

# DHRM Policy Guide – Policy 4.52 Public Health Emergency Leave (COVID-19 ONLY) As of 9-01-21 – SUBJECT TO CHANGE

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## APPLICATION OF POLICY 4.52 TO COVID-19

**Applies to:** All salaried employees including wage employees and adjunct faculty

**Summary:** Provides up to **80** 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 as related to the declared public health threat during a pandemic illness.

**Effective:** Public Health Emergency Leave (PHEL) has been re-activated. The policy is modified to apply to the COVID-19 event. **Effective 9-01-21 the number of available PHEL hours is up to 80 hours specific to the criteria listed below. DHRM's PHEL Guidance provided prior to 9-01-21 is not applicable.**

**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 test for COVID-19. The employee's return to the workplace must comport with the CDC's recommendations.
- PHEL may be used to attend to an immediate family member who has contracted COVID-19 through a confirmed positive test.
- Up to 8 hours of PHEL may be used to obtain a COVID-19 vaccine and/or recover from side-effects resulting from obtaining the vaccine.
- 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.

Employees who used PHEL during the current leave year since January 10th may use the remaining balance of PHEL as noted for the above criteria. Employees who used 80 hours of PHEL within the current leave year will not receive an additional PHEL leave allotment.

### **Modifications to Public Health Emergency Policy 4.52**

- Medical documentation is required to access PHEL leave.
- 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 prior four week period.

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- 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.)

- **Maximum number of PHEL hours:**

- Full-time, salaried employees: up to 80 hours per leave year.
- Part-time, salaried employees: pro-rated based on their f.t.e. status. (50% salaried employee would be granted up to 40 hours per leave year.)
- Wage employees: pro-rated according to the average hours they would normally work in their position over a two-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.