

MEMORANDUM

To: Agency Directors of all state agencies and institutions of higher education
From: Marcia Adams
Date: March 5, 2021
Subject: State Government Staffing – Return to Normal Operations

Disclaimer: The guidance in this memorandum is based on the information available at this time and will be updated as more information becomes available.

Pursuant to Executive Order No. 2021-12, state agencies must immediately expedite the transition back to normal operations.

All human resources directors shall submit to the South Carolina Department of Administration's (Admin) State Human Resources Director Karen Wingo a plan to expeditiously return all employees and staff, including non-essential employees and staff, to the workplace fulltime. The plan, which must be submitted by noon, Wednesday, March 10, 2021, is subject to review and approval by Admin. **All agencies will receive a response from Admin regarding their submitted plans.**

If an agency or institution does not submit a plan or have a plan approved by Admin by the close of business Friday, March 12, 2021, the agency or institution is expected to return all staff to the workplace no later than Monday, March 15, 2021.

To assist agencies and institutions with returning their employees to the workplace, Admin has drafted guidance in the form of the following Frequently Asked Questions, which will be updated should additional guidance be needed.

Frequently Asked Questions

FAQ 1: What information should be contained in the return to work plan for our agency and how should it be submitted?

All agencies and institutions are expected to return employees back to the workplace by Monday, March 15, 2021.

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If agencies are unable to meet this deadline and need a limited amount of time to modify the workplace to further mitigate the risk of exposure to COVID-19, the agency's human resources director must submit a written request for additional time to Division of State Human Resources Director Karen Wingo (karen.wingo@admin.sc.gov) no later than noon, Wednesday, March 10, 2021. The request must:

- Identify the steps being taken to immediately increase the number of staff in office; and
- Indicate why additional time is needed to return the remainder of the workforce to the office fulltime.

Here is an example of a request that would likely be approved:

- Agency X has a high number of non-essential staff working in a cubicle environment. The agency's plan calls for a rapid, phased approach to allow time for the agency or institution to modify the work environment as needed. On March 15, 2021, the agency would increase the number of employees in the workplace to 60% of the workforce. By March 22, 2021, 75% of the workforce will be physically reporting to the office, and the remainder of the employees will return to the workplace fulltime in early April.

FAQ 2: Does the expectation to return all employees to the workplace include those who work in close environments such as cubicles or shared offices?

Yes. It is expected that only those employees who were working from home before the COVID-19 health emergency for unrelated Covid-19 reasons are to remain teleworking. Agencies and institutions should still employ measures to reduce the likelihood of transmission in the workplace including, but not limited to, requiring employees to wear masks in state government buildings, reminding employees to wash hands frequently, maintaining directional signs to manage the flow of people in the buildings, disinfecting high touch services and directing employees to stay home when they are not feeling well.

FAQ 3: Does this expectation include those employees with medical conditions?

Yes. However, agencies and institutions are still expected to follow the Americans with Disabilities Act, as amended, the Family and Medical Leave Act (FMLA), and other federal and state laws. Therefore, if an employee has a disability (e.g., congestive heart failure) that the Centers for Disease Control and Prevention (CDC) identifies as placing the individual at higher risk for severe illness resulting from the COVID-19 virus, the agency should go through the interactive process to evaluate a request for a **temporary** reasonable accommodation to work remotely until the individual has had an **opportunity** to be vaccinated. The CDC provides a list of conditions that place an individual at a higher risk of severe illness from the COVID-19 virus. [View the CDC's list.](#)

Agencies may receive requests for accommodation based on other types of disabilities, such as anxiety. Each request for an accommodation should be handled on a case-by-case basis and in a manner consistent with the ADA, FMLA and other laws relevant to individuals with a disability and/or in need of medical leave. Except for those employees working from home before the Covid-19 pandemic, it should be considered an essential job function for employees to be in the workplace. Therefore, agencies should go through an interactive dialogue with the employee to identify accommodations that would enable the employee to report to the workplace. Examples include access to additional personal protective equipment, a staggered reporting time, and reasonable work area modifications such as sneeze guards or the movement of a desk within the cubicle. If an agency has questions about a request for reasonable accommodation, the agency can contact Karen Wingo (803-422-8645) or their Division of State Human Resources HR Consultant (803-896-5300).

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FAQ 4: Is an employee expected to report to the workplace if a family member or household resident is at higher risk for severe illness from the COVID-19 virus?

Yes. The Americans with Disabilities Act does not apply when the individual with a disability is a family member or household resident of the employee. Qualifying employees may be eligible for leave pursuant to the Family and Medical Leave Act (FMLA) if they need to care for a family member with a serious health condition. Requests for FMLA leave will need to be made by the employee and processed in accordance with federal law and agency policy.

FAQ 5: If an employee has had close contact with a COVID-19 case and/or is symptomatic, should the agency still require the employee to quarantine?

Yes. All guidelines regarding isolation and quarantine are still applicable. Agencies and institutions should continue to rely on [DHEC's Interim Guidance for COVID-19 Scenarios for Businesses](#). If an employee is required to quarantine based on DHEC's guidance, an agency has discretion to allow the employee to telework during the period of quarantine if the employee can perform his or her job functions remotely. Agency Heads and their designees have the sole discretion to determine whether to permit telework while an employee is quarantining. If an employee is permitted to telework while quarantining, the agency must return the employee back to the workplace immediately upon completion of the quarantine period.

FAQ 6: If the child care center or school for the child of an employee is not open to in-person learning fulltime, is the employee expected to report to the workplace?

Yes. All employees are expected to return to the workplace fulltime. However, if an agency wants to allow a short time for employees impacted by limitations on in-person learning to identify child care support or evaluate other options, that information should be included as part of the request for additional time referenced in FAQ 2. For example, if an agency submits a request indicating that it can return all employees to the workplace March 22, 2021, but is going to allow employees impacted by in-person learning limitations two additional weeks of time before returning fulltime to the workplace, such a request is likely to be approved.

FAQ 7: Does the agency still need to submit its daily staffing numbers to the Division of State Human Resources?

Yes. Once state government has fully returned to normal operations, Admin will likely be able to decrease the daily reporting requirement. However, as agencies transition employees back to the workplace fulltime and implement their return the workplace plans, it is critical that the agencies continue to accurately report their daily staffing numbers. Admin anticipates that agencies and institutions will continue to report staffing numbers weekly or monthly even after all entities have fully returned to normal operations.

FAQ 8: What can I do to mitigate occupational risk of exposure to COVID-19 for my agency's employees?

Agencies should continue to identify ways to modify the workplace to the extent possible to promote the safety of employees. Examples of modifications include:

- Offering staggered start times to mitigate the congregation of employees at points of ingress/egress.
- Spreading out workstations to increase the distance between work areas.
- Utilizing common space (e.g., conference rooms) as temporary worksites for some employees to promote social distancing.
- Installing sneeze guards or plexiglass barriers.

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Agencies should also continue to employ safety measures to reduce the likelihood of transmission of COVID-19 in the workplace including, but not limited to, requiring employees to wear masks in state government buildings, reminding employees to wash hands frequently, maintaining directional signs to manage the flow of people in the buildings, disinfecting high touch services and directing employees to stay home when they are not feeling well.

Karen Wingo (803-422-8645) and the Division of State Human Resources HR Consultants (803-896-5300) are available to help agencies brainstorm ways to promote social distancing and mitigate workplace exposures to the maximum extent possible.

FAQ 9: Can an agency require its employees to wear face masks?

While face masks or coverings are not required in state government offices, buildings, and facilities pursuant to Executive Order 2021-12, agency heads have the discretion to require state employees to wear face masks in the workplace. Admin will be issuing additional guidance concerning face masks.