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TO: Heads of State Agencies and Human Resources Directors

SUBJECT: COVID-19 – No. 35: Approved Amendments to Civil Service Rule 11.35(d)
(On an emergency basis)

At its General Business meeting held on April 7, 2021, the State Civil Service Commission amended Civil Service Rule 11.35(d), effective April 1, 2021, on an emergency basis in accordance with Civil Service Rule 2.10(f).

In summary, the approved amendments to Civil Service Rule 11.35(d):

- Remove references to the Emergency Paid Sick Leave Act and the Expanded Family and Medical Leave Act,
- Specifically list each leave provision available to Appointing Authorities on a permissive basis, and
- Propose up to 80 hours of leave for a full-time employee at two-thirds his regular rate of pay up to \$200/day (maximum \$2,000 in the aggregate for the 80-hour period) to care for a child whose school or place of care is closed or child care provider is unavailable for reasons related to COVID19. Leave provided under CSR 11.35(d)2 shall not be used to deduct from the employee's Family and Medical Leave Act leave allotment.

The amended rule reads as follows:

[CHAPTER 11: Hours of Work, Annual, Sick and Other Forms of Leave](#)

11.35 Special Leave Related to COVID-19 Health Pandemic

(d)

1. Subject to the limitations set forth herein, Appointing Authorities may grant paid leave of up to 80 hours for a full-time employee through September 30, 2021 for any one or a combination of the following:
 - a. an employee subject to a quarantine or isolation order related to COVID-19;
 - b. an employee advised by a health care provider to self-quarantine related to COVID-19;
 - c. an employee experiencing COVID-19 symptoms and seeking a medical diagnosis;

- d. for an employee caring for an individual subject to a quarantine or isolation order related to COVID-19 or caring for an individual advised by a health care provider to self-quarantine related to COVID-19.
2. Appointing Authorities may grant paid leave of up to 80 hours for a full-time employee through September 30, 2021 for an employee caring for a child whose school or place of care is closed or childcare provider is unavailable for reasons related to COVID-19.
3. For leave set forth in 1.a, b and c above, an employee may receive his regular rate of pay up to \$511/day (maximum of \$5,110.00 in the aggregate for the 80-hour period). For leave set forth in 1.d and 2 above, an employee may receive two-thirds of his regular rate of pay up to \$200/day (maximum \$2,000 in the aggregate for the 80-hour period).
4. Leave set forth in this rule is only available to employees who have not previously exhausted these leave allotments under the former Families First Coronavirus Response Act or previous versions of this rule. Leave shall be pro-rated for eligible employees working less than full-time.

For updated leave codes, please refer to guidance published by the Office of State Uniform Payroll.

Should you have any questions about the amendments, please contact your agency's Human Resources Office or your Agency Relationship Manager.

Sincerely,

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