



Statewide Policy: 2019 Novel Coronavirus (COVID-19)
Updated: March 31, 2020
Effective Date: April 1, 2020

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Disclosure

Information contained in this policy is subject to change. Consult with the Division of Human Resources and the Attorney General’s Office to ensure accurate application of these policies.

General Workforce Guidance

“Stay at Home” Order Issued March 25, 2020

The below information summarizes to the **Guidance Regarding Essential Government Services** [memo](#) posted to the DHR website March 26, 2020.

In accordance with the March 25, 2020 Order to Self-Isolate for the State of Idaho (“Stay at Home”), “all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses” are “categorically exempt” from the Order. The Order further states, “nothing in this order shall prohibit any individual from performing or accessing ‘Essential Government Functions.’”

- “**Essential Government Functions** means all services needed to ensure the continuing operation of local, state, federal, or tribal government agencies and provide for the health, safety and welfare of the public. All Essential Government Functions shall be performed in compliance with Social Distancing Requirements, as defined in Section 8.j. of the order, to the extent possible.”

For State of Idaho executive branch entities, this means all state government functions shall continue to be performed in accordance with the March 25, 2020 Order, which states the following:

- All individuals anywhere in the State of Idaho are to stay at home – except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing.
- Under any of the limited circumstances in which individuals are allowed to interact in person outside their residence, the Director [of the Department of Health and Welfare] orders individuals to abide by the following requirements:
 - Maintain at least six feet from other individuals, wash hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes, and not shake hands;
 - For people with medical conditions, regardless of age, that put them at higher risk of serious complications should they contract COVID-19, and other than health care workers and other essential providers, avoid leaving their homes to the extent possible;
 - No individual who is sick may go to the workplace or be outside the home except as necessary to seek [or] receive medical care in accordance with guidance from public health officials.

Using the above guidelines, agencies need to identify staff that can telecommute as much as possible while still ensuring all essential services remain available and identify which staff will report to their workstation utilizing social distancing requirements.

Employees who are deemed as essential by their agency or who are non-essential but permitted to telecommute are expected to report to work as scheduled unless on sick or other form of

approved and accrued leave. Failure to do so may result in disciplinary action up to and including dismissal.

Restrictions from Working

All employees should use their best judgment to stay home if they feel ill in general and exploring telecommute options is encouraged.

An agency should not prohibit any employee from reporting to work unless:

- A public health official, health services provider, medical provider, or other regulatory entity (i.e., Health and Human Services, Center for Medicaid and Medicare Services, Department of Health and Welfare, local public health districts, etc.) has determined their presence in the workplace poses a health risk or risk of infection to others.

OR,

- The agency has consulted with DHR and is given authorization to place the employee on paid administrative leave.

If a public health official, health services provider, medical provider, or other regulatory entity (i.e., Health and Human Services, Center for Medicaid and Medicare Services, Department of Health and Welfare, local public health districts, etc.) has not made such a determination but there is evidence or a reasonable concern that an employee is physically unable to perform his or her job (for example, an employee has returned from an affected region with an articulable exposure), the supervisor should express general concern regarding the employee's health and remind the employee of his or her leave options for seeking medical attention. If an employee does not elect to go home, supervisors should consult with HR and legal counsel about appropriate next steps.

Supervisors should refer to CDC's [Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 \(COVID-19\)](#) for guidance on how to handle employees showing symptoms of illness.

According to this guidance, signs and symptoms are similar to flu-like symptoms which include: cough, fever (100.4 F+), and/or shortness of breath.

Communicating a Confirmed Diagnosis

We all must fight against rumors and false information regarding COVID-19 in Idaho. Please use trusted sources such as <https://coronavirus.idaho.gov/> or <https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

If an employee is tested positive for COVID-19, agencies should work with their HR and legal counsel to develop a communication to the agency. An example communication template is available on the DHR website under the [COVID-19 Workforce Guidance](#), Communication Templates/Samples. It is recommended HR and legal counsel approve all communications prior to distribution.

An infected employee's privacy must be protected to the greatest extent possible and their identity should not be disclosed. In an outbreak of a communicable disease such as COVID-19, management should share only that information determined to be necessary to protect the health of the employees in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). Employees exposed to a co-worker with confirmed COVID-19 should refer to CDC guidance for how to conduct a risk assessment of their potential exposure at <https://www.cdc.gov/coronavirus/2019-ncov/hcp/assess-manage-risk.html>.

To determine whether the Family Medical Leave Act (FMLA), American's with Disabilities Act (ADA), Families First Coronavirus Response Act (FFCRA) or Emergency Paid Sick Leave Act (EPSLA) is applicable, consult with HR and legal counsel.

Returning to the Worksite After COVID-19 Leave:

Employees should follow the advice of their health care professional and the standards provided by the CDC in determining when it is appropriate to return to work.

Refer to the following CDC Guidance:

- What to Do if You Are Sick: <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- Discontinuation of Self-Isolation: <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html>
- Healthcare Discontinuation of Self-Isolation: <https://www.cdc.gov/coronavirus/2019-ncov/healthcare-facilities/hcp-return-work.html#confirmed-suspected>

Before an employee returns to work, the employee's supervisor should consult with HR and legal counsel regarding procedures for requesting administratively acceptable medical documentation in accordance with applicable policies and laws.

Reference the following Public Health Recommendations for People in U.S. Communities Exposed to a Person with Known or Suspected COVID-19, other than Health Workers or other Critical Infrastructure Workers <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html> for additional information.

Employees who are sick should follow [CDC-recommended steps](#). Employees should not return to work until the criteria to [discontinue home isolation](#) are met in consultation with healthcare providers, state or local health departments.

Employees who are well but who have a sick family member at home diagnosed with COVID-19 should notify their supervisor and follow [CDC recommended precautions](#) to prevent further spread of COVID-19.

Considerations for Facility/Public Access Closures

Agencies should keep in mind we work in public service and must remain available to serve Idahoans. If agencies do not have an updated Continuity of Operations Plans (COOP), agencies are expected to update or develop theirs immediately and submit them to DHR and DFM.

For assistance in updating and/or developing a COOP, visit the Idaho Office of Emergency Management (IOEM) website for a planning template, manual and guidance at:

<https://ioem.idaho.gov/preparedness-and-protection/plans/coop/>

To ensure continuity of operations, consider the following:

- Allow employees to work from home if possible¹;
- Request employees change shifts to ensure all shifts are covered;
- Request or mandate employees to work extra shifts;
- Reassign employees in higher staffed locations to locations in need of additional staffing;
- Consider reaching out to employees who have left state service to consider reinstatement;
- Consult with human resources on options related to incentive pay (i.e., bonuses, discretionary pay differentials, etc.);
- Provide cross-training of employees to cover other positions as appropriate;
- Utilize temporary employees.

In considering whether to close an office to public access, agencies should consider several factors, including but not limited to:

- Impact to the mission and public (i.e., does they agency provide public facing services? Is the continuation of services legally required? If yes, can they be provided online?);
- Risk to employees and public of remaining open, options to reduce risk;
- Alternatives to continue effective operations (remote location, telecommuting, limited scope of services, limited lobby hours, limited number of people in the lobby, expand internal area to respect social distancing, provide services by appointment, etc.);
- Span of impacted area or potential for further contamination;
- Impact of closure on employees and public;
- Ability to conduct a partial closure of an office;
- CDC and OSHA guidelines;

¹ Confidentiality concerns related to employees working from home should be addressed with agency IT or ITS.

- Other potential legal considerations.

Agencies should utilize the public access closure template on the DHR website under the [COVID-19 Workforce Guidance](#) section.

If an agency is concerned that they are unable to continue operations and need to consider closing a facility, please consult with the Governor's Office, DHR and DFM, in accordance with DHR Rule 15.04.01.250.08.

Telecommuting

Telecommuting may be made available to employees as deemed appropriate and necessary by the agency. Agencies should consider the following:

- Does the employee's position allow for telecommuting (i.e., is it necessary that they are physically present to perform the essential functions of their position)?
- Is the employee at risk of having been exposed to COVID-19 and/or showing flu-like symptoms? (Reference the General Workforce Guidance section of this policy)
- Are there other options that allow for social distancing, such as moving employees to alternate locations, offices, or areas of the building?
- If the employee is allowed to telecommute, would the agency be able to provide essential services in accordance with their COOP?
- What tasks will the employee be able to complete while working from home? How will these tasks be tracked and monitored?
- Is there enough work to fulfill the employee's regularly scheduled hours?
- Are there other tasks they can complete that fall outside of their normal scope?
- Does their position require they work with Federal Tax Information (FTI) or Personally Identifiable Information (PII)?
- Does the employee have the necessary equipment to telecommute? Is their home/remote workspace safe and confidential?
- Are there any distractions that would prevent the employee from working remotely? If so, how will the employee manage those?
- How will communication occur and how frequently?

Telecommuting should be utilized in lieu of other leave options and coded on the employee time sheet as CVR (for tracking telecommuting due to COVID-19). Employees who do not normally submit a timesheet should submit a timesheet for hours worked in a telecommuting capacity during this time (i.e., Executive Exempt should code hours worked telecommuting up to 40 in a workweek as CVR).

To be prepared for COVID-19, departments and agencies must incorporate telecommuting in their COOP. Telecommuting arrangements can be used to promote social distancing and can be an alternative to the use of accrued leave for an employee who is asymptomatic (does not show symptoms of being ill) or caring for a family member who is asymptomatic. A written

understanding should be signed by the employee and the employee's supervisor detailing the work to be performed. These telecommuting arrangements are temporary and subject to change as the COVID-19 situation develops.

At this time, the Statewide DHR policy restriction on telecommuting when there are young children or other persons requiring care and supervision present is waived. Under this exception, a telecommuting employee would be expected to account for work and non-work hours and take appropriate leave (paid or unpaid) to account for time spent away from normal work-related duties (e.g., to care for children or sick family members).

An employee must obtain written pre-approval from their supervisor prior to working from home. A temporary telecommuting agreement is available at <https://dhr.idaho.gov/covid-19-workforce-guidance/>.

Leave Options Related to COVID-19

Families First Coronavirus Response Act

Effective April 1, 2020, employees may be eligible to receive paid leave in accordance with the Families First Coronavirus Response Act (FFCRA).

If eligible, employees can elect to use their accrued leave balances concurrently with FFCRA and EPSLA leave; however, they cannot exceed 100% of their regular rate of pay in doing so. Agencies cannot require employees to use their leave balances prior to or concurrently with FFCRA and EPSLA.

Reference the FFCRA section of this policy for additional information.

Use of Accrued Leave Related to COVID-19

In addition to the reasons in the statewide [sick](#) and [vacation](#) policies, employees may use their accrued leave if they:

- Are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Have been advised by a health care provider to self-quarantine related to COVID-19;
- Are experiencing COVID-19 symptoms and are seeking a medical diagnosis;
- Are caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Are caring for an individual that has been advised by a health care provider to self-quarantine because of COVID-19; or,
- Are caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

AND,

- are unable to work, telecommute or be reassigned.

If an employee claims they are unable to telecommute due to unavailability of childcare, the agency should consult with HR and legal counsel prior to approving use of accrued leave.

If telecommuting or reassignment is not an available option, the employee may use any available accrued leave balances including sick, vacation, comp time, on-call earned and RHH² (codes: SIC, VAC, CPT, OCE, and RHH).

Note: According to DHR rule 15.04.01.240.03, employees are only eligible to use sick leave in cases of actual illness; however, the DHR Administrator, in accordance with 15.04.01.006, has temporarily waived this rule due to COVID-19. This waiver is subject to change at any time.

Donated Leave

With appointing authority approval, an employee may donate accrued vacation or sick leave to an employee to be used as sick leave, in accordance with DHR's [Donated Leave Policy](#). To receive donated leave, employees must first exhaust all of their accrued leave balances.

Employees may use donated sick leave in accordance with the reasons outlined in the "Use of Accrued Leave Related to COVID-19" section of this policy if they are unable to telecommute or be reassigned.

Note: The DHR administrator has issued a rule waiver allowing employees to donate sick leave during this time. This waiver is subject to change at any time.

Advanced Sick Leave for COVID-19 (CVS):

Advanced Sick Leave (CVS) is an option available to both benefited and non-benefited state employees specifically due to COVID-19. Advanced Sick Leave provides an advance of up to 80 hours of sick leave to full-time employees (pro-rated for part-time employees based on their average pay period hours during the prior six months).

Employees may be required to repay Advanced Sick Leave using 1) future accrual of sick leave; and/or 2) a deduction from their paycheck equivalent to the amount of Advanced Sick Leave upon separation.

Employees are eligible to use Advanced Sick Leave (I-Time Code: CVS) related to COVID-19:

² RHH is a leave code only used by a few agencies; if you are unfamiliar with the code, it does not apply to you.

- To supplement paid leave provided by FFCRA or EPSLA up to 100% of their normal rate of pay, if the employee has exhausted all their accrued leave balances (except vacation) AND is unable to telecommute or be reassigned.

OR,

- Any of the reasons listed in the “Use of Accrued Leave Related to COVID-19” section of this policy;

AND,

- The employee has exhausted all their accrued leave balances (exception vacation) AND are unable to telecommute or be reassigned.

Employees must complete the Advanced Sick Leave Form provided by DHR available at <https://dhr.idaho.gov/covid-19-workforce-guidance/> prior to use which sets forth the terms of repayment.

Paid Administrative Leave (CVT) for COVID-19:

Effective April 1, 2020³, full-time employees are eligible for up to 80 hours of paid administrative leave (CVT) (pro-rated for part-time employees based on their average pay period hours during the prior six months) as follows:

- To supplement paid leave provided by FFCRA or EPSLA up to 100% of their normal rate of pay, if the employee has exhausted all their accrued leave balances AND is unable to telecommute or be reassigned.

OR,

- Any of the reasons listed in the “Use of Accrued Leave Related to COVID-19” section of this policy;

AND,

- The employee has exhausted all their accrued leave balances including Advanced Sick Leave AND are unable to telecommute or be reassigned.

If CVT is approved, employees should only code regularly scheduled work hours on their timesheets.

If an agency wishes to authorize paid administrative leave for reasons other than those listed in this policy, they must receive prior approval from the DHR administrator.

³ If you have an employee who used CVT hours prior to April 1 consult with DHR.

Leave Without Pay

In accordance with DHR rule 15.04.01.250.01(s), the agency appointing authority may grant an employee leave without pay for a specified length of time when such leave would not have an adverse effect upon the agency. The request for leave must be in writing and must establish reasonable justification for approval.

Requests for leave without pay which exceed one workweek and are not covered by FMLA, require prior approval by the DHR administrator, and consultation with the Office of Group Insurance.

Timesheet Coding Guidance

Please see Addendum A for guidance from the State Controller's Office related to coding timesheets in I-Time due to COVID-19.

FMLA/ADA Considerations

Agencies and employees should consult with their HR and legal counsel to determine if the FMLA or ADA applies when addressing concerns related to COVID-19.

Employees with a qualifying health condition under the ADA should consult with their supervisor and HR representative to discuss accommodation options.

Families First Coronavirus Response Act

Effective April 1, 2020, congress enacted the Families First Coronavirus Response Act (FFCRA). The FFCRA provides expansions to the FMLA, which includes an additional qualifying event, and establishes a new law, the Emergency Paid Sick Leave Act (EPSLA) for qualifying employees. The expansions of the FMLA and the EPSLA expire on December 31, 2020.

Agencies are required to update their mandatory posting related to these expanded rights related to FFCRA by April 1, 2020 (unless otherwise directed, postings should be removed no later than January 1, 2021). Mandatory postings are available at:

<https://www.dol.gov/agencies/whd/posters>.

The FFCRA provides the following definitions specific to FMLA related to COVID-19:

- “Covered Employer” means most private sector employers with less than 500 employees and most public sector employers (the State of Idaho as an employer is covered).

- “Eligible Employee” means any employee that has worked for 30 or more days (with possible exceptions for first responders and healthcare providers).
- “Qualifying Event” means an employee who is unable to work (or telework) due to a need for leave to care for [a] son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a ‘public health emergency.’”
- “Public health emergency” means an emergency with respect to COVID-19 declared by a federal, state or local authority.”

The FFCRA provides the following FMLA benefits to employees who are eligible:

- After 10 days of FMLA leave specifically related to COVID-19, employees receive two-thirds (67%) of their regular rate of pay.

Special Provisions:

- Agencies cannot require employees to use accrued paid leave prior to or concurrently with FFCRA FMLA⁴.

The FFCRA provides the following definitions specific to EPSLA:

- “Covered Employer” means employers with 500 or fewer employees and most public sector entities (the State of Idaho as an employer is covered).
- “Eligible Employee” means all part-time and full-time employees (with possible exceptions for first responders and healthcare providers).

Employees are eligible to take EPSL who:

1. Are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Have been advised by a health care provider to self-quarantine related to COVID-19;
3. Are experiencing COVID-19 symptoms and are seeking a medical diagnosis;
4. Are caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
5. Are caring for an individual that has been advised by a health care provider to self-quarantine because of COVID-19; or,
6. Are caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.

The FFCRA provides the following benefits to employees who are eligible:

Amount of Leave Available:

⁴ With the exception of CVT since it is not an accrued leave.

- Full-time employees are entitled to up to 80 hours of pay.
- Part-time employees are entitled to up to the average number of hours the employee works over a two week period.
 - Part-time employees who work variable schedules will be based on a six month average or, for employees who did not work the prior six-month period, based the employee's reasonable expectation of average hours upon hire.

Amount of Pay Received During Leave

- Employees who are sick and are quarantined are entitled to 100 percent of the regular rate of pay they would have earned working normally-scheduled hours up to 80 hours. This is capped at \$511/day and \$5,100 total.
- Employees who are caring for another qualified person are entitled to two-thirds (67%) of their regular rate of pay they would have earned for working normally scheduled hours up to 80 hours. This is capped at \$200/day and \$2,000 total.

Special Provisions:

- Agencies cannot require employees to use accrued paid leave prior to or concurrently with FFCRA FMLA⁵.

Because this is a new law and further guidance from the U.S. Department of Labor's (DOL) Wage and Hour Division is forthcoming, Agencies should consult with their assigned legal counsel, DHR and the material published on the DOL website.

DHR will continue to update this policy and corresponding policies and forms, as additional information becomes available.

FLSA Considerations

Exemption Requests for Employees to Receive Cash for Comp Time

Agency Appointing Authorities may request for Fair Labor Standards Act (FLSA) exempt state employees to receive cash compensation in lieu of compensatory time. Such requests must be made to the Board of Examiners (BoE) at brdexam@sco.idaho.gov. If the BoE approves the cash payout for these employees, the code CVC should be used. There are two possible situations where this may apply:

⁵ With the exception of CVT since it is not an accrued leave.

1. An existing need for cash compensation to FLSA exempt employees who are working on the preparation, investigation (i.e., epidemiologists), and response into the COVID-19. For example, the Department of Health and Welfare and Public Health Districts.
2. A possible future need for cash compensation for, potentially, all agency FLSA exempt employees. If this outbreak grows to the point that much of our workforce is at home due to illness and/or quarantine, then cash compensation for any healthy (at work) FLSA exempt employees may be needed, as those employees will be filling in as needed to perform essential services.

Business Meetings or Mass Gatherings

Due to the March 25, 2020 Order to Self-Isolate (“Stay at Home”), business meetings or mass gatherings should cease unless they can be conducted by other means. Consider using virtual gatherings (e.g., webinar, video conferencing, live stream, etc.) as a mechanism to minimize the risk of COVID-19 exposure to the general public and vulnerable populations. Section 8(j) of the Stay at Home Order provides social distancing be maintained from other individuals and Section 6 requires “all people in Idaho shall immediately cease hosting or participating in all public and private gatherings... regardless of the number of people involved, except as specifically identified in Section 8.”

Travel Guidance

Agency Directors, University Presidents and Agency Heads are responsible for determining Essential Travel in accordance with the “Stay at Home” order issued by the Governor on March 25, 2020.

When determining what is essential travel, several factors should be considered, but not limited to:

- The “Stay at Home” order issued by the Governor.
- If the travel related to the Agency Continuity Of Operations Plan (COOP).
- If the destination one where community spread of COVID-19 is believed to be occurring.
- The mode of travel and if it involves movement through impacted areas identified by the [CDC](#) ?
- The mission and if it takes the person into a higher exposure situation.
- If there are alternative methods that can still accomplish the mission (video conference, remote access, etc.).

Please visit [CDC.gov](#) for additional information on travel considerations.

The State Board of Examiners guidance is to use the most cost-effective and efficient mode but allows for additional travel costs if it is for a valid business reason such as airline travel

insurance. The State Department of Insurance has a current list of authorized travel insurance providers.

Additional Employee Resources

The Office of Group Insurance is working diligently to ensure that the state health plan is complying with all federal guidelines for COVID-19 and addressing barriers to care to support social distancing and stay-at-home orders for enrolled members.

Compliance with Federal Coverage Requirements

- COVID -19 testing covered at 100% for all plans.
- COVID-19 office visit, telemedicine, ER, doctors visit and urgent care visits are covered at 100%.
- COVID-19-related tele-visits, office visits by phone or video call, will be covered at 100%.
- These mandates apply to coverage for testing and diagnosis of COVID-19, not treatment.

Telehealth with MDLive

- All MDLive copays and coinsurance will be waived for enrolled members for the remainder of the plan year for any health condition.

Telehealth is an option to address non-emergent healthcare needs without physically visiting a doctor's office. Go to the OGI homepage for instructions on how to download the MDLive app on your mobile device or computer to get started.

Tele-Visits

- COVID-19 related tele-visits, office visits by phone or video call, will be a covered service for all plan types for the remainder of the plan year. Non-COVID-related visits are subject to copay and coinsurance.

Daycare Flex Spending Accounts (FSA)

- IRS rules allow for dependent care FSA contributions to be increased or reduced due to substantial changes in costs of daycare or if daycare is no longer necessary. Employees may submit these changes for the remainder of the plan year by completing an updated enrollment form.

Employees on the SCO system can submit claims electronically using the “make change to FSA enrollment due to qualifying event” option. All electronic change forms will be followed up by an email from OGI asking for an explanation of the change, so please be sure to include a valid

email address that you check often. You may also proactively email your change justification to ogi@adm.idaho.gov.

Employees on non-SCO payroll systems must submit their paper enrollment change form and justification to their HR office.

All other rules and regulations, including the grace period to use Daycare FSA dollars, remain in effect.

Healthcare FSA

- Healthcare FSA regulations remain unchanged. Balances of up to \$500 will be rolled over into the next plan year.

The Employee Assistance Program (EAP) has staff on hand to assist with workplace concerns. Visit <https://ogi.idaho.gov/counseling/> for more information. GuidanceResources® is Idaho's online EAP platform that provides access to timely, expert information on thousands of topics, including the coronavirus. Visit the web address above and use ID: SOIEAP, and type "coronavirus" in the search bar. To login, visit <https://www.guidanceresources.com/groWeb/login/login.xhtml>

Addendum A: Leave Codes Available Related to COVID-19

Addendum A will be appended by DHR and SCO based on the revisions to this policy which are effective April 1, 2020.