

Communicable Disease Emergency

IMPORTANT: This policy has been revised from the April 17, 2020 version, and is subject to future revisions due to further guidance regarding the Families First Coronavirus Response Act and the COVID-19 Pandemic.

[Purpose](#)

[Definitions](#)

[Responsibility for Closings](#)

[Possible Actions during a Communicable Disease Emergency](#)

[Social Distancing](#)

[Mandatory Employees](#)

[Failure of Mandatory Employees to Report](#)

[Compensation of Mandatory Employees](#)

[Leave](#)

[Isolation by a Public Health Official](#)

[Quarantined or other Control Measures by a Public Health Official](#)

[Employee is Required by the Agency to Stay Home](#)

[When an Agency is Closed or only Mandatory Employees are Required to Report to a](#)

[Specific Worksite \(particularly when all other employees are restricted from coming into the workplace\)](#)

[If an Employee becomes Ill](#)

[Returning to Work](#)

[Expanded Community Service Leave](#)

[Day Care, School and Elder Care Closings](#)

[Review of Policy Provisions](#)

[Emergency Layoff](#)

[Other Provisions](#)

[Hiring](#)

[Employee Reassignments](#)

[Compensation during a Public Health Emergency](#)

Purpose

This policy supersedes the Emergency Closing policy when a State of Emergency is declared to be in effect for purposes of a public health emergency.

The purpose of this policy is to outline provisions covering the human resources areas listed below when a state of emergency is declared by the Governor or by a resolution of the General Assembly involving a public health such as a communicable disease or condition (e.g. pandemic influenza) or other serious public health threat. Portions of this policy related to employee leave may apply, even if a state of emergency has not been declared, if the State Health Director or a local health director institutes control measures in response to a communicable disease or condition or other public health threat, such as quarantine or isolation orders, impacting an employee's duties.

Communicable Disease Emergency

During a public health emergency, certain essential operations of the state must continue, and certain employees may be required to report to a specific worksite (even when all other employees are restricted from coming into the workplace) at the discretion of the agency head to meet the constitutionally and statutorily mandated responsibilities of state entities.

The goal of the policy is to minimize transmission of a communicable disease while ensuring that all essential state agency services remain operational. This policy outlines the provisions covering compensation and leave for employees in response to a communicable disease or condition, or other public health threat.

Definitions

Epidemic	A disease occurring suddenly in a community, region or country in numbers clearly in excess of normal. This includes the occurrence of several cases of a disease associated with a common source.
Pandemic	The worldwide spread of an infectious/communicable disease affecting a large number of people.
Incubation period	The time, usually in days, between exposure to an illness and the onset of symptoms.
Isolation	A control measure issued by a local health director or the state health director under GS 130A-145 limiting the movement or action of persons or animals infected or reasonably suspected to be infected with a communicable disease or condition for the period of communicability to prevent the spread of the communicable disease or condition, as described in GS 130A-2(3a).
Quarantine	A control measure issued by a local health director or the state health director under GS 130A-145 limiting the movement or action of persons or animals who have been exposed to or are reasonably suspected of having been exposed to a communicable disease or condition for the period of time necessary to prevent the spread of the communicable disease or condition, as described in GS 130A-2(7a).
Mandatory Employees	Employees with permanent, probationary, or time-limited appointments who are required to report to a designated worksite (particularly when all

Communicable Disease Emergency

	other employees are restricted from coming into the workplace), other than their personal residence, and only for those specific dates and times that such onsite reporting is required during a public health emergency. These mandatory employees include, but are not limited to, employees in positions that directly impact public health and patient care; public safety; operation of critical infrastructure and facilities; operation and safety of sensitive research labs and ongoing care for research animals, and the custody or care of persons or property for whom the state has a duty to continue to serve.
Social Distancing	Actions taken to reduce the opportunities for close contact between people in order to limit the spread of a communicable disease.
High Risk Employees	Those employees in a certain age group or who have serious underlying medical conditions and might be at higher risk for severe illness from a communicable disease as identified by the Centers for Communicable Diseases or NC DHHS Division of Public Health.

Responsibility for Closings

Under the North Carolina Emergency Management Act, the Governor and the General Assembly have the authority to declare a state of emergency, including a state of emergency based on threats posed by communicable diseases or conditions.

During a state of emergency, the Governor has broad powers to issue emergency orders to protect the public health and safety, including orders to close a State facility or workplace. Isolation and quarantine are public health control measures. Under state public health law, the State Health Director and local health directors have specific authority to order isolation or quarantine when and so long as the public health is endangered, all other reasonable means for correcting the problem have been exhausted, and no less restrictive alternative exists.

In the absence of such orders, the agency head shall consult with local/State Public Health officials to determine the severity of the individual situation and to determine what actions shall be taken (including the closure of the agency or university, by facility or location). Each

Communicable Disease Emergency

state agency will comply with and adhere to any control measures, other orders, or instructions from State or local public health agencies to prevent transmission of a communicable disease.

Management and employees shall follow NC Division of Public Health's guidelines, when deciding how to inform employees and employees shall inform management of any evidence of a communicable disease that could seriously endanger the health of others in the workplace, and management shall immediately notify the local public health department. Agencies have the flexibility to define this protocol within their continuity of operations plan guidelines.

Note: The most recent list of reportable diseases as established by the NC Commission for Public Health is found in the Administrative Code 10A NCAC 41A .0101. The list is constantly updated as new diseases emerge. GS 130A-141.1 also authorizes the State Health Director to issue a temporary order requiring health care providers to report symptoms, diseases, conditions, or other health-related information when necessary to conduct a public health investigation or surveillance of an illness, condition, or symptoms that may indicate the existence of other communicable diseases or conditions that present a danger to the public health.

Possible Actions during a Communicable Disease Emergency

During a communicable disease emergency, any of the following may occur:

- closing of one or more agencies, parts of an agency, or specific location of an agency, by order of the Governor,
- closing of an agency, parts of an agency, or specific location of an agency, by order of the State or Local Public Health Director,
- closing of an agency, parts of an agency, or specific location of an agency, by agreement between the State or Local Public Health Director and an agency authority,

Note: The University President or their designee may close the University of North Carolina or any of its constituent or affiliated institutions, by facility or location, immediately, pending final communication with Public Health officials.

Communicable Disease Emergency

- decision by the agency authority that an employee(s) should stay away from the workplace until symptoms have gone,
- isolation of an ill or symptomatic employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-145, or
- quarantine of an exposed or potentially exposed employee(s) by the State or Local Public Health Director pursuant to G.S. 130A-145.

The authority for public health isolation, quarantine, and other communicable disease control measures resides with the State Health Director and/or the Local Health Director (GS 130A-144 and 130A-145) in the county of residence or their designees.

Social Distancing

In order to minimize transmission from person to person, each agency should have in place a Social Distancing Policy to implement immediately upon orders from the Governor and/or Public Health officials. Social distancing is designed to limit the spread of a disease by reducing the opportunities for close contact between people. It can be accomplished by administrative and engineering controls.

Examples include:

- maintaining sufficient distance between individuals to reduce risk of transmission of a communicable disease as defined by the Centers for Disease Control or DHHS;
- reducing face-to-face exposure by using conference calls and video conferencing;
- avoiding unnecessary travel;
- canceling in-person meetings, workshops, training sessions and scheduled events;
- allowing employees to work from home or alternative worksites to reduce exposure in the workplace;
- establishing flexible working hours to avoid mass transportation, at least during peak hours;
- installing protective barriers between workstations or increasing space between workers;
- reinforcing hand washing and requiring the use of protective equipment such as hand sanitizers and masks (provided by the agency);

Communicable Disease Emergency

- scheduling employees in staggered shifts;
- controlling access to buildings; and
- requiring asymptomatic individuals traveling to affected countries/areas not to return to work until one incubation period has passed after returning home.

An agency may choose to practice social distancing by use of alternate worksites or teleworking. Agency heads are authorized to establish immediate telework arrangements, bypassing the normal requirements, as outlined in the agency internal teleworking policy and procedures, during the declared emergency. Employees shall track time worked, leave taken and notify their supervisor of the work being performed as if they were physically working in the office. Employees required to telework shall receive regular pay.

Mandatory Employees

Each agency head shall predetermine and designate mandatory operations and designate the employees to staff these operations. In a situation involving a large scale pandemic, state or federal laws and rules may supersede the guidelines provided herein.

Mandatory employees may be excused from work if they are isolated, quarantined, ill, or subject to other public health control measures, or if they are required to care for a member of the immediate family who is isolated, quarantined or ill. Based on an agency's operational needs, a supervisor may excuse a mandatory employee if they are a parent (or guardian) who is required to stay home with underage children because of the closure of a day care facility, public/private school or eldercare facility. If operational needs change, a mandatory employee may be required to return to work.

The agency shall maintain a list of mandatory employees by position, including current employee name and contact information. The agency head shall develop an alternative plan for personnel in case the designated personnel are unable to work. Alternative workers may include current employees who are not designated as mandatory but who possess the skills to fill in for mandatory employees, retirees, contract workers or other temporary employees. This will be especially important in a pandemic that may last for several weeks or months.

Employees designated as mandatory personnel shall be notified of such designation and

Communicable Disease Emergency

the requirement to report for, or remain at, work in emergency situations. If mandatory personnel are required to remain at the worksite for an extended period of time, the agency or university will provide adequate housing and food. The fact that an employee remains on the employer's premises for 24 hours a day does not mean that the employee is entitled to receive pay for all those hours. Employees shall have a normal night's sleep and ample eating time and this time is not considered as hours worked. As a rule, allowance for 8 hours sleep and 3 hours for meal periods might be reasonable.

Failure of Mandatory Employees to Report

Individuals designated as mandatory employees may be subject to disciplinary action, up to and including termination of employment, for willful failure to report for or remain at work. Each situation will be reviewed on a case-by-case basis to determine appropriate action.

Compensation of Mandatory Employees

When an agency is closed or when management determines that only mandatory employees are required to report to a specific worksite (particularly when all other employees are restricted from coming into the workplace), the mandatory employees may be granted additional pay up to 1.5 or an equivalent ratio in compensatory time for hours worked onsite up to 40 hours in a work week. It is the agency head's discretion to determine appropriate options based on the availability of funds, operational needs of the agency and in consideration of the duties being performed. Compensatory time must be used within 24 months of it being awarded, or it will expire. Agencies shall make every effort to give employees the opportunity to take this time off. Compensatory time earned during a public health emergency is not paid out at expiration or upon separation and does not transfer to another State agency. This provision applies to all designated mandatory employees, both exempt and non-exempt under the Fair Labor Standards Act (FLSA).

Advisory Notes:

- HR Payroll System compensation options available to agencies include additional pay at 1.05, 1.1, 1.2, 1.25, and 1.5, or an equivalent ratio in compensatory time for all hours worked onsite.
- Should a FLSA non-exempt employee, designated as mandatory work more than 40 hours in a work week, the compensation noted above is paid in addition to overtime compensation.

Communicable Disease Emergency

Under special and limited circumstances, highly compensated professional and management employees may be granted these special compensation provisions or may be considered for other compensation options with the approval of an Agency Head.

This provision does not include temporary employees under any circumstances. However, at an agency's discretion, temporary employees (including retirees) whose positions support emergency operations may receive a temporarily adjusted higher hourly pay rate while supporting the emergency operations.

Refer to [Other Provisions](#) for compensation options an agency may utilize to recognize work performed by other employees specific to the state of emergency.

Leave

Management should stress to non-mandatory employees that they will not be penalized for using their leave, thereby encouraging compliance with public health control measures to prevent the spread of disease and also recognizing that employees with ill family members may need to stay home to care for them. To meet operational needs during this public health emergency, mandatory employees must be authorized by supervisors to use leave. In a situation involving a large-scale pandemic, state or federal laws and rules may supersede the guidelines provided herein and may require specific leave allowances that differ from those described below.

Advisory Note: Health care providers or emergency responders (as defined by FFCRA) may be excluded from receiving leave identified under the Emergency Paid Sick Leave Act (EPSLA) or the Emergency Family and Medical Leave Expansion Act (EFMLEA). An Agency Head or University Chancellor has the discretion to grant full or partial FFCRA leave.

Isolation by a Public Health Official

When an employee is isolated by a public health official or is ill, the employee shall follow the Sick Leave Policy unless the State Human Resources Director has authorized agencies to provide specific State of Emergency Leave for employees (which may include employees

Communicable Disease Emergency

with temporary appointments), subject to the availability of funding. If state or federal rules specify that paid emergency leave shall be given to employees, the paid state of emergency leave authorized by the State Human Resources Director may be applied to meet this requirement, if applicable.

Quarantined or other Control Measures by a Public Health Official

When an employee is quarantined, the employee shall be granted Administrative Leave – CDE until the specified period of time ends or the employee becomes ill or is isolated by a public health official, whichever comes first. The maximum amount of Administrative Leave – CDE that may be granted to an employee will be 80 hours during a declared state of emergency. This shall include employees with temporary appointments.

Employee is Required by the Agency to Stay Home

If agency management believes that an employee has symptoms associated with a communicable disease, management may require the employee not to report to work and to use any available compensatory leave, sick leave, vacation leave or bonus leave.

In response to a severe public health emergency, the State Human Resources Director may authorize paid state of emergency leave that agencies may grant to employees who experience symptoms associated with a communicable disease. If state or federal rules specify that paid emergency leave shall be given to employees, the paid state of emergency leave authorized by the State Human Resources Director may be applied to meet this requirement, if applicable. This may be extended to temporary employees, subject to the availability of funding.

When an Agency is Closed or only Mandatory Employees are Required to Report to a Specific Worksite (particularly when all other employees are restricted from coming into the workplace)

Although all efforts should be made to allow non-mandatory employees to telework or work from an alternative location, it may not always be possible. Non-mandatory employees who are not able to telework or work from an alternative location may be granted paid State of

Communicable Disease Emergency

Emergency Leave by the agency if such leave is authorized by the State Human Resources Director. This leave may be extended to temporary employees, subject to the availability of funding. The employee's pay shall continue at the same rate the employee would have received had the employee been working (including any shift premium pay normally received). In the absence of State of Emergency Leave, employees may use accrued vacation, bonus, compensatory time or take leave without pay. If authorized by the agency head, employees may be advanced leave or allowed to make up time in accordance with the parameters for making up time during adverse weather. The agency may extend the make-up time to 24 months if necessary. If a non-mandatory employee is required to telework or work from an alternative location, the employee shall not receive additional pay.

Employees who are on prearranged leave shall charge leave to the appropriate account until the end of the scheduled days off, unless there are extenuating circumstances. Also, employees on leave without pay shall continue on leave without pay until the scheduled leave without pay period ends, unless there are extenuating circumstances.

If an Employee becomes Ill

If the employee becomes ill and it is determined to be work related in accordance with the Workers' Compensation Act, the Workers' Compensation Policy applies. If the employee's illness is determined not to be work related in accordance with the Workers' Compensation Act, the Sick Leave Policy applies, unless otherwise covered by State of Emergency leave options. The provisions of the Family and Medical Leave Policy and the Family Illness Leave Policy shall also apply, as appropriate.

Advisory Note: Should an employee not have sufficient sick leave available; the agency shall advance the employee a reasonable amount of leave or make arrangements for the employee to make up the time if the agency determines that the work situation will allow it. Time must be made up within 24 months from the occurrence of the absence. If it is not made up within 24 months, the appropriate leave shall be charged, or leave without pay.

Employees who have symptoms of a communicable disease and are required to stay home or who are ill with the communicable disease should be cautioned not to return to work until

Communicable Disease Emergency

they are sure that they are fully recovered, in accordance with CDC or NC Division of Public Health guidelines.

Agencies may require certification of fitness to work from a health care provider.

Returning to Work

Depending upon the severity of the public health emergency, employees may be unable to obtain a healthcare provider's note; therefore, Agencies shall follow the recommended guidelines from the Centers for Disease Control or local Public Health Department before allowing employees to return to work.

Expanded Community Service Leave

During a communicable disease emergency, the State Human Resources Director may expand Community Service Leave days to help meet human services needs typically filled by non-profits. The amount of leave and parameters of expanded Community Service Leave will be specific to that particular communicable disease emergency event.

If an Employee must Care for an Ill Family Member

An employee who is caring for an individual who: (a) is subject to a quarantine or isolation order from a public health official, or (b) has been advised by a health care provider to self-quarantine due to concerns related to a communicable disease emergency may be granted State of Emergency Leave (if authorized) or use any available compensatory leave, sick leave, vacation leave or bonus leave.

Day Care or Public and Private School Closings/Elder Care Closing

If an employee, who is a parent (or guardian), is required to stay home with a child (as defined in the FMLA) because of the closure of a day care facility or public/private school, the employee may, with approval of the supervisor, be allowed to work at home or elect to:

- use State of Emergency leave (if authorized by the State Human Resource Director and granted by the Agency Head),

Communicable Disease Emergency

- use vacation leave,
- use bonus leave,
- use sick leave,
- use compensatory leave,
- take leave without pay, or
- make up time in accordance with the parameters for making up time during adverse weather. The agency may extend the make-up time to 24 months if necessary.

This also applies for eldercare facility closing.

Review of Policy Provisions

If any public health emergency exceeds 30 days, the leave and compensation provisions of this policy shall be reviewed, and revised, as applicable. The State Human Resources Director shall determine the appropriate course of action, in consultation with the Governor's Office, and the State Budget Director.

Pending a decision on renewing these provisions, the employee may be allowed to take leave (compensatory, sick, vacation, bonus), if available, until a decision is made. If leave is not available, leave shall be advanced and paid back within 24 months.

Advisory Note: For additional information about communicable diseases, surveillance and reporting, disease laws and rules, and public health preparedness and response, please refer to the OSHR website for links to the NC Division of Public Health and US Department of Labor.

<https://oshr.nc.gov/policies-forms/workplace-wellness/communicable-disease-emergency>

Emergency Layoff

An emergency layoff is a temporary separation from payroll because funds are not

Communicable Disease Emergency

available, work is not available or because of another emergency situation requiring employees to remain away from the worksite. The employer believes that the condition will change and intends to recall the employees as soon as feasible.

An emergency lay-off may be declared if the agency remains totally closed or partially closed for an indefinite period of time due to the public health emergency. The agency head shall make this decision after consultation with the State Human Resources Director, the Governor's Office and the State Budget Director.

During an emergency layoff, employees who are laid off are entitled to participate in the State Health Plan. State agencies shall pay the employer contribution. The agency may also pay the employee contribution for the month following the layoff, with the provision that the employees shall repay the State for any contribution made on their behalf.

An employee shall not be paid for leave at the time of the emergency layoff; however, vacation and sick leave will continue to accrue during the layoff to be credited to the employee's account upon return from the layoff. If a reduction-in force should occur before the employee returns, the vacation leave accumulated while on layoff shall be paid, not to exceed policy maximums, along with other unused vacation/bonus leave, that was on hand at the time of the layoff.

An employee will continue to receive total State service while on an emergency layoff.

An employee may be eligible for unemployment benefits with the North Carolina Division of Employment Security while on an emergency layoff. Employees should contact the North Carolina Division of Employment Security for further details.

Other Provisions

Hiring

During the communicable disease emergency, if additional staff are needed to cover emergency operations, the agency head is authorized to execute the immediate hiring of a

Communicable Disease Emergency

temporary or up to one-year time-limited permanent employee who is determined to be qualified and able to do the work by:

- waiving the posting policy,
- posting positions with the provision that the hiring authority does not have to wait until the closing date to make job offers,
- waiving the minimum qualifications policy, and/or
- waiving the hiring of relatives (nepotism) policy.

A time-limited permanent appointment may be extended per the appointment policy up to 30 days beyond the duration of the State of Emergency.

The agency head is also authorized to offer competitive salaries to employees hired under these provisions for the duration of the emergency.

Employee Reassignments

The agency head is authorized to assign employees where they are most needed and compensate them accordingly for the duration of the emergency.

Compensation during a Public Health Emergency

An agency head may grant a bonus or an acting promotion or temporary in-range salary adjustment for employees in positions that are deemed directly related to the public health emergency operations. Acting promotions and temporary in-range salary adjustments made during this period are on an interim basis and will continue no longer than 30 days following the end of the public health emergency.
