



**STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
DIRECTOR'S OFFICE**

515 E. Musser Street, Suite 300 | Carson City, Nevada 89701
Phone: (775) 684-0299 | admin.nv.gov | Fax: (775) 684-0298

MEMORANDUM

June 29, 2020

TO: All Department Directors

FROM: Laura E. Freed, Director
Department of Administration

SUBJECT: **Updated Guidance on Paid Administrative Leave Related to COVID-19**

On March 16, 2020, the Department of Administration issued a guidance memorandum regarding the use of paid administrative leave due to the coronavirus pandemic. The emergency regulation providing appointing authorities the ability to approve paid administrative leave during the pandemic remains in effect, and a permanent regulation is in process. However, in the three months since that memorandum was issued, testing capacity has expanded across the state. As such, it is appropriate to update the guidance to fit Nevada's current circumstances.

Employees Testing Positive and Employees Caring for COVID-19 Positive Persons

In the Governor's March 20th memorandum to department directors, he noted that no employee should be required to utilize sick leave or annual leave for COVID-19 related absences. As such, any employee who reports a positive COVID-19 test is entitled to paid administrative leave to recover and may not return until they meet the criteria to discontinue home isolation. Administrative leave should also be granted when an employee is caring for a household member who has tested positive for COVID-19. As a reminder, all employees who test positive, or have household members test positive, are required to report that information to their employer.

Direct and Indirect Exposure to COVID-19 Positive Persons

The Department of Administration memorandum issued on March 19th stated that employees who have had close contact¹ with a confirmed COVID-19 infected person should stay out of the worksite until the 14-day incubation period has passed. Since employees now have access to

¹ "Close contact" is defined as being within 6 feet of another person for 15 minutes or longer, according to the Centers for Disease Control and Prevention.

testing even if asymptomatic, 14 days of administrative leave may not be warranted in every case. Agencies should instruct employees who have been directly exposed to a COVID-19 infected person to obtain a COVID-19 test. The Nevada Health Response website provides a test site finder for locations throughout Nevada at <https://nvhealthresponse.nv.gov/find-covid-19-testing-in-nevada/>. Additional information on testing coverage is also available through the Nevada Public Employees' Benefits Program (PEBP), and additional information will be provided to agencies as it is released.

In many cases, local health district contact tracers will inform an employee of the need to obtain a test and may also mandate self-quarantine. If the local health authority has not mandated self-quarantine, employees may return to the office if the test is negative and the employee is symptom-free. Employees should be reminded that the Public Employees' Benefits Program covers COVID-19 tests at 100 percent with no deductible or copay.

If an employee's exposure to a COVID-19 infected person is not direct (e.g., a household member was exposed to a COVID-19 infected person, but not the employee) the employee should be encouraged to obtain a test, along with all other members of that household. Administrative leave should be granted for employee testing purposes as well as employees who accompany children or other family members to be tested. The Equal Employment Opportunity Commission (EEOC) has determined that employers may require a COVID-19 test to return to work, since having the virus poses a direct threat to the health of others unless testing causes a conflict due to employee religious beliefs. However, this has been interpreted to mean that employers may test all employees prior to returning to work, and not necessarily that an employee is required to furnish a negative COVID-19 test after being out on leave. In some cases, local health district contact tracers will have informed an employee of the need to obtain a COVID-19 test. However, the Department of Administration has noted that this does not always occur in indirect exposure situations. In those cases of indirect exposure, department leadership should work with employees to encourage testing. This will help to mitigate other employees' concerns. Some employees will be unwilling to do so, and in that case, Administration encourages consultation with an agency's human resources staff and/or the Division of Human Resource Management (DHRM). Employees should be reminded that health records are confidential and test results will not be shared.

Since the state is now in a better position with regard to testing, it benefits both the agency and the employee to obtain a test if there is a reasonable concern of exposure to COVID-19. Testing can ease employees' concerns and reduce the amount of administrative leave taken. We appreciate everyone's flexibility as we encounter these new personnel circumstances and provide guidance in changing conditions. If a department has questions about an individual situation, it should discuss with its own personnel staff or reach out to the staff of DHRM.