

## MEMORANDUM

**Date:** July 29, 2021

**To:** Executive Branch Agency Leadership & HR Directors

**From:** DeAngela Burns-Wallace, Secretary of Administration

**Subject:** State Agency Guidance - COVID-19 Delta

The CDC released new information earlier this week regarding the Delta variant of the COVID-19 virus, as well as new guidance on what can be done to limit the spread of this new, far more contagious strain. Unfortunately, after only a few weeks, the spread of the Delta variant has forced us to re-assess several aspects of the previous guidance that was issued in May and re-institute several mitigation measures in order to align with the CDC's latest guidance.

### Masks

After consulting with public health staff from KDHE, Governor Kelly has determined that effective Monday, August 2, 2021, masks or other facial coverings will again be required for all State of Kansas employees and visitors to any State of Kansas facilities under the jurisdiction of the Governor in counties that have been identified by the CDC as being in the High or Substantial level of community transmission categories at the following link: <https://covid.cdc.gov/covid-data-tracker/#county-view>

**This requirement applies to fully vaccinated individuals as well as those who remain unvaccinated.** Notice of this requirement will be posted at entrances to all State of Kansas buildings and public facing offices. Agencies in other locations should post notices as well.

Individuals are required to wear masks or other face coverings in all common areas, such as break rooms, elevators, hallways, restrooms and stairwells, or otherwise when unable to maintain social distancing. Employees are not required to wear masks or other facial coverings when they are alone or at least six feet away from others in their own workspaces.

### Mask Exemptions

Children age 5 years or under, anyone who is unable to wear a mask or facial covering due to a medical condition, persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing where the ability to see the mouth is essential for communication and persons for whom wearing a face mask would create a risk to the person related to their work are exempt from this requirement. Exceptions for other reasons will be considered on a case-by-case basis.

### Social Distancing

Agencies should continue to take all necessary steps to ensure that at least six feet of space can be maintained between employee workstations and other seating arrangements. This may include the minor reconfiguration or reorganization of floorplans or workstations, as well as the incorporation of engineering controls such as physical barriers like plexiglass screens, where appropriate. Signs and floor markings will continue to be used throughout State of Kansas buildings to reinforce the importance of social distancing.

## **Remote Work**

Agencies may allow employees to work remotely in situations where adequate social distancing cannot be maintained in the office, provided there is no disruption to agency operations. However, employees should remain in the office if they can do so safely in accordance with CDC guidance. The determination of which positions may work remotely should be an intentional process involving agency leadership and HR staff where all parties agree that remote work fits the needs of the agency, position functionality and the employee's effectiveness and interest. All such arrangements should be done in accordance with the agency's current remote work or telework policy. Any employees who are utilizing remote work must have a signed remote work agreement in place.

## **Meetings & Other Gatherings**

Gatherings should continue to be limited to spaces where individuals can maintain at least six feet of distance from one another. **Virtual meeting tools should continue to be used whenever possible to limit in-person meetings.** If meetings are in-person, social distancing of at least six feet must be adhered to and masks or other facial coverings must be worn at all times during the meeting. If those requirements cannot be met, the meeting should be virtual.

For those agencies with larger gatherings planned, please ensure that plans for any such events adhere to CDC, KDHE and local guidance, including considerations of overall capacity, space for social distancing, ventilation, mask-wearing, and symptom screening. Communications about such events should clearly address the planned public health considerations and that attendees are aware that the agency may have to adjust plans in response to changes in public health conditions. If all requirements cannot be met, the gathering should not occur or should be moved to a virtual setting.

## **Travel**

Agencies may continue to approve any business-related travel to a location that is not identified at the following link: <https://www.coronavirus.kdheks.gov/175/Travel-Exposure-Related-Isolation-Quaran> Business-related travel to any location listed at the above referenced link may be approved due to an emergency or extreme circumstance, but the agency should consider all other possible options before doing so.

There are no restrictions on employees traveling outside of work, but employees who travel to or through any location identified at the above referenced link are subject to quarantine unless they are fully vaccinated. The leave to be used for that quarantine depends on the circumstances of the travel, as indicated in the section on leave in this document.

## **Public Facing Operations**

Those agencies with public facing operations may, at the discretion of the agency head, consider the re-institution of mitigation measures that were previously utilized, such as scheduling "by appointment only" or making allowances for virtual as opposed to in-person interactions. However, all such measures should have as minimal an impact or inconvenience on customers and the public as possible. If in-person interactions are maintained, for those agencies in counties that have been identified by the CDC as being in the High or Substantial level of community transmission categories, masks or other facial coverings should be mandatory for the public or other visitors, regardless of the individual's vaccination status.

## **Employee Leave Usage**

Employees will receive administrative leave for time spent receiving the vaccination, including any reasonable travel to and from their workstation, any time spent waiting to be vaccinated at the vaccination location, as well as the observation period following the vaccination. If an employee experiences any sickness or side effects

after receiving the vaccination that prevent them from performing their regular duties, this time should also be recorded as administrative leave.

Employees exhibiting symptoms of COVID-19 – regardless of vaccination status – will be provided with up to two days (number of hours dependent on the employee’s regular work schedule) of paid leave (ADQ) immediately following the report of such symptoms. While on this initial period of ADQ, the employee should get tested for COVID-19 and notify the agency of the results of that test or provide an alternative diagnosis from a healthcare provider. Agencies shall require proof of the COVID-19 test result.

- If the results of the COVID-19 test are positive, the employee will be required to isolate for a period of 10 days since the start of symptoms OR 72 hours after fever is gone without the use of fever reducing medication AND there has been significant improvement in symptoms, whichever is longer. Positive COVID-19 cases are isolated for a minimum of 10 days during their infectious period and will receive paid leave (ADQ) for that time.
- If the results of the COVID-19 test are negative, the employee will be required to return to work. If the employee chooses not to return to work, the employee will be required to utilize their own accrued leave for any such time.

Leave usage for employees who have been in close contact with an individual who has tested positive for COVID-19 or has been told that they are a case based on symptoms and exposure depends on the vaccination status of the employee. Employees who have been fully vaccinated (i.e., at least 14 days have passed since their 2<sup>nd</sup> dose of either the Moderna or Pfizer vaccine or the single dose of the Johnson & Johnson vaccine) are not required to quarantine as a result of a travel or close contact with a positive case as long as they remain without symptoms.

Unvaccinated employees who have been in close contact with an individual who has tested positive for COVID-19 or has been told that they are a case based on symptoms and exposure that do not have symptoms will be provided with up to two days (number of hours dependent on the employee’s regular work schedule) of paid leave (ADQ) in order to get tested and receive results. Such testing should not occur until 7 days after their exposure, or after returning to Kansas if due to a travel-related exposure. This means that non-symptomatic employees will use 5 days of their own leave in combination with the 2 days of provided ADQ leave. Employees should notify the agency of the results of the COVID-19 test. Agencies shall require proof of the test result.

In either of the above scenarios, if an employee does not get tested for COVID-19 and/or fails to notify or provide proof of the test result to their agency, the employee will be required to serve an isolation period of 10 days since the start of symptoms OR 72 hours after fever is gone without the use of fever reducing medication AND there has been significant improvement in symptoms, whichever is longer and will be required to utilize their own accrued leave for any such time. The employee may, at any time during this period, get tested for COVID-19 and provide the agency with proof of the result and proceed in accordance with the results of the test, as indicated above. Employees should comply with all state and county contact tracing protocols.

If an employee travels to or through a location which is added to the list of locations requiring a mandatory quarantine upon return while the employee is travelling or after the employee’s return, the employee will receive paid leave (ADQ) for the full period of the quarantine.

If the location has been added to the list of locations requiring a mandatory quarantine upon return prior to the employee’s departure for such destination, the employee will be required to use their own accrued leave for the full period of the quarantine. The fact that an employee was not aware that the location required a mandatory quarantine upon return shall not be an excuse to allow the employee to receive paid leave for a mandatory

quarantine. An agency may, however, approve paid leave (ADQ) for an employee in such a situation when the travel was required due to a family emergency or other extreme circumstance.

In the event that the agency requires travel to a location listed at the above referenced link due to an emergency or extreme circumstance, the employee will receive paid leave (ADQ) for the full period of the quarantine.

For any employee who is unable to be vaccinated due to medical or other documented reasons, agencies may grant appropriate exceptions to all leave policies throughout this guidance, on a case-by-case basis.

### **General Hygiene**

Agencies should also continue to reinforce the need for proper handwashing with soap and water for at least 20 seconds. Where this is not available, hand sanitizer that contains at least 60% of alcohol may be used. Employees should be encouraged to practice hand hygiene frequently, especially upon arrival to the workplace, after coughing, sneezing or blowing one's nose, after going to the restroom and after touching objects that have been handled by other employees or customers. Individual employees should take precautions in their personal lives to help control the risk of spreading disease within their workplace.

### **Employee Health**

Employees should continue to self-monitor and conduct self-screening activities before appearing for in-person work. Specifically, employees should ask themselves the following questions before reporting to work:

1. Have they been in close contact with someone who has been diagnosed with, or is suspected to have, COVID-19 within the last 14 days?
2. Are they experiencing any of the following symptoms?
  - Fever
  - Chills
  - Stiffness/Rigidity
  - Muscle aches or pains
  - Fatigue/Weakness
  - Headache
  - Sore throat
  - Cough
  - Shortness of breath/difficulty breathing
  - Sudden loss of taste or smell
  - Congestion or runny nose
  - Vomiting/diarrhea/stomach or abdominal pain

If an employee can answer "NO" to both of these questions, the employee should report to work as normal. If the answer to either of these questions is YES, the employee should contact their supervisor to report the symptoms and follow the appropriate guidance.

Passive temperature check stations and posting of screening questions will continue to be in place in all State of Kansas buildings under the jurisdiction of the Governor. Use of temperature check stations is mandatory for all individuals entering such buildings.

Agencies with work environments that have a high potential for exposure to known or suspected sources of COVID-19 and/or have frequent close contact (less than six feet) with coworkers or the general public may implement additional policies and procedures necessary to maintain operations and ensure safety. This can include more active screening procedures or establishing testing protocols in accordance with KDHE guidelines.

**If not specifically referenced in this document, all other provisions of the guidance in the memorandum dated May 14, 2021, as updated on July 8, 2021, remain in effect.**