Human Resources Office within three days of the employee’s initial absence.

If an employee is absent from work without sufficient documentation confirming diagnosis or quarantine or isolation due to exposure or potential exposure to COVID-19, the employer’s standard leave rules apply.

***Unemployment***

Here’s a breakdown from the state Department of Labor:

* If you can’t work because your child’s school or daycare closed: You can use your paid sick leave.
* If you can’t work because your employer voluntarily closed: You may be eligible for unemployment compensation.
* If you can’t work because your employer was ordered to close: You can use your sick leave and then apply for unemployment compensation.
* If you still have a job but are losing hours because of the coronavirus: You may qualify for partial unemployment benefits.
* If you won’t work because a health care provider has deemed you high-risk: You can use your sick leave and you may qualify for temporary disability insurance.
* If you have the coronavirus or symptoms and can’t work: You would have to tap into your own accrued sick leave. If you burn through all of your sick leave, you may be able to apply for temporary disability insurance. And if you contracted the virus at work, you may be able to apply for workers’ compensation.
* If you were exposed to the coronavirus through your work and were told to self-quarantine: You may be able to use your sick leave or apply for workers’ compensation.
* If you were exposed to the coronavirus outside of work and were told to self-quarantine: You can use sick leave.
* If you can’t work because you have to care for a relative who has the coronavirus or symptoms: You can use sick leave and then apply for family leave insurance, which allows you to care for an ill member of your family or someone you consider family.

***Legislation***

**A3846:**

Appropriates $20,000,000 to create a "Temporary Lost Wage Unemployment Program.” Under this program, individuals may claim lost wages in connection with COVID-19, while allowing employers to pay wages to workers ordered under quarantine by a licensed healthcare practitioner.

To the extent permitted within the $20,000,000 appropriation, lost wages paid under this bill will be equivalent to the individual’s average weekly rate of compensation from the past calendar year. The benefit is available if the individual otherwise lacks access to paid leave. The fund appropriates $10,000,000 to compensate actual lost wages resulting from COVID-19 caused by:

• the need to care for a family member;

• the individual’s absence from work due to the illness of the individual;

• the individual’s absence from work due to a school or childcare facility being closed; and

• for “such other purposes as determined by the commissioner.”

Individuals receiving unemployment benefits will not be eligible for compensation under this bill.

To qualify, an individual must submit an application consisting of income verification, within three months of the Governor’s declaration of emergency in Executive Order 103.

The remaining $10,000,000 appropriated under this bill will be to assist employers who pay wages to workers who are ordered under quarantine by a licensed healthcare practitioner as a result of coronavirus disease 2019.

The fund may also include any federal funds received.

Willful misrepresentation by an individual or employer of data or information in connection with an application for relief under this bill will incur a fine of $10,000.

**A3847:**

Provides paid leave without utilizing accumulated leave time for public employees under certain circumstances. Specifically, under this bill public sector employees will not be required to utilize accumulated leave time if the employee provides documentation, within three work days of an initial absence, verifying that the employee is:

• diagnosed with COVID-19;

• directed by a medical professional or government agency to self-isolate or quarantine; or

• is undergoing a period of self-quarantine or isolation pursuant to public health assessment recommendations.

Failure to provide documentation of the above will cause the employee to have to utilize accumulated sick leave.

**A3848:**

Provides that an employee cannot be penalized or terminated if the employee requests or takes time off from work based on the written or electronically transmitted recommendation of a medical professional licensed in New Jersey that the employee take the specified time off because the employee has, or is “likely to have,” an infectious disease which may infect others at the employee’s workplace.

If an employer violates this provision, an affected employee may file a complaint with the Commissioner of Labor and Workforce Development. Alternatively, the affected employee may initiate a court action to seek reinstatement to employment.

Violation of this bill by an employer will incur a fine of $2500 and, where applicable, reinstatement of the affected employee.