

PERSONNEL MEMORANDUM NO. 1, 2023-2024

(updated July 2023)

TO: Superintendents, Principals, BCO Executive Directors, BCO Deputy Directors, Chief Executives and Heads of Offices, HR Directors, School Secretaries

FROM: Patrick Fagan, Chief Human Resources Officer, Division of Human Resources

RE: Updated Guidance Related to COVID-19 Excused Absences

This memorandum is in effect during the year starting on July 1, 2023 unless otherwise modified.

The following process and rule changes relate to absences due to COVID-19.

A. EXCUSED LEAVE

Excused leave under this Policy is available to employees who are unable to work for COVID-19 related reasons.

Except as set forth in subparagraph “a” of this section, effective July 1, 2023, all excused leave at full pay provided pursuant to this memo is limited to a cumulative total of two (2) work weeks during the period of July 1, 2023 to June 30, 2024. (This means the number of hours that an employee is regularly scheduled to work in a two-week period.)

An employee who is unable to work (including unable to telework, if permitted) is eligible for excused leave at full pay as follows:

- a. An employee who is hospitalized or in a rehabilitation facility due to COVID-19 is eligible for excused leave at full pay during such care and for ten workdays after the employee is released from the hospital or rehabilitation facility. Employees who test positive within three months after recovering from the first COVID infection will not receive COVID-19 excused leave during that three-month period unless they have new COVID-19 symptoms.
- b. An employee is eligible for excused leave at full pay for up to two workweeks in the period of July 1, 2023 to June 30, 2024, with any additional leave charged to applicable leave balances, as follows:
 - i. The employee is exhibiting symptoms of COVID-19 but does not, at the time symptoms develop, have a positive COVID-19 diagnostic test. To be eligible for excused leave, an employee must provide documentation that they took a COVID-19 diagnostic test within three days from symptom onset. Employees must use their own

CAR/sick leave for any additional time taken after receiving a negative COVID-19 test result or if they do not seek COVID-19 testing.

- ii. The employee tested positive for COVID-19 with a COVID-19 diagnostic test.
- iii. The employee is exhibiting side effects from vaccination (including boosters) where the symptoms develop within three days of the administration of the vaccination.
- iv. The employee is subject to a governmental quarantine or isolation order due to COVID-19,

Part-time employees may receive excused leave for the number of hours that the employee is expected to work in a two-week period. If expected hours cannot be readily determined, part-time employees may receive excused leave for the average number of hours that the employee worked in a two-week period over the six months preceding the leave.

Employees shall not be required to charge absences to other accrued leave during the period of excused leave authorized by this policy.

B. TIME OFF TO RECEIVE THE COVID-19 VACCINE AND BOOSTERS

Employees may receive excused time off to receive the COVID-19 vaccine including boosters. Please see [Payroll Memorandum No. 11 \(2020-2021\)](#) and [Payroll Memorandum No. 6 \(2020-2021\)](#) for more information.

C. GENERAL ATTENDANCE POLICIES DURING COVID-19

When an employee is absent for COVID-19 related reasons but not eligible for leave pursuant to Section A of this Policy, the employee must utilize their own leave time.

I. Documentation

Employees must be able to provide documentation, if requested, to support their request for an excused leave. Extended leaves may be subject to further medical review by DOE.

II. Use of CAR/Sick Days for COVID-19 Related Absences

Employees shall be permitted to utilize CAR or sick days, over the existing limit of three such days per year, to either (a) care for a family member who is home due to documented COVID-19 related illness after having tested positive for COVID or (b) care for their child whose school or place of care has been closed for COVID-19 related reasons, and/or is at home for remote learning for COVID-19 related reasons. Such use of CAR or sick days is limited to no more than twelve (12) weeks total.

III. Telework in Lieu of Absence

For the above circumstances qualifying for an excused absence in Section I or other use of CAR/Sick Days in Section II above, as an alternative to leave, teleworking may be permitted for non-school-based staff, with prior supervisor approval, if the essential functions of the job can be performed remotely. However, supervisors are not required to create or allow a teleworking assignment for employees who cannot report to work in person for the COVID-19 related reasons listed above. To the extent that teleworking is permitted, employees are still required to provide documentation of the reason for the in-

person absence consistent with these criteria. For employees who are permitted to telework, the availability of excused leave may be subject to the employee's demonstration that they are unable to telework.

D. POLICY APPLICATIONS

Any questions about these policies should be directed to the relevant HR Director.

This memo and these policies are subject to change, are not applicable beyond the 2023-2024 school year, and may be changed without prior notice before the end of the school year. These policies do not represent permanent changes to DOE policy or procedures. If there are additional policy changes, this memo will be updated accordingly.