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Sarah H. Steelman
Commissioner

To: All State Departmental Employees

From: Sarah Steelman

Date: February 25, 2021

Re: Leave guidance related to Coronavirus Disease 19 (Version 7)
(Superseding all previous versions.)

To minimize the spread of illness during the Coronavirus Disease 19 (COVID-19) outbreak, we are asking all team members (including supervisors) to be flexible, consistent with this Guidance, regarding leave for team members who are or may be sick.

This Version amends Section B.5. to allow vaccinated team members who have had close contact with an infected person to avoid quarantine if the identified requirements are met.

A. Emergency Paid Sick Leave Related to COVID-19.

Through March 31, 2021, state team members (subject to the exceptions discussed below) may receive two weeks of Emergency Paid Sick Leave – up to a total of 80 hours (including Emergency Paid Sick Leave taken prior to December 31, 2020) – at the team member’s regular rate of pay when the team member is unable to work or telework because (a) the team member is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 that prevents the team member from working or teleworking (most “stay-at-home” orders exempt government work activities); (b) the team member has been advised by a health care provider to self-quarantine, either because the employee has or may have COVID-19 or because the employee is particularly vulnerable to the virus; or (c) the team member is experiencing any of the symptoms of COVID-19 (fever of 100.4° or above, dry cough, shortness of breath, or any other COVID-19 symptoms identified by the federal Centers for Disease Control and Prevention) and is seeking a medical diagnosis. If a team member fits within any of these categories, this Emergency Sick Leave shall be made available for team members to take before they can be required to take any other kind of leave discussed in Section B, Other State Leave Related to COVID-19, below. Team members eligible for this kind of leave should consult with their respective human resources staffs for information about how to document the applicability of their situation to this type of leave. The documentation requirements shall continue to be the same as under the federal Emergency Paid Sick Leave Act. Paid sick leave is also available under

the circumstances set forth above for part-time employees. Part-time employees with questions about Emergency Sick Leave should contact their Department's human resources personnel; Emergency Sick Leave for part-time employees continues to be subject to the same requirements existing under the federal Emergency Paid Sick Leave Act. Team members should note that eligibility for Emergency Sick Leave is narrower than for many types of leave discussed in Section B, Other State Leave Related to COVID-19, below. However, eligibility for Emergency Sick Leave is broader than eligibility for Other State Leave Related to COVID-19 in at least one respect: an employee whose circumstances meet the criteria described by section (b) above due to particular vulnerability to the virus would not, based solely on such facts, be eligible for Other State Leave Related to COVID-19.

Exceptions

“Health care providers” and “emergency responders,” as defined in this paragraph are excluded from eligibility for Emergency Sick Leave. These definitions are the same as in the prior versions of this memo. A “health care provider” is “anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, [e]mployer, or entity” and including “anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.” An “emergency responder” is “anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

B. Other State Leave Related to COVID-19.

1. Team members who are or may be sick. Influenza and other respiratory infections including COVID-19 have similar if not identical signs and symptoms. Team members who feel sick or who develop COVID-19 symptoms as discussed in this paragraph should take their temperature twice a day to accurately track their temperature and call their physician. A team member who is sick should NOT report to work. “Sick” in this context means the team member has a fever at or above 100.4° F; or unexplained body aches, headache, or sore throat; or chills, new loss of taste or smell, cough, shortness of breath, difficulty breathing, fatigue, congestion, runny nose, nausea, vomiting, or

diarrhea. If a team member is sick, the team member should not return to the workplace until after their fever has reduced below this level for 24 hours after they have stopped taking fever reducing medicines, the COVID-19 symptoms they experienced have improved, and at least 10 days have passed since the team member's symptoms first appeared (your healthcare professional may extend this 10 day period in instances of severe illness). The team member should use their available leave so that the team member can recover and does not cause others to become sick. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp time, or leave without pay. If the team member's duties can be performed from home and the team member feels able, supervisors should request authorization through the division director for the team member to work from home. Unlike Emergency Sick Leave provision A.(c) above, under this provision a team member does not need to be seeking a medical diagnosis before this provision applies.

2. Team members with pending COVID-19 test results. A team member who has been tested for COVID-19 because they are sick should not report to the workplace while results are pending. In this circumstance, team members should use their available leave. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp time, or leave without pay. Instead of taking leave, if the team member's duties can be performed from home and the team member feels able, supervisors should request authorization through the division director for the team member to work from home until test results are received.

3. Team members who test positive for COVID-19. In accordance with the guidelines of the Centers for Disease Control and the Missouri Department of Health and Senior Services, a team member who has had symptoms of and who tests positive for COVID-19 cannot return to the workplace until their recovery is demonstrated by (1) the absence of a fever – without fever-reducing medications – for at least 24 hours; (2) the improvement in COVID-19 symptoms; AND (3) the passing of at least 10 days since symptoms first appeared (in the event of severe infection your healthcare professional may extend this period up to an additional 10 days). A team member who tests positive for COVID-19 but is asymptomatic cannot return to the workplace until at least 10 days have passed since the team member's first positive test OR the team member who is not severely immunocompromised has subsequently had two negative PCR tests in a row, at least 24 hours apart. A team member in the circumstances described in this category may be eligible for two weeks of Emergency Sick Leave at their regular rate of pay as outlined in Section A, if the team member has been advised by a health care provider to self-quarantine and following that advice prevents the team member from being able to work or telework. After two weeks of Emergency Sick Leave have been utilized for any authorized reason, team members should use their other available state leave if they are unable to return to the workplace. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp time, or leave without pay. Instead of taking leave, if the team member's duties can be

performed from home and the team member feels able, supervisors should request authorization through the division director for the team member to work from home.

Direct care staff, as determined by your departments, at state institutions should receive guidance from their respective departments about returning to the workplace following a positive COVID-19 test.

4. Team members who test negative for COVID-19. A team member with COVID-19 symptoms who tests negative for COVID-19 cannot return to the workplace until any fever has reduced below 100.4° F for 24 hours after they have stopped taking fever-reducing medicines and any other symptoms have improved. In this circumstance, team members should use their available leave. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp time, or leave without pay. Instead of taking leave, if the team member's duties can be performed from home and the team member feels able, supervisors should request authorization through the division director for the team member to work from home.

5. Team members who have had close contact with an infected person. A team member may feel well but may have had close contact with a person who has tested positive for COVID-19. Close contact is defined as being within six feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period, starting from two days before illness onset (or, for asymptomatic infected persons, two days prior to their test specimen collection) until the time the infected person is isolated. If a team member has had close contact and does not meet all three criteria for avoiding quarantine identified later in this paragraph, then the team member shall not report to work until the team member has completed quarantine as follows: The team member has quarantined for ten days following close contact with the infected person, has had no symptoms during daily self-monitoring, AND the team member continues daily symptom self-monitoring and practices mitigation strategies through 14 days; or, the team member has quarantined for seven days following close contact with the infected person, has had no symptoms during daily self-monitoring, the team member receives a negative COVID-19 test result from a specimen collected no sooner than 48 hours before the expiration of this seven day period, AND the team member continues daily self-monitoring and practices mitigation strategies through 14 days. Mitigation strategies include but are not limited to correct and consistent mask use, social distancing, hand and cough hygiene, and avoiding crowds. If a team member has had close contact and meets all three of the following criteria, the team member is not required to quarantine: The team member (1) is fully vaccinated for COVID-19 (i.e., ≥ 2 weeks following receipt of the second dose in a 2-dose series, or ≥ 2 weeks following receipt of one dose of a single-dose vaccine); (2) is within 3 months following receipt of the last dose in the series; AND (3) has remained asymptomatic since the current close contact. If the team member's close contact was with a spouse, child, other relative or household member requiring the team member's personal care and attention, the team member may use sick leave. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp

time, or leave without pay. Instead of taking leave, if the team member's duties can be performed from home and the team member is able to work in light of their care responsibilities, supervisors should request authorization through the division director for the team member to work from home.

6. Borrowed Leave uses under categories 1 – 5. The team member's HR staff shall contact the team member to confirm that Borrowed Leave as specified in categories 1 – 5 is still appropriate to use after each use of 140 hours of Borrowed Leave in any combination from categories 1 – 5 above.

7. School, daycare, and similar closings due to COVID-19. In the event of school, daycare, or adult care closings due to COVID-19, a team member may need to be home with their children or their adult child or parent for whom they need to provide care, even if no one is sick. In such circumstances, the team member should use their available annual and sick leave and may use comp time. In the alternative, supervisors should authorize the following options where viable and consistent with necessary business operations:

- a. *Expand work hours or allow flexible schedules.* For example, allow early morning, evening, and/or weekend work so that team members can care for their children or parents during the day but work in the evenings when a spouse can be home to care for the children or parents.
- b. *Increase the capacity for telecommuting.* ITSD recently communicated instructions to department directors regarding obtaining remote computer access. But supervisors should also think creatively about whether non-technology-based options that might not traditionally have been considered could facilitate work from home.
- c. *Allow job-sharing or job-splitting.* For example, team members who do the same type of job could split the day – one of them could work the first four hours and the other could work the second four hours, thus reducing the amount of leave that each must take.

8. Leave upon returning from international or cruise ship travel. Team members and team members who share household living space with a person returning from international or cruise ship travel should stay home for ten days following the date of return from travel, monitor their health and practice social distancing. In the alternative, such team members may get tested three to five days after the date of return from travel, and if the test is negative, stay home for seven days following the date of return from travel. If the test is positive, the team member should follow the requirements in B.2., above. These team members should NOT report to work. In these circumstances, team members should use their available leave. If the team member does not have any sick leave, the team member shall be authorized to use Borrowed Leave for the absence rather than taking annual leave, comp time, or leave without pay. Instead of taking leave, if the team member's duties can be performed from home and the team member feels able, supervisors should request authorization through the division director for the team member to work from home. If, during this ten or seven day period, the team member's or their household

member's condition would bring them within categories 1 – 5 above, team members should follow the directions in the applicable category, but in no circumstance may team members return to work during the initial seven days following their return or their household member's return from international or cruise ship travel. Link to CDC Travel Notices: <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-cruise-ship>.

9. Borrowed Leave. Borrowed Leave is leave made available to team members without accumulated sick leave for use only in the circumstances identified in this memo. Borrowed Leave will be repaid from sick leave, as it is earned, at the normal rate of accrual for sick leave. At the team member's option, Borrowed Leave may be repaid from annual leave or comp time, in addition to sick leave. For team members separating from state service with a Borrowed Leave balance, salary and comp time (both in excess of minimum wage) and annual leave shall be applied toward repayment of Borrowed Leave until the balance is depleted. Borrowed Leave shall be administered and repaid in accordance with 1 CSR 20-5.030 and 1 CSR 10-3.020, including Borrowed Leave owed at the time of separation.

10. Leave during suite or building closure. As COVID-19 progresses, there may be times that a positive COVID-19 test will cause a suite within a building or an entire building to close so that it can be cleaned and disinfected. When that happens there will be communication about the closure. Team members assigned to the closed area may be relocated to other suites or buildings in appropriate circumstances, may be instructed to work remotely if remote work is an option, or may be excused from work pending further instructions. Consistent with past practices, team members excused from work because they cannot work in their closed suite or building or at an alternative location should be granted administrative leave.

11. Leave guidance if state government buildings are closed to the public. During the time that the Governor has closed state owned and leased buildings or office suites to the public to minimize the spread of COVID-19, team members are expected to maintain vital state services and must work remotely to the extent possible. Team members who previously had 24/7 access to their work locations will maintain that access and additional team members will be granted 24/7 access so that they can perform necessary tasks in their workplaces. All team members who are to report to their workplace will be notified by their Department. Team members should be excused from work if they are not required to perform tasks in their workplace and cannot work remotely. These team members should be granted administrative leave with pay for that time in which they were ready to work but cannot work remotely or have no necessary tasks to be performed in their workplace. Team members eligible to use Borrowed Leave under any provision of the Leave Guidance memo who are excused from work as set forth in this paragraph should have their time coded as administrative leave. Team members excused from work during this time period shall remain available for recall unless the team member is utilizing annual leave, sick leave, Borrowed Leave, or comp time. Recalled team members who are in a circumstance that would make them eligible for federal leave or Borrowed Leave under any provision of this Leave Guidance memo must follow the instructions applicable to that circumstance.

In no event shall a team member earn more administrative leave with pay per day than their regularly scheduled work hours, nor more than 40 hours per work week.

12. Team members with portable equipment (e.g., laptops, iPads) that would allow them to work from home under the conditions set forth above should consider taking such equipment home with them each evening.

13. Guard against unlawful discrimination and stigma by learning the facts about COVID-19 from trusted sources such as the Centers for Disease Control and Prevention and the Missouri Department of Health and Senior Services.

<https://www.cdc.gov/coronavirus/2019-ncov/about/related-stigma.html>.

<https://health.mo.gov/living/healthcondiseases/communicable/novel-coronavirus/>.

14. Questions regarding this memo should be addressed to your agency's HR staff. We will monitor the progression of the outbreak and issue additional or different guidance or directives as may become necessary.