


## MEMORANDUM

TO: All Agency Directors, Personnel Managers and Labor Relations Administrators

FROM: Janel L. Forde, Director, Central Management Services 

DATE: March 13, 2020

SUBJECT: COVID-19: Employer Guidance

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This memorandum provides guidance to agencies for situations that may arise as a result of COVID-19. At a high level:

- Agencies may require employees with symptoms of COVID-19 to leave the workplace and seek a medical evaluation. These releases should be done cautiously, and with the understanding that the day an employee is asked to leave will be without a loss of pay to the employee.
  - **Symptoms of COVID-19 are fever and/or signs/symptoms of lower respiratory illness e.g. cough or shortness of breath.**
- If an employee is diagnosed with or quarantined as a result of COVID-19, that employee will continue with pay without needing to use their own leave. Agencies may require substantiation of the diagnosis or quarantine order.
- Agencies are encouraged to be liberal in the application of leaves and advancement of time for employees presenting with COVID-19 symptoms.

### **If the Employee Reports to Work with Symptoms of COVID-19**

If an employee exhibits the symptoms of COVID-19 during the work period, the Employer should (1) send the employee home; (2) provide the employee approved time off with pay (use appropriate agency payroll code without deducting accrued benefit time); and (3) direct the employee to immediately call his/her medical provider and report his/her symptoms in order to obtain a diagnosis and assessment of ability to return to work.

The employee should be informed that if the employee's medical provider determines the employee is able to return to work, the employee must do so immediately.

If the employee's medical provider determines the employee is unable to return to work, the employee must provide documentation indicating whether there is suspected COVID-19 or not.

If the employee has a diagnosis of potential COVID-19, initially, the employee should remain in approved time off with pay status (without loss of benefit time). If the Employer suspects abuse of such approved time, the Employer should request additional documentation or an assessment by the Illinois Department of Public Health or local department of public health to substantiate that the employee poses a public health risk that would justify approved time off with pay.

If the diagnosis is not COVID-19, the documentation should also list the date the employee can return to work. Any absence by an employee after documentation of a non-COVID-19 diagnosis must be covered by the employee's sick leave or other appropriate benefit time. If an employee does not have available benefit time, agencies are encouraged to offer advancement of sick leave in accordance with the Personnel Rules, and any applicable collective bargaining agreement.

Agencies may also use the process outlined above for employees who call in reporting symptoms consistent with COVID-19 and request approved time off with pay (without loss of benefit time).

#### **If the Employee Calls in and Requests use of Sick Time**

If an employee calls in and requests use of sick time or other appropriate benefit time, the Employer should allow the employee to use such time in accordance with the applicable CBA and agency policies and procedures. If the Employer suspects abuse of sick time, the Employer should request documentation in accordance with the applicable CBA and agency policies and procedures.

#### **If the Employee is Quarantined by a Medical Provider, IDPH, or the CDC**

If an employee is quarantined by a medical provider, IDPH or the CDC, initially, the employee should be provided approved time off with pay (without loss of accrued benefit time). If the Employer suspects abuse of such approved time, the Employer should request additional documentation to substantiate that the employee poses a public health risk that would justify continued approved time off with pay.

The Employer may require quarantined employees to work remotely. Likewise, quarantined employees may request to work from home.

If you have any questions regarding an employee's use of time, please contact your Agency Personnel Manager/Labor Relations Administrator or CMS Labor Relations.