



State of Arkansas

Public Health Emergency Leave Policy

FAQs Related to COVID-19

BACKGROUND

There are many types of human coronaviruses including some that commonly cause mild upper-respiratory tract illnesses. COVID-19 is a new disease, caused by a novel (or new) coronavirus that has not previously been seen in humans.

For more information on COVID-19, questions regarding signs of illness, or how to determine whether you should self-quarantine after coming into contact with an exposed individual, please visit the Arkansas Department of Health (ADH) [website](#), call ADH at 1-800-803-7847, or go to the Center for Disease Control (CDC) [website](#) for updates. The Public Health Emergency Policies and these FAQs are not intended to replace CDC or ADH guidance regarding health risks, medical diagnosis, or symptoms during this public health emergency.

DEPARTMENT MANAGEMENT

What is the State's approach for state employees exposed to COVID-19 or state employees exhibiting symptoms of the COVID-19 virus?

Employees who have been exposed or exhibit the symptoms of COVID-19 (based on [CDC guidance](#)) shall not physically come to work. For asymptomatic employees, working remotely should be the first consideration. See the Public Health Emergency Remote Work Policy and determine through your Department if you are authorized, equipped, and capable of working remotely. If remote work is not possible, then the employee shall use accrued leave for that time, starting with sick leave. The employee shall not report to work on-site until the quarantined time has lapsed. If that employee has no leave balance remaining, then the employee could receive Director's Authorized Leave, which may be used if authorized through OPM and the Department Secretary or authorized through a Governor-mandated move to essential employees only for ongoing government operations.

What is the State's approach on informing state employees if there has been a positive case in the workplace?

Confidentiality around an employee's health should be maintained to comply with state and federal law. You may not disclose the identity of any employee who has been exposed, exhibiting symptoms, or who has tested positive. You may, however, provide general information (e.g., affected building, affected floor, or dates of exposure) that an employee has been infected to allow employees to monitor themselves for signs of symptoms.

What actions can Departments take if there is a suspected case or a state employee is exhibiting symptoms and he or she isn't pursuing evaluation or testing?

If an employee is exhibiting signs of illness based on [CDC guidance](#), Department Secretaries or their designees may send employees home to limit the spread of communicable illnesses. Departments are not to give a medical diagnosis but rather exercise the current authority to send employees home when the employee appears to be ill, it impacts an employee's ability to perform his or her work, or it impacts the health of others.

GENERAL

What is the State's approach regarding personal travel for state employees?

Personal travel is not prohibited, but employees should use common sense in making decisions and follow guidance from ADH or CDC. State employees are subject to the Arkansas Public Health Emergency Leave Policy and run risk of quarantine upon return.

Is remote work highly encouraged or required where possible?

The opportunity to work remotely for employees whose job duties may be performed remotely (and subject to factors outlined in Arkansas's Public Health Emergency Remote Work Policy) is determined by the Secretary of the Department. The degree with which remote work is implemented in a Department is also determined by the Secretary of the Department.

What is Director's Authorized Leave?

Director's Authorized Leave is a function in Arkansas's payroll system that allows for an employee to get paid during time off without using his or her own leave or as an alternative to entering Leave Without Pay status. There are two instances when Director's Authorized Leave is appropriate:

1. Director's Authorized Leave may be used after the employee—who has been exposed, has exhibited symptoms, or has been diagnosed with COVID-19—has exhausted all accrued leave; or
2. If there is a Governor-mandated move to essential employees only for ongoing government operations that authorizes using Director's Authorized Leave for non-essential personnel.

Please refer to the Public Health Emergency Leave Policy for details on when Director's Authorized Leave may be used depending on an employee's circumstances.

What is accrued leave?

Accrued leave refers to all types of leave that an employee may obtain while in State Government, including but not limited to sick, annual, Arkansas Healthy Employee Lifestyle Program Leave, birthday, Child Educational Activities Leave, and compensatory leave.

What is the State's approach for leave for state employees if there is a Governor-mandated move to essential employees only for ongoing government operations?

Only essential employees shall report to work either remotely or on-site if an executive order closing all non-essential State services is issued. Non-essential employees will receive Director's Authorized Leave without impacting employee leave balances for up to 30-calendar days. The non-essential employee's pay shall continue at the same rate the employee would have received had the employee been working.

Essential employees may only be excused from work if:

- They are quarantined, exhibit symptoms of COVID-19, or are diagnosed with COVID-19; or
- They are required to care for a member of their immediate family who is quarantined, exhibiting symptoms of COVID-19, or are diagnosed with COVID-19.

Who is considered an essential employee?

An essential employee is a state employee in a position—designated by management—in which they are required to work during an adverse event to meet immediate, critical, and necessary State services.

How do I know if I'm considered an essential employee?

In accordance with Department Continuity of Operations Plans, essential employees are identified as those who would be required to work in an emergency situation. Ask your supervisor if you have been identified as an essential employee in the event of a Governor-mandated move to essential employees only for ongoing government operations.

What happens if I'm considered an essential employee who must report to work on-site, but I decide not to report to work?

Each situation will be reviewed on a case-by-case basis and essential employees who are required to report to work on-site may be subject to disciplinary action for willful failure to report or remain at work.

If an essential employee is excused from work on-site during a Governor-mandated move to essential employees only for a reason outlined in Arkansas's Public Health Emergency Leave Policy, then the essential employee will receive Director's Authorized Leave without impacting the essential employee's leave balances for up to 30-calendar days—exactly like non-essential employees.

What is the State's approach for state employees with underlying health conditions or those considered immune suppressed during a COVID-19 emergency?

Employees not ill but asking to work remotely because they are immune-compromised or have other high-risk factors should contact their Department regarding the opportunity to work remotely. The opportunity to work remotely and the degree with which it is implemented in the Department is determined by the Secretary of the Department. In making these decisions, the Department may rely on guidance from ADH, CDC, or the employee's health-care provider

Can employees be sent home if they appear to be ill?

Yes. To prevent potential exposure of others, an employee may be asked to go home if he or she is showing symptoms of COVID-19. The symptoms of COVID-19 are fever, cough, or shortness of breath. The decision to send an employee home who is exhibiting these symptoms is to be made on a case-by-case basis.

How can I protect myself while at work?

Basic preventative measures include frequent hand washing, covering your nose and mouth with your sleeve if you cough or sneeze, and avoiding touching your eyes, nose, or mouth with your hands, and using antibacterial wipes on frequently touched public surfaces. Please visit the [CDC guidelines](#) for more information.

What assistance is available to state employees to help cope with the emotional impact of the situation?

The State provides resources to help employees and eligible dependents cope with these types of life events through its [Employee Assistance Program](#). Contact the Employee Assistance Program 24-hours a day at 1-877-300-9103.

What about extra-help employees?

Paid or unpaid leave for any circumstance during this public health emergency for extra-help employees will be at the Department Secretary's discretion.

The Arkansas Public Health Emergency Leave Policy mentions the ability to borrow 80 hours of leave in certain situations. Is that option in effect now and how does it work?

An employee can only borrow 80 hours of leave once a Governor's directive or executive order is issued specifically allowing that option. If an employee has no leave balance remaining, cannot work remotely, and is required to self-quarantine for any reason after returning from personal travel, then a Governor's directive or executive order could allow an employee in that specific situation to borrow up to 80 hours of future leave earnings.

If an executive order is issued granting employees in the above described situation to borrow leave, TSS OPM will issue a policy to address leave payback measures.

What is the guidance for Departments on utilizing equipment to work remotely?

Departments should consider if employees will need remote access to important State systems, and if equipment will be needed for employees to work from home (e.g., laptops, internet connection, printing capabilities). Departments are not required to provide a work cell phone to employees who do not currently have a work cell phone. Employees must have a cell phone (personal or work-issued) and an available workspace to work remotely. See Arkansas's Public Health Emergency Remote Work Policy for guidance.