

COVID-19 Administrative Leave

General Information:

At the Governor's direction, State Personnel worked collaboratively to reach an agreement between the State of Nebraska and NAPE/AFSCME, FOP, and SLEBC for a new leave option for state teammates who are excluded from the leave provisions in the Families First Coronavirus Response Act (FFCRA) by virtue of their designation as health care providers and/or emergency responders.

State Personnel Director, Jason Jackson, under Neb. Rev. Stat. § 81-1317 acted to extend this leave option to teammates covered under the Personnel Rules and Regulations.

The purpose of this temporary new form of leave – **COVID-19 Administrative Leave** – is to provide up to 80 hours of leave that otherwise would not be available under the FFCRA leave provisions. COVID-19 Administrative Leave is available for COVID-19 related absences from April 1, 2020 through December 31, 2020 according to the following guidelines.

Qualifying Conditions:

- COVID-19 Administrative Leave is only available to teammates that are excluded by the State from eligibility for both Emergency Paid Sick Leave and Expanded FMLA under the FFCRA. It is not available to teammates who already have access to Emergency Paid Sick Leave under FFCRA.
- Qualifying teammates have up to 80 hours of leave if employed full-time, or the number of hours equal to the total hours that the teammate works, on average, over a 2 week period, if employed part-time.
- Qualifying reasons for use of COVID-19 Administrative Leave are:
 - a) Teammates are unable to work or telework and are subject to federal/state/local quarantine or isolation order related to COVID-19; or
 - b) Teammates are unable to work or telework and are advised by a health care provider to self-quarantine due to COVID-19; or
 - c) Teammates are unable to work or telework and are experiencing symptoms of COVID-19 and are seeking a medical diagnosis; or
 - d) Teammates are unable to work or telework and are caring for an individual subject to reasons (a) or (b) above.

Requesting COVID-19 Administrative Leave:

1. Teammates should request COVID-19 Administrative Leave in advance when possible and those requests will be answered within 2 business days.
 - In the case of any absence not approved in advance, teammates should inform the first level of supervision outside their bargaining unit as soon as possible.
 - Teammates may be required to submit substantiating evidence of eligibility and leave may be denied if the teammate fails to do so.
 - Eligibility requirements will be interpreted using U.S. Department of Labor guidance on Emergency Paid Sick Leave under the Families First Coronavirus Response Act as such guidance existed on April 21, 2020.
 - All COVID-19 Administrative Leave shall be forfeited upon separation from employment or on December 31, 2020, whichever occurs sooner.
2. Agency Human Resources should contact Sean Davis, Interim Employee Relations Administrator, at 402-471-8292 or via email [here](#), once leave has been approved.
 - DAS Employee Relations will coordinate the JDE systems activation of the COVID-19 Administrative Leave for qualifying teammates.
 - DAS Employee Relations will communicate back to agency human resources when the leave is activated.
3. Pay Code 42 (SELF COVID) will be used for COVID-19 Administrative Leave
 - This pay code is also used for FFCRA leave.
 - For COVID-19 Administrative Leave, there will be a marker attached so that COVID-19 Administrative Leave can be tracked separately.

For questions please contact:

- Kevin Workman, Deputy State Personnel Director, at 402-471-2833 or via email [here](#) OR
- Sean Davis, Interim Employee Relations Administrator, at 402-471-8292 or via email [here](#).