

PANDEMIC Covid-19 EMPLOYEE LEAVE GUIDELINES

BOR Policy and SD Administrative Rules provide the policy framework for handling sick, annual, and administrative leave.

1. Pursuant to ARSD [55:09:04:18](#), if an institution has a reasonable belief that an employee has been exposed to a contagious disease that would endanger the population of the campus community or public, it may request the employee leave the worksite, subject to the following: a. If an employee refuses to leave the worksite, you may require the employee to provide medical certification that the illness is not a threat to the employee or others. If required, the costs of the medical examination is the institution's responsibility. If the employee refuses to submit to the examination or if the examination indicates that the employee has a contagious disease, the employee may use sick or vacation leave; otherwise the leave shall be without pay.

2. If an institution requires an employee to be absent from work because the individual may have been exposed, but is not symptomatic/sick, it is recommended that the institution grant administrative leave if working remotely is not an option. The feasibility of this will be determined by USD.
 - a. ARSD [55:09:04:13](#) allows for the granting of administrative leave for any purpose that has been requested in writing and approved by the commissioner – in BOR's case, the System Director of HR acts as the commissioner in most instances, or the Executive Director.
 - b. There will be a consistent campus process/protocol for making the determination on whether an employee should be asked to leave the workplace, and it should not be left to individual supervisors to make judgment calls.

3. If an individual is **symptomatic/sick** then they would use sick leave, annual leave or leave without pay, this is consistent with practice for any other illness related absences in the workplace.

4. If an employee has an **immediate family member that requires care**, they are eligible to use personal leave (up to 5 days of accrued sick leave), annual leave, or leave without pay. Where feasible, employees can be provided the opportunity to work remotely.

5. If there is reasonable belief that an employee has been exposed to COVID-19 on a work related trip that results in required quarantine or recovery from the virus, when feasible, the employee will be given the opportunity to work remotely, or paid administrative leave. This is in line with guidance from BHR and the state of SD.

6. If the institution, or any departments/colleges/functions within the institution **close**, the institutions need to:

- a. Follow the institutional pandemic plan, COOP plan and/or Emergency Management Plan to identify essential staff and ensure there is coverage and/or accommodation to allow remote work to ensure essential operations can continue.
- b. Provide administrative leave to eligible employees who are not required/requested/able to work remotely.

7. If a self-identifying immune compromised individual (in the case of COVID-19 defined by the CDC as “older adults, or people with serious chronic medical conditions such as heart disease, diabetes, or lung disease “) is uncomfortable coming to work, that request should be accommodated and the individual given the option of using annual leave or leave without pay

A. **Consideration 1** – It is conceivable to provide remote work accommodation in this scenario; however, this is a challenge because not everyone is eligible to do that, and this event could go on for a significant period of time. In addition, individuals still must function, so unless they are completely quarantined they are likely still going to be in public places with risk of infection.

B. **Consideration 2** – The institution could provide/assign alternative on-campus work locations as available that remove immune compromised so that they are not exposed to large groups of people.

C. These situations will be unique and should be handled on a case by case basis.

8. Advanced Sick Leave – [ARSD 55:09:04:07](#)a.If employees end up on extended leave due to COVID-19, and do not have leave available, there is an advanced sick leave policy, This is only available to individuals who (1) have been an employee for 1+ years, (2) have exhausted all other leave, and (3) have a signed doctor’s note.