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GENERAL CIRCULAR NUMBER 2020-014

DATE: March 19, 2020

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: COVID-19 – No. 7: Additional Workforce Guidance on Emergency Rule Chapter 27

This General Circular provides an update on guidance to Appointing Authorities and Human Resources Professionals on current workforce issues related to COVID-19. It is imperative that state agencies continue to monitor directives from the Governor's Office and the Division of Administration during this time. State Civil Service has been working closely with all partners to ensure we are able to provide guidance during this ever-changing environment.

Human Resources Professionals are encouraged to review H.R. 6201 – Emergency Family and Medical Leave Expansion Act (EFMLEA) that was signed into law by the President of the United States. The Act is expected to go into effect no later than April 2, 2020. The Act includes paid sick leave provisions and an expanded Family and Medical Leave Act. State Civil Service is currently reviewing the Act and will provide information in the coming days. In the meantime, Human Resources Professionals should monitor their local and national HR organizations, as many will be offering resources and webcasts on the effects of the Act. The Act can be viewed on Congress.gov: <https://www.congress.gov/bill/116th-congress/house-bill/6201>

On Wednesday, March 18, 2020, the State Civil Service Commission held an emergency meeting to consider emergency rules and provisions for the classified workforce in response to COVID-19. The adopted emergency rules can be found in Chapter 27 of the State Civil Service Rules.

In some cases, the adoption of these emergency rules changes the initial guidance previously provided through General Circulars by State Civil Service. Agencies should review the emergency rules and contact their Agency Relationship Manager with any questions.

TO FOLLOW IS AN OVERVIEW OF THE EMERGENCY RULES. THIS GENERAL CIRCULAR DOES NOT PROVIDE ALL PROVISIONS OF THE RULES AND DOES NOT SUBSTITUTE FOR A REVIEW OF THE ACTUAL RULES.

TO VIEW THE RULES IN THEIR ENTIRETY, CLICK HERE:

<https://www.civilservice.louisiana.gov/CSRules/Chapter27.aspx>

Prior to placing classified employees on leave, Appointing Authorities are encouraged to consider telework options, as practical.

27.1 Sick Leave Expansion

Change from previous General Circular guidance related to exhaustion of leave

This rule allows an Appointing Authority the discretion to grant sick leave for circumstances outlined in the rule without requiring the employee to exhaust compensatory and annual leave prior to granting sick leave use for a spouse or domestic partner, or dependent child or for an employee with immunological disorders.

For purposes of this rule, spouse includes a domestic partner.

27.2 Special Paid Leave

This rule allows an Appointing Authority the discretion to grant special paid leave under Rule 11.23(d) Act of God. Please note: Prior to an employee being eligible for Act of God leave under the provisions of Rule 27.2(a), the employee must exhaust all sick, compensatory and annual leave. The granting of Act of God leave is at the sole discretion of the Appointing Authority. Additionally, Rule 27.2(b) provides greater discretion to an appointing authority to grant special leave out of an abundance of caution when it's in the best interest of his agency for situations related to COVID-19. For example, an Appointing Authority may choose to utilize Rule 11.23(d) to remove an asymptomatic employee from the workplace who may have been exposed to COVID-19 for the incubation period of the virus. Under Rule 27.2(b), it is not required that the employee exhaust other forms of leave.

27.3 Required Sick Leave

This rule allows an Appointing Authority the discretion to place an employee in sick leave and require the employee to remove himself from the workplace when the employee declines to use sick leave but presents himself for duty displaying symptoms of COVID-19.

27.4 Limitation of Civil Service Rule 12.6

For the duration of Chapter 27, Appointing Authorities shall not non-disciplinary remove an employee for exhaustion of sick leave or unscheduled absences related to COVID-19.

27.5 Overtime Pay Expansion

This rule allows an Appointing Authority the discretion to compensate state overtime related to COVID-19 activities performed by both exempt and non-exempt employees at the time and one-

half rate. Please note: this authority is effective March 18, 2020. This authority is granted prospectively only, unless the state agency has a previous policy approved by the Commission.

27.6 Delegation of Authority to Director

This rule allows the Director the ability to act on non-routine matters between meetings of the State Civil Service Commission. All requests for special staffing and compensation considerations should be routed through the agency's Agency Relationship Manager.

27.7 Suspension of Deadlines

This rule suspends all deadlines imposed by the Civil Service Rules for thirty calendar days effective March 18, 2020, unless such suspension is extended by the Commission or the Director.

27.8 Special Meeting Rules

This rule allows the State Civil Service Commission to meet by electronic means in such a manner that all members of the public can participate.

27.9 Supporting Documentation

This rule allows an Appointing Authority to require appropriate documentation to establish a need for leave as related to Emergency Rule 27.1 and 27.2.

27.10 Expiration of Rule

Chapter 27 is effective prospectively from March 18, 2020. The provisions related to caring for a dependent child residing in the employee's household due to a school closure shall expire at 12:01 a.m. on April 13, 2020, unless extended by the Commission or the Director. All remaining provisions of Chapter 27 will expire on Order of the Commission or in 120 days, whichever comes first.

Please contact your Agency Relationship Manager or email SCSInfo@la.gov if you have any questions.

Sincerely,

s/Byron P. Decoteau, Jr.
State Civil Service Director