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Guidance for City Agencies on Leave Policy Applicable to Employees at Risk for Potential Exposure to Novel Coronavirus (2019-nCoV)

On February 3, 2020, the Centers for Disease Control and Prevention (CDC) issued an "Interim US Guidance for Risk Assessment and Public Health Management of Persons with Potential 2019 Novel Coronavirus (2019-nCoV) Exposure in Travel -associated or Community Settings" (see https://www.cdc.gov/coronavirus/2019-nCoV/php/risk-assessment.html.) The CDC Guidance recommends isolation, quarantine, or home self-monitoring of some persons potentially exposed to the virus. The CDC Interim Guidance applies to people who left mainland China on or after February 2, 2020 at 5 pm EST. It does not apply retrospectively to people who were in mainland China and arrived in the United States before February 2, 2020 at 5pm EST. This document sets forth City leave policy with respect to City employees who are isolated, quarantined, or who are home self-monitoring in accordance with CDC recommendations.

A. CDC Guidance

The CDC Guidance defines four categories of risk to guide public health management of people following potential 2019-nCOV exposure. The recommendations apply until 14 days after the exposure event:

- High Risk
  - A person who lives in the same household as, or is an intimate partner of, or who has been providing care in a nonhealthcare setting for a person with symptomatic, laboratory-confirmed 2019-nCOV infection without using CDC recommended precautions for home care and home isolation; and
  - A person who has traveled from Hubei Province, China.

- Medium Risk
  - A person who has traveled from China outside Hubei Province and not having any exposures that meet a high-risk definition.
  - A person having close contact[1] with a person with symptomatic, laboratory confirmed 2019n-COV infection, other than exposures that meet the high-risk definition;

[1] Close contact is defined as—
a) being within approximately 6 feet (2 meters) of a 2019-nCoV case for a prolonged period of time while not wearing recommended personal protective equipment or PPE (e.g., gowns, gloves, NIOSH-certified disposable N95 respirator, eye protection); close contact can occur while caring for, living with, visiting, or sharing a health care waiting area or room with a 2019-nCoV case – *or* –

- A person who lives in the same household as, or is an intimate partner of, or has been providing care in a nonhealthcare setting for a person with symptomatic, laboratory confirmed 2019-nCOV infection while consistently using CDC recommended precautions for home care and home isolation;
- A person seated on an aircraft within 6 feet of a traveler with symptomatic, laboratory-confirmed 2019-nCOV infection; and

- Low Risk
  - A person having been in an indoor environment (e.g., a classroom, hospital waiting room) with a person with symptomatic, laboratory-confirmed 2019-nCOV infection for a prolonged period of time but not meeting the definition of close contact.
  - A person seated on an aircraft of a traveler with symptomatic, laboratory-confirmed 2019-nCOV infection but not within 6 feet.

- No Identifiable Risk
  - Interactions with a person with symptomatic laboratory-confirmed 2019-nCoV infection that do not meet any of the high-, medium- or low-risk conditions above, such as walking by the person or being briefly in the same room.

The CDC recommends that persons in the high-risk and medium-risk categories who are symptomatic be immediately isolated and medically evaluated.

The CDC recommends that persons in the high-risk category who are asymptomatic be quarantined for a period of 14 days. To implement this recommendation, the New York City Commissioner of Health and Mental Hygiene issued orders requiring that individual travelers from Hubei Province who are asymptomatic be quarantined until 14 days after their last day in Hubei Province.

The CDC recommends that persons in the medium-risk category who are asymptomatic voluntarily self-monitor for 14 days after they left mainland China by remaining home or in a comparable setting, avoiding congregate settings, and limiting public activities. Further guidance from New York State directs that individuals in this category do not attend work or school.

B. Guidance on Applicable Leave Policies City Employees under Quarantine

Leave regulations applicable to employees under the Pay Plan for Management Employees and employees under the Career and Salary Pay Plan provide that the absence of employees shall be excusable without charge to sick leave or annual leave balances when the absence is

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b) having direct contact with infectious secretions of a 2019-nCoV case (e.g., being coughed on) while not wearing recommended personal protective equipment.

required because of a Health Department ruling with respect to quarantine.[2] It is the policy of the City to provide employees who are isolated or quarantined or who self-monitor at home in accordance with the CDC recommendations with time off with pay without charge to leave balances. Employees should provide proof that they meet the conditions for isolation, quarantine, or home self-monitoring:

1. The employee in in the Medium-Risk category, is asymptomatic and is home self-monitoring.

2. The employee is symptomatic and either under investigation for 2019-nCoV infection or confirmed as a case of 2019-nCoV and required to remain absent because of isolation directed by the NYC DOHMH.

3. The employee arrived in the United States from Hubei Province, China on or after February 2, 2020 at 5 pm EST, is asymptomatic and is quarantined in accordance with DOHMH directions.

Managers should notify the agency's Human Resources (HR) office of any employees who have returned from mainland China recently. HR should contact those employees and explain this guidance to them. Further guidance is available on the DOHMH website at https://www1.nyc.gov/site/doh/providers/health-topics/novel-respiratory-viruses.page

C. Employees who have been diagnosed with 2019-nCoV

Information that an employee has the coronavirus must be held confidential. The Americans with Disabilities Act prohibits the disclosure of confidential medical information unless a supervisor must implement work restrictions for public health and safety reasons.

Employees who have been diagnosed as infected by 2019-nCoV will receive time off with pay and without charge to leave balances for the workdays that fall within the period that they are symptomatic and 10 days after resolution of their symptoms. Thereafter, time off will be charged against leave balances. If an employee has exhausted his/her leave balances, City agencies can either advance or grant sick leave to a permanent competitive employee who has ten or more years of service. If the 2019- nCoV virus outbreak evolves, the City may temporarily modify this policy to include non-competitive and provisional employees with ten or more years of City service, as well as permanent, competitive employees with less than ten years of service.

D. Travelers arriving from mainland China before 5 pm EST February 2, 2010

Employees who left mainland China and arrived in the United States before 5pm EST February 2, 2020 and who have no symptoms of illness should return to work immediately.

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[2] The same excused absence provisions generally apply to employees whose pay is determined in accordance with Section 220 of the New York Labor Law, with exceptions for a small number of units. Agencies should consult OLR or DCAS if any cases arise.

Anyone who was in China in the last two weeks and has a fever, cough or shortness of breath should call their medical provider and report their symptoms and travel history. They should not return to work until they have been evaluated by a doctor and told they are no longer sick.

E. Employees Exhibiting Flu-like Symptoms

If an employee is exhibiting flu-like symptoms and you reasonably determine that the employee's health condition may threaten the safety of other employees, agencies can instruct the employee to go home and require the employee to provide a health care provider/doctor's note stating that the employee is cleared to return to work.

There is no special obligation beyond the standard sick leave policy to pay a sick employee who is instructed to stay home or who is sent home, except for those employees who are isolated or quarantined or self-monitoring as described in Part B above and those employees who have been diagnosed with 2019-nCoV as described in Part C above.