

Memorandum



Date March 6, 2020

To All Agency Presidents
All Agency Human Resources
All Agency Labor Relations

From Paul Fama, Chief People Officer

A handwritten signature in blue ink, appearing to read 'Paul Fama', written over the printed name.

Re COVID-19 – Leave and Exposure Protocol

The developing situation with Coronavirus Disease 2019 (COVID-19) is set forth in various federal, state and City guidance, available at the following links:

- Center for Disease Control (CDC) (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>);
- New York State Department of Health (<https://www.health.ny.gov/diseases/communicable/coronavirus>)
- NYC Health Department (<https://www1.nyc.gov/site/doh/providers/health-topics/novel-respiratory-viruses.page>).

The CDC has currently issued travel warnings of Level 2 and 3 for certain countries, which are listed at the following link: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>. In general, Level 3 countries are those where there is “Widespread sustained (ongoing) transmission” and Level 2 countries are those that have “Sustained (ongoing) community transmission.”

This document sets forth the current MTA leave policy with respect to MTA employees who are (i) isolated or quarantined after travel to Level 2 and 3 countries, (ii) directed to quarantine by federal, state or local authorities, or (iii) otherwise determined to be at risk and are isolating or self-monitoring. In addition, this document sets forth leave policies for employees diagnosed with COVID-19.

As this is a rapidly evolving situation, MTA may need to develop different protocols on short notice or act at the direction of federal, state and local health authorities. **While this communication provides a general approach, all employees and situations should be considered on a case by case basis.**

Please be advised that information that an employee or their family members has the coronavirus or is being tested must be held confidential. State and federal law prohibits the disclosure of confidential medical information unless a supervisor is required to implement work restrictions for public health and safety reasons.

A. **Guidance on Applicable Leave Policies for Employees under Quarantine and At Risk**

The following guidance expands on current MTA HQ and New York City Transit expands existing quarantine policies. Prior to providing this quarantine compensation to represented employees the Labor Relations should have the appropriate conversations with our Labor partners.

1. Travelers from Level 2 and 3 Countries:

Employees returning from CDC Level 2 and 3 countries (including layovers) should contact their Human Resources department **before** reporting to work.

Even if they are not directed to quarantine by officials, employees traveling from Level 2 and 3 countries should remain out of work for 14 calendar days after departure from the Level 2 or 3 country. Human Resources should obtain documentation of travel (scans of passport stamps). They should be allowed to telecommute, with the approval of their supervisor and if their regular duties so allow, and evaluated on a case by case basis

If telecommuting is not available, employees may be entitled to administrative leave for 14 calendar days without using leave balances.

2. Employees Directed to Quarantine by Federal, State and Local Authorities

Employees who are directed to quarantine by federal, state and local authorities will be allowed administrative leave time with pay for the duration of the quarantine period without having to use leave balances. They should be allowed to telecommute, with the approval of their supervisor and if their regular duties so allow, and evaluated on a case by case basis. Human Resources should require proof of direction to quarantine.

3. Other At Risk Employees

Other at risk employees may be designated upon concurrence of Occupational Health Services, Safety and Human Resources. These include, but are not limited to, the following situations:

- Employees who share a residence or have other close contact with a person who has been (a) diagnosed with COVID-19 **or** (b) exposed to COVID-19 and directed to quarantine by federal, state or local authorities, regardless of whether the person is exhibiting symptoms of COVID-19.

Employees will be required to provide a written statement setting forth the basis for quarantine. Any misrepresentations on the statement will subject an employee to discipline, up to and including termination. Any employee so designated shall remain out of work for 14 calendar days for the duration of the quarantine period. They should be allowed to telecommute, with the approval of their supervisor and if their regular duties so allow, and evaluated on a case by case basis. As a general rule, these employees should be allowed administrative leave with pay during quarantine periods without having to use leave balances.

B. Leave for Employees who have been diagnosed with COVID-19

Employees who have been diagnosed as infected by COVID-19 who are already on an administrative leave for travel, quarantine or other risk factors when they are diagnosed with COVID-19 will be able to use up to 14 days of administrative leave total without using leave balances. Thereafter, employees will use sick time for absences due to COVID-19 illness.

Employees who are diagnosed with COVID-19 in the absence of prior quarantine are entitled to administrative pay without using leave balances during the period of their illness for a period of time not to exceed 14 calendar days and will thereafter be required to use their sick time.

If an employee has exhausted their leave balances, the MTA agencies can either advance or grant additional sick leave on a case by case basis.

Employees who are diagnosed with COVID-19 cannot return to work unless they have been cleared by their personal physician and by Occupational Health Services.