

DHRM Policy Guide – Policy 4.52 Public Health Emergency Leave (COVID-19 ONLY) As of 3-24-22 – SUBJECT TO CHANGE

APPLICATION OF POLICY 4.52 TO COVID-19

- Applies to:** All salaried, wage, adjunct faculty employees.
- Summary:** Provides up to **40** hours of paid leave per leave year to eligible employees to attend to their own medical needs (and/or those of their immediate family members) due to positive cases of COVID-19.
- Effective:** **March 24, 2022**
- Expires:** **May 31, 2022** PHEL will not be available for use after this date
- Criteria for Using PHEL** Employees who are otherwise eligible to use PHEL may do so with agency approval and through the submission of medical documentation in accordance with the following criteria:
- PHEL may be used to attend to an employee’s own illness due to a confirmed positive COVID-19 test from a medical provider. The employee’s return to the workplace must comport with the CDC’s recommendations.
 - PHEL may be used to provide home care to an immediate family member who has contracted COVID-19 through a confirmed positive test from a medical provider.
 - Up to 8 hours of the 40 hours of PHEL may be used to obtain a COVID-19 vaccine and/or booster or to recover from side-effects resulting from obtaining the vaccine. Documentation of the vaccination/booster injection will suffice for access to the PHEL used for this purpose.
 - Once the allotment of PHEL is used, employees may use appropriate and available leave balances (Traditional or VSDP Sick Leave, Family-Personal Leave, Annual Leave, Compensatory Leave, Overtime Leave, Recognition Leave) or Leave without Pay.
- Modifications to Public Health Emergency Policy 4.52**
- Employees who are positive for COVID-19 but asymptomatic may telework for the isolation period (per CDC’s guidance) provided the position’s duties are suited for telework.
 - **WAGE EMPLOYEES:**
 - Agencies **must** provide paid PHEL leave to wage and adjunct faculty for the COVID-19 circumstances noted above pro-rated according to the average hours normally worked in their position over a one-week period.
 - Hours of paid leave awarded to wage or adjunct faculty must be counted toward the 1500 hour maximum threshold and included in Affordable Care Act (ACA) reporting.
 - Agencies may record PHEL as worked time in timekeeping systems. It should be documented that the time recorded as “worked” is actually charged to PHEL. (Agencies may need to report on PHEL usage.)

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- **Maximum number of PHEL hours available until May 31, 2022:**
 - Full-time, salaried employees: up to 40 hours for the current leave year beginning 1/10/22.
 - Part-time, salaried employees: pro-rated based on their f.t.e. status. (50% salaried employee would be granted up to 20 hours per leave year.)
 - Wage employees: pro-rated according to the average hours they would normally work in their position for a one-week period.
 - Wage or adjunct employees who are not currently working for the Agency are not eligible to use PHEL (e.g., seasonal, adjunct faculty who are not teaching for a semester)

- Agency Responsibilities:**
- Request medical documentation for requested PHEL use.
 - Maintain, store and retain documentation in a medical file that is separate from the official personal file.
 - Track PHEL usage per employee and retain for statistical reporting as requested.

- Definitions:**
- Same as in published Policy 4.52
- Exception: Affected Areas definition does not apply.