

**To: Connecticut State Agencies**

**From: The Office of Policy & Management and the Department of Administrative Services**

**Re: Guidance regarding matters related to the COVID-19 pandemic, including on-site work, workplace safety, telework, and absences due to COVID-related illness**

**Date: June 11, 2021**

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Over the past fifteen months, the State of Connecticut has continued to respond to the rapidly changing circumstances presented by the COVID-19 pandemic. State agencies have made every effort to continue their operations and provide the services and programs that are relied upon by the citizens and businesses of Connecticut.

Now, as vaccination rates rise and COVID-19 infection rates fall, the State enters a critical transitional phase for re-populating its workplaces safely and effectively. This general guidance is being provided to agencies and State employees to assist in the overall understanding of and available means of responding to various circumstances and issues related to these efforts. Agency-specific instructions designed to meet individual operational needs may be provided by the employing agency.

## **RETURN TO THE WORKPLACE PARAMETERS FOR JUNE 1, 2021 AND JULY 1, 2021**

On May 13, 2021, Governor Lamont announced that the State would begin planning for a new normal working environment, and listed June 1, 2021 and July 1, 2021 as target dates.

- **The 6/1 date calls for “customer facing agencies” to resume in-person services.”** As of this date, customer facing agencies were to have resumed in-person services. The term “customer facing” means that the agency provides customer service to the public or serves a specific client base within the general public. The terms should be interpreted broadly.
- **The 7/1 date calls for employees to resume on-site work for 50% of the time.** The 50% refers to the employee’s scheduled time within a pay period. This assumes that the work allows for the employee to effectively work from home. If that is not the case, the employee should report to the worksite for the full schedule.

## **WORKPLACE SAFETY**

The Department of Administrative Services has published guidance for agencies regarding safe practices in worksites. You may access that information using this link:

<https://portal.ct.gov/-/media/DAS/Facilities/Facilities-Requirements-and-Guidelines-for-Re->

Here are some important things to remember:

- There are no longer any building occupancy restrictions.
- Social distancing requirements will remain at 6 feet, regardless of employee vaccination status. So, **while there are no longer any building occupancy restrictions in place**, agencies may have to consider workspace distribution as a factor in work schedules, including telework.
- Masks are still required in common areas. DPH guidance recommends that all employees continue the practice of wearing a mask in hallways, conference rooms, elevators, and other common areas. This requirement applies to everyone, regardless of vaccination status.
- In direct care / congregate living facilities (prisons, hospitals, inpatient facilities), masks are still mandatory in accordance with CDC guidance.
- If employees are refusing to return to the workplace, an agency's Human Resources Team should take these steps -
  - Find out why they are refusing.
  - Does the reason fall under an issue within the published DAS/OPM guidance? Please refer to the grid below.
    - Are they currently COVID +?
    - Do they have a documented medical condition that does not allow them to return or does not allow them to even be vaccinated?
    - Is the ADA interactive process appropriate?
    - Is this potentially an FMLA-qualifying situation, and is the employee eligible for leave benefits?
    - Should the employee be referred to EAP?
    - Do they understand how the schedule will be working for teleworkers, at 50% on-site?
    - Are they claiming a bona fide religious exemption requiring an accommodation?
  - If a temporary accommodation had been in place for an employee whose health care provider indicated they could not report to work during the pandemic, please follow the prescribed ADA process to update the case.

## CONTACT TRACING

Agencies should continue to follow existing procedures for conducting contact tracing, for reporting COVID positive cases, and for providing all necessary notifications. Please refer to the existing [OPM/DAS COVID-19 guidance](#) for details, in particular #44. **There is one update from the existing guidance:**

- If an individual is identified through contact tracing as having had confirmed contact with a COVID positive case, the individual may opt out of testing protocols if - 1) the individual is fully vaccinated and provides proof thereof; and 2) the individual remains asymptomatic.

## MANDATORY TESTING AGENCIES

Agencies that currently engage in routine mandatory testing may allow employees to opt out of testing if the employee can provide evidence that they have been fully vaccinated.

**Fully vaccinated** refers to a person who is:

- $\geq 2$  weeks following receipt of the second dose in a 2-dose series, or  $\geq 2$  weeks following receipt of one dose of a single-dose vaccine; there is currently no post-vaccination time limit on fully vaccinated status
- This guidance applies to COVID-19 vaccines currently authorized for emergency use by the U.S. Food and Drug Administration: Pfizer-BioNTech, Moderna, and Johnson and Johnson (J&J)/Janssen COVID-19 vaccines. This guidance can also be applied to COVID-19 vaccines that have been authorized for emergency use by the World Health Organization (e.g. AstraZeneca/Oxford).

Healthcare agencies are encouraged to continue to reference the CDC website for updates/changes to guidance.

## TELEWORK

Guidelines for expanded telework during the pandemic remain in effect for the time being, found [here](#), **with the exception that as of July 1, 2021, the number of telework hours should not exceed 50% of an employee's scheduled hours of work over a 2-week period, unless the Agency Head determines that temporary physical plant restrictions require other arrangements.** OLR remains in discussions with SEBAC on matters regarding the Telework Guidelines and their impact on the transition back to on-site work. This is a very fluid situation, and agencies will be updated by the Office of Labor Relations as developments occur. Here are a few reminders:

- Managers and other non-represented staff remain eligible to telework.
- On May 13, the Governor indicated that as of July 1, telework may continue for up to 50% of an employee's schedule pursuant to the Interim Telework Guidelines. The 50% rule is intended as a means to facilitate the transition back to on-site work. Therefore, the rule should apply to all who have been eligible to telework through the pandemic period, notwithstanding the Interim Guidelines Appendices, on the condition that they continue to be able to perform the full gamut of their duties effectively from home. This represents a first step in the transition process, and we will keep you apprised of further developments as they occur.
- Agencies are to make decisions regarding telework schedules balancing operational needs, facility/capacity issues with individual employee requests. Supervisors have been managing and approving attendance and probably have the best handle on current practices that can be laid out for managers to make the best decisions possible. Please be reminded that staff were not required to submit telework applications at the beginning of the pandemic, nor should they now. Agencies should continue documenting employee telework as they have during the pandemic.
- Where it supports agency operations, the 50% parameter may be applied on the

basis of the bi-weekly schedule, rather than on a weekly schedule.

## **LEVEL DESIGNATION SPREADSHEETS**

OPM will be requesting that Agencies prepare and submit updated Level Designation Spreadsheets in the coming weeks. Agencies will be asked to reflect the status of employees as of July 1, 2021. Spreadsheets will not need to be submitted in advance of July 1 - instructions will be sent under separate cover, along with timeframes for preparation and submission.

## **TRAVEL**

There are currently no restrictions for return to work following travel. Please refer to the following link: <https://portal.ct.gov/Coronavirus/travel>

## **PAID LEAVE UNDER 5-248(a)**

Paid leave under 5-248(a) remains available to employees with proper documentation and in accordance with [OLR General Notice No. 2020-03](#). Under certain circumstances, an employee may have access to a second allotment of paid leave under 5-248(a). General parameters regarding access to and use of paid leave under 5-248(a) for COVID leave purposes remain in effect as illustrated in the grid below, and include:

- A single allotment of paid leave in the amount of hours that an employee is scheduled during a 14-day calendar period.
- Leave may be used consistent with the guidance in the grid below.
- COVID-related reasons for use of leave include personal illness; providing care for a family member who is sick with COVID-19; school or daycare closure due to COVID-19; monitoring of a family member who has confirmed close contact with a COVID positive case.
- Leave may be used intermittently, and in conjunction with telework, where appropriate and authorized.
- A second allotment of paid COVID leave may be available under specific circumstances, including personal COVID-related illness and the employee having been confirmed (through contact tracing) as a confirmed close contact of a COVID positive individual.

## **REPORTING TO WORK GUIDANCE**

*If you feel sick with COVID-like symptoms:*

- If you are experiencing symptoms of COVID-19, you should not come to work, and should contact your medial provider for instruction.

***If you or a family member is struggling:***

- It is also important to be aware that if an employee and/or a family member is struggling to adjust to changes associated with COVID-19, including a return to the workplace, Agency EAP programs are available and offer a variety of benefits and services to assist employees and their dependents in their time of need.

The guidance provided in the grid below addresses specific COVID-19 situations which an employee may encounter. Please note that full-time telework may be available and permissible during a period of illness, quarantine, or isolation, subject to Agency review and authorization. Some scenarios may prompt the Agency to engage in an interactive process with an individual employee. *(The grid below contains updated information and replaces the grid which appears in previous guidance documents.)*

<b>Level A</b>	<b>Level B</b>	<b>Level C</b>	<b>Level D</b>
<b>EMPLOYEE SHALL NOT PHYSICALLY REPORT TO WORK</b>	<b>EMPLOYEE SHALL NOT PHYSICALLY REPORT TO WORK</b>	<b>EMPLOYEE IS NOT PROHIBITED FROM WORKING</b>	<b>EMPLOYEE IS NOT PROHIBITED FROM WORKING</b>
Employee is actually sick with COVID-19 or COVID-19-like symptoms.	Employee has been directed by a medical provider or government official to self-monitor at home due to potential COVID-19 exposure or employee's underlying medical condition.	Employee needs to stay at home to care for children or other dependents as a result of potential COVID-19 exposure and consequently cannot attend school, daycare or eldercare.	Employee who is domiciled with or had contact with a person who has been directed by a medical provider or governmental official to self-monitor at home.
Employee is caring for sick family with COVID-19 or COVID-19-like symptoms.			Employee had contact with someone who had contact with a person who has been directed by a medical provider or government official to self-monitor at home.
			Employee who has concerns about exposure through contact with persons

			in public settings, including the workplace.
			Employee is medically fragile (per medical documentation on file at the agency) but has had no apparent exposure.
<b>GUIDANCE</b>	<b>GUIDANCE</b>	<b>GUIDANCE</b>	<b>GUIDANCE</b>
Full-time telework for the duration of the COVID illness, if approved by agency AND medically documented.	Telework, if approved by agency.	Telework or flex schedule, if approved by agency.	Report according to most current schedule, incorporating Telework, where authorized.
If telework is not possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). (If employee teleworks part-time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)	If telework is not possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). With proper documentation, an employee may have access to a second allotment of paid leave under 5-248(a).  If employee has previously exhausted paid leave under 5-248(a), any future self-monitoring or quarantine period may be covered by accrued leave (including sick leave), or the employee will be placed on unpaid leave.  (If employee	If telework is not possible, employee will be paid for the scheduled, non-worked hours within a 14 day calendar period under 5-248(a). (If employee teleworks part-time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)	Employee may request to use accruals to take time away from work consistent with standard policies.

	<p>teleworks part-time, the 5-248(a) leave will provide wages for the balance of hours scheduled to work.)</p> <p>In any circumstance that falls under this level, the employee who must undergo self-monitoring or quarantine shall provide supporting documentation.</p>		
<p>If the employee's illness or need to care for sick family members continues beyond the 14 calendar days, employee may use earned accruals or choose to go unpaid, <b>provided that sick employees must use their sick leave accruals first.</b> Once the employee has exhausted sick leave accruals, they can use other accruals, take unpaid leave, or apply for additional benefits as provided by state policy or collective bargaining agreement.</p>	<p>If a medical provider or government official directs an employee to stay home beyond 14 days, the employee may request leave per standard practice.</p>	<p>If employee's inability to come to work because of COVID-19-related disruptions continues beyond the 14 calendar days, the employee may request, per standard practice, to use any earned accruals, including sick leave, or take unpaid leave.</p>	