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GENERAL CIRCULAR NUMBER 2020-013

DATE: March 18, 2020

TO: Heads of State Agencies and Human Resources Directors

SUBJECT: COVID-19 – No. 6: Adoption of Emergency Civil Service Rules

At an emergency business meeting of the State Civil Service Commission held on March 18, 2020, the Commission adopted the following chapter on an emergency basis:

Chapter 27
Emergency Rules
Response to Coronavirus Disease 2019 (“COVID-19”)

The emergency rules in this chapter are prompted by the COVID-19 pandemic declaration of emergency in the State of Louisiana. Appointing authorities are encouraged to consider telework for employees, as practical.

27.1 Sick Leave Expansion

An appointing authority may grant sick leave for the following reasons:

- (a) To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;
- (b) To care for a dependent child residing in his household due to a school closure related to COVID-19; or
- (c) To an employee with high-risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

27.2 Special Paid Leave

- (a) After an employee has exhausted all sick, compensatory and annual leave, the appointing authority may grant the employee special leave under Rule 11.23(d) for the following reasons:
 - 1. To care for a spouse or dependent child residing in his household who has been positively diagnosed with COVID-19;

2. To care for a dependent child residing in his household due to a school closure related to COVID-19;
3. To care for himself due to a positive diagnosis of COVID-19; or
4. To allow for an employee with high risk immunological disorders to be away from the workplace to avoid exposure to COVID-19.

(b) An appointing authority is authorized to grant special leave out of an abundance of caution and in the best interest of the agency for situations related to COVID-19 not otherwise addressed herein.

27.3 Required Sick Leave

An appointing authority may place an employee on sick leave and require that he remove himself from the workplace when he has declined to utilize sick leave but presents for duty displaying symptoms associated with COVID-19 including fever, cough and/or shortness of breath. For this rule to apply, the symptoms must be observed by at least two individuals, one of whom must be in a supervisory position. The employee may be returned to duty at the appointing authority's discretion; however, he shall be returned to duty upon presentation of a certification from a medical doctor or nurse practitioner who, after personally examining the employee, certifies that he is capable of performing the essential functions of his position without posing a risk of harm to himself or others. If the employee is diagnosed with COVID-19, the provisions of Rule 27.2(a)3 apply; otherwise, regular sick leave rules under Chapter 11 shall apply.

27.4 Limitation of Civil Service Rule 12.6

For the duration of this Chapter, an appointing authority shall not non-disciplinarily remove an employee for exhaustion of sick leave or unscheduled absences related to COVID-19.

27.5 Overtime Pay Expansion

For the duration of this Chapter, state overtime performed by both exempt and non-exempt employees related to the COVID-19 pandemic may be paid at the time and one-half rate.

27.6 Delegation of Authority to Director

Because guidance from healthcare authorities and government officials is constantly changing due to the fluidity of the COVID-19 situation, the authority granted to the Director in Civil Service Rule 3.1(k) is expanded to allow the Director to act between meetings on non-routine matters requiring Commission approval including, but not limited to, work schedules, leave, compensation and staffing matters of an urgent nature related to COVID-19. Such authority includes, but is not limited to, authority to promulgate emergency rules to address these matters.

27.7 Suspension of Deadlines

All deadlines imposed by the Civil Service Rules are suspended for thirty calendar days effective March 18, 2020, unless such suspension is extended by the Commission or the Director. This provision **does not apply** to deadlines imposed by the Constitution, including the 15-day period

for filing an Application for Review of a Referee's decision and the 30-day period for appealing the Commission's decision to the Court of Appeal.

27.8 Special Meeting Rules

During the COVID-19 pandemic declaration of emergency in the State of Louisiana and in the absence of ability to otherwise establish a quorum, as certified and posted with the meeting agenda, Commission members who are unable to attend a meeting of the Civil Service Commission in person due to conditions closely and directly related to the pandemic may attend and participate in the meeting via electronic means. Except for executive session, deliberations involving Commission members participating electronically must be conducted in such a manner that all members and the public can hear.

27.9 Supporting Documentation

Appointing Authorities may require appropriate documentation to establish a need for leave as set forth in Rules 27.1 and 27.2.

27.10 Duration of Rule

This Rule is effective prospectively from March 18, 2020. The provisions of Rule 27.1(b) and 27.2(a)2 shall expire at 12:01 a.m. on April 13, 2020 unless extended by the Commission or the Director. The remaining provisions of this Rule expire upon Order of the Commission or in 120 days, whichever comes first.

Please contact your Agency Relationship Manager or email SCSInfo@la.gov if you have any questions.

Sincerely,

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