

**Department of Administrative Services-Human Resources Enterprise  
(DAS-HRE)**

**COVID-19 FAQ**

**March 12, 2020 1:30 pm**

**These FAQs will be updated and posted as the need arises. If you print the FAQs, please note the date and time above to ensure you have the most updated version.**

**We encourage all managers to evaluate telework options prior to an employee having to use leave time.**

**Managers are encouraged to have frequent conversations with employees regarding any concerns they may have. Flexibility, where applicable, should be given. **Prior to any form of corrective action in regard to COVID-19, agencies shall contact DAS-HRE.****

## **Prevention**

**Q1: If there is a COVID-19 outbreak, what measures should appointing authorities consider which may assist in keeping workers safe and healthy?**

A1: Prevention and control measures must be established with consultation with the Iowa Department of Public Health.

**Recommended strategies for use now in all Agencies:**

<https://idph.iowa.gov/Portals/1/userfiles/7/Business%20Guidance.pdf>

- Clean your hands frequently.
- Cover your coughs and sneezes with a tissue or your sleeve.

- Contain germs by staying home when ill.
- Increase the availability of hand gel, tissues, and trash receptacles for clients while interacting with employees.
- Post hand washing reminders in public and employee bathrooms.
- Clean commonly used surfaces such as door knobs, computer stations, telephones, handrails, and countertops several times a day. Routine cleaning products are sufficient – this does not require a change in cleaning products.
- Discourage your employees from using other employees' phones, desks, offices, or work tools.
- Post respiratory etiquette (cover your cough) signage in the workplace.
- Promote a healthy lifestyle, including good nutrition, exercise, and smoking cessation. A person's overall health impacts their body's immune system and can affect his or her ability to fight off, or recover from, an infectious disease.

In addition to the above, agencies should consider the following:

- Minimize the number of face-to-face meetings (virtual meetings).
- Utilize email and phones to communicate with each other and, when appropriate, employees may need to work from home and telecommute with the workplace
- Consider limiting situations where employees, customers, and visitors (including family members) may enter the workplace.

**Q2: During an infectious disease outbreak, may an appointing authority require its employees to adopt infection control practices?**

A2: Yes. Requiring infection control practices, such as regular hand washing, coughing and sneezing etiquette as well as tissue usage and disposal is appropriate and does not implicate the Americans with Disabilities Act (ADA).

**Q3: May the appointing authority discipline employees (in non-health care sectors) if they refuse to follow the employer's rules to control infection and increase hygienic practices during an infectious disease outbreak?**

A3: Consistent with applicable provisions in a collective bargaining agreement and DAS-HRE administrative rules, an appointing authority must have just cause to discipline employees who fail to follow work directives and work rules. **Contact DAS-HRE with questions about employee misconduct** and refer to Supervisors and Managers Manual, any applicable collective bargaining agreement, and/or DAS-HRE rules.

<https://www.legis.iowa.gov/docs/iac/rule/07-19-2017.11.60.2.pdf>

**Q4: Some employees have requested permission to wear masks in the workplace. Is the appointing authority obligated to allow employees to wear masks?**

A4: No, the employer does not have to allow employees to wear masks. We would encourage agencies to call DAS-HRE for any further questions or guidance.

## **Benefits**

**Q5: If an employee believes that he or she has been exposed to COVID-19 in the workplace or through the performance of work, is the exposure subject to Workers Compensation?**

A5: Workers Compensation may cover a diagnosis of COVID-19 for direct patient care workers if the exposure can be shown to have occurred through the course of work activities. Employees should notify their supervisor immediately and call their primary care provider if they believe they have a potential exposure.

**Q6: If an employee who has contracted COVID-19 feels the illness was due to a workplace exposure, can the employee complete a first report of injury (FROI)?**

A6: An employee should file a FROI after the diagnosis and Sedgwick CMS/DAS will make a determination regarding causation and whether the claim is compensable. In addition to filling out a FROI, an employee should contact their supervisor immediately and call their primary care provider if they feel they have a potential exposure.

**Q7: If the employee claims the exposure was work related, do we direct care to a Workers Compensation (WC) network physician?**

A7: The employer should not send the employee to the WC physician. Employees should contact their primary care provider if they feel they have a potential exposure.

**Q8: Will State of Iowa employees incur costs related to testing for COVID-19?**

A8: The State of Iowa has worked with Wellmark to waive testing costs for COVID-19. Please see Wellmark's website for further information.

<https://www.wellmark.com/about/newsroom/coronavirus-covid-19>

**Q9: What additional resources do employees have to seek medical care in addition to a provider's office?**

A9: Employees are encouraged to take advantage of virtual care by utilizing [Doctors on Demand](#) to avoid the spread of germs.

# Leave Usage

**Q10: Must an appointing authority grant leave to an employee who is sick or who is caring for a sick family member that is sick?**

A10: DAS-HRE administrative rules and the SPOC collective bargaining agreement have provisions regarding the use of sick leave, vacation, compensatory time, Family and Medical Leave Act ([FMLA](#)), and leave without pay. An employee who is sick or whose family members are sick *may* be entitled to leave under the FMLA. The FMLA entitles eligible employees of covered employers to take up to 12 weeks of unpaid, job-protected leave in a designated 12-month leave year for specified family and medical reasons, which may include the flu where complications arise that create a serious health condition as defined by the FMLA and if certified by a Health Care Provider on the appropriate FMLA forms.

For illnesses related to COVID-19, DAS-HRE recommends NOT filing claims with the Reed Group. The State of Iowa will consider any leave related to COVID-19 as protected leave. Employees will still need to follow the appropriate call-in procedures and work with management to ensure appropriate staffing levels.

**Q11: Is the appointing authority required to approve paid leave for employees who are out of work because they have or have been exposed to COVID-19, have been exposed to a family member with COVID-19 or potential exposure to COVID-19, or are caring for a family member with COVID-19?**

A11: Iowa Code sec. [70A.1\(5\)](#) provides for the use of sick leave for contagious diseases if the employee's confinement is required, if the employee is rendered unable to perform assigned duties, or if the performance of assigned duties would jeopardize the employee's health or recovery.

An Appointing Authority may advance employees who have exhausted all forms of paid leave up to 80 hours of sick leave to cover absences directly related to COVID-19. The hours advanced shall be recouped each pay period after the 80 hours was requested until the balance is back to zero. If the employee does request to advance up to the 80 hours this may impact the ability to use sick leave for other purposes prior to the balance being reduced to zero. The employee may also request unpaid leave in accordance with DAS-HRE administrative rules.

**Q12: Does the appointing authority have to allow parents or caregivers time off from work to care for sick family members or children who have been dismissed from school?**

A12: In accordance with DAS-HRE administrative rule 63.3(11), employees may use sick leave per year for the care or necessary attention of immediate family members. **\*\*\*Please note there is an admin rule waiver in place that will remove the 40 hour cap on care or necessary attention for the purposes of caring for immediate family members impacted by COVID-19.\*\*\*** The

appointing authority should grant care or necessary attention leave at the employee's convenience, except where such leave interferes with the staffing needs of the appointing authority.

Additionally, the appointing authority must abide by the Family and Medical Leave Act (FMLA) as well as any applicable state laws.

Managers are strongly encouraged to explore options of telework for employees prior to an employee needing to utilize leave hours.

**Q13: Can an employee stay home under the Family and Medical Leave Act (FMLA) leave to avoid getting COVID-19?**

A13: No. The Family and Medical Leave Act (FMLA) protects eligible employees who are incapacitated by a serious health condition, as may be the case with COVID-19 where complications arise, or who are needed to care for covered family members who are incapacitated by a serious health condition as defined by the FMLA and if certified by a Health Care Provider on the appropriate FMLA forms.

**Q14: May the appointing authority mandate that employees stay home if the employee or members of the employee's family are known or suspected to have COVID-19 or have been exposed to someone with COVID-19?**

A14: Employees who are feeling ill should stay home. Employees *shall* be directed to leave the workplace if they are suspected to have COVID-19 or have been exposed to someone with COVID-19. It is especially important employees monitor themselves for illness, inform the employer of any symptoms, and leave the workplace if the employee becomes ill. Telework options should be explored and utilized when applicable to reduce the need for employees to use their accrued leave.

**Q15: If an employee is caring for an ill family member, is the employee eligible for compensation?**

A15: Yes, if the employee has paid leave available. Iowa Code sec. 70A.1(5) provides for the use of sick leave for contagious diseases if the employee's confinement is required, if the employee is rendered unable to perform assigned duties, or if the performance of assigned duties would jeopardize the employee's health or recovery. Please see Q11 and Q12 for additional details.

## Managing Absenteeism

**Q16: If an illness or exposure to an infectious disease results in an employee being ordered by the Iowa Department of Public Health to be isolated or quarantined, can the employee be terminated?**

A16: No, Iowa law prohibits any employer from terminating an employee who is under an isolation or quarantine order. Agencies shall call DAS-HRE prior to any corrective action relating to COVID-19.

**Q17: During an outbreak, can a healthy employee refuse to come to work, travel, or perform other job duties because of a belief that, by doing so, he or she would be at an increased risk of catching COVID-19?**

A17: The circumstances under which employees have a right to refuse to work are very limited. Refusing to do a job because of potentially unsafe workplace conditions is not ordinarily an employee right under the Occupational Safety and Health Act.

Managers are encouraged to have a conversation with employees to discuss any concerns they have. Telework options should be explored, when applicable, prior to employees having a need to utilize accrued leave. Managers shall contact DAS-HRE prior to any form of corrective action being used.

## Staffing

**Q18: If there are staffing shortages due to COVID-19, can employees be mandated to work additional hours?**

A18: Yes, employees can be mandated to work additional or overtime hours. Prior to mandating overtime, the appointing authority should review applicable collective bargaining agreements. Questions regarding mandating, refusal to work overtime, work restrictions on working additional hours, etc. should be referred to the personnel officer assigned to your department.

**Q19: How many hours per day or per week can an employee work?**

A19: The [Fair Labor Standards Act](#) (FLSA) does not limit the number of hours per day or per week that employees age 16 years and older can be required to work. Managers are encouraged to explore all staffing options to reduce the number of hours an employee is required to work and help maintain the health of employees.

**Q20: If an individual is under isolation and/or experiencing symptoms consistent with COVID-19, may agencies permit and/or strongly encourage employees to telework as an**

**option in order to minimize interactions between employees at the work facility (social distancing)?**

A20: If the nature of an employee's work responsibilities can be accomplished away from the assigned work facility and if any necessary technological/equipment needs can be satisfied, the agency may permit and encourage employees to telework as a way to reduce the face-to-face contacts between employees at the regular work location. Agencies should review their telework policies to ensure they are current and up-to-date and consider whether any component of their policies should be modified to allow broader use of telework as appropriate.

**Q23: Can appointing authorities close a location or their agency because of COVID-19 concerns?**

A23: If an appointing authority is experiencing an impact at a location due to COVID-19, please contact the State Emergency Operations Center for guidance regarding the need for closure.

**Q24: In the event that a particular workplace is affected and additional emergency staffing must be arranged, what options are available to appointing authorities to add staff in an expedited manner?**

A24: See [Temporary Staffing](#) Information:

Types of temporary appointment include the following:

1. Seasonal appointments
2. Temporary appointments
3. Professional Employment Organization (PEO) contracts
4. Temporary Service Contractors
5. Inter-Agency Agreements (28D, MOU)

The DAS-HRE personnel officer assigned to your agency can help you determine the best option(s) for your department.

## **Travel and Travel Reimbursement**

**Q26: Can an agency restrict travel?**

A26: Agencies will cease all non-essential business travel.

**Q27: Can an agency purchase travel insurance in case of cancellations due to COVID-19?**

A27: Agencies are encouraged to read any restrictions on travel insurance. Travel insurance may not cover a cancellation to destinations impacted by COVID-19. The State does not reimburse employees for the purchase of travel insurance.

**Q28: Can an appointing authority restrict an employee's personal travel?**

A28: If an employee has personal travel scheduled, supervisors will need to know destinations as well as any potential layovers. Staff who travel to areas affected by COVID-19 on personal leave will be asked to [self-isolate](#) for 14 days prior to returning to work. Visit the CDC's [Information for Travel](#) page for the most up-to-date alerts.

## Links to More Information

[IDPH COVID-19](#)

CDC's [Information for Travel](#)

[Wellmark Coverage](#)

[FMLA](#)

[Doctors on Demand](#)

[DOL Wage and Hour Pandemic Information](#)

<http://www.legis.state.ia.us/asp/ACODocs/DOCS/9-9-2009.11.60.2.pdf>

<http://www.osha.gov/Publications/OSHA3327pandemic.pdf>

[http://www.opm.gov/pandemic/OPM-Pandemic\\_Allissuances.pdf](http://www.opm.gov/pandemic/OPM-Pandemic_Allissuances.pdf)

<http://benefits.iowa.gov/index.html>