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Subject: FW: Operations of SWCDs in Response to COVID-19
Attachments: State Employee Leave Guidance Memo Rev 1.pdf

From: Soil & Water Conservation Program <soil&waterconservationprogram@swcd.mo.gov>
Sent: Wednesday, March 18, 2020 4:22 PM
To: Soil & Water Conservation Program <soil&waterconservationprogram@swcd.mo.gov>; DNR.Soil and Water Conservation Districts staff <dnr.soilandwaterconservationdistrictsstaff@dnr.mo.gov>
Cc: DNR.SWC Staff <dnr.swcstaff@dnr.mo.gov>
Subject: RE: Operations of SWCDs in Response to COVID-19

Hi everyone,

At this time, the program office is operating business as usual. We are being asked to reduce the number of employees in the office at any one time. If you have contracts or payments to submit, we will be reviewing them but may take a little longer. The coordinators are available to attend board meetings if you are still having them, and doing practice reviews if district staff is available. If the board decides that it is the best interest of their staff to not report to work, each board has the right to make that decision and will have to determine what accommodations to make for their employees.

Telecommuting

We have checked about district staff being able to access the state network from home. At this time, it does not look like it will be an option due to limited availability. If the board is looking for options for staff to work from home, it may be limited. ITSD reminded state staff that we cannot copy files to a jump drive to take home and then copy files back onto a jump drive to bring back. They view this as a security breach to the state network. So the same thing applies to the district computers. Additionally the confidentiality requirements might limit staff on what can be taken out of the office.

Leave

There have been questions submitted by district staff about what leave to use and accommodations the boards can make. Each board has the responsibility to establish policies for their employees and can make variances to their policies as needed. If adjustments are made to the policies, the adjustments must be approved by a majority of the board members in a meeting and documented in board meeting minutes. District staff are asking what leave they should take if they need to be at home with children due to school closures due to COVID-19 or what to do if they are in the high risk category.

State Employee Leave Options

Attached is leave guidance that the Office of Administration has distributed to state employees to address what leave options are available to state employees. The board can use this as a guide when evaluating the situation and determining if changes are needed in their policies. The state is not offering paid administrative leave to state employees but is looking at flexible schedules and telecommuting if it is possible. Based on the guidance released from NRCS, they are also being flexible with schedules and telecommuting. The boards may need to discuss with the District Conservationist if there are options for employees to be in the office outside of the normal core hours. For staff that have access to an NRCS shared computer and have technical work that can be accomplished outside the office, telework may be approved on a case by case basis based on approval from the SWCD board and coordination of computer availability from the local DC.

The state is offering an option for state employees to borrow sick leave against future accruals if their sick leave balance has been exhausted instead of using annual leave or comp time. If a state employee does use the borrowed leave option, they may repay the borrowed leave through future sick leave, annual leave or comp time accrual. The employee is forfeiting having a future sick leave balance until the borrowed leave is repaid.

Borrowed Leave/Timesheets

Borrowed leave is an option a board could adopt. The board will be responsible for tracking the amount of hours that have been borrowed and repaid with accrual hours. If a board chooses to allow borrowed leave, the employee should use any sick leave as it accumulates during this time instead of using all borrowed leave. If the board is considering offering borrowed leave and to help determine the impact to the district or the need, the employees' timesheets must be up-to-date prior to the board approving the policy. A borrowed leave code will be setup in MOSWIMS for employees to track the usage if the board and employees agrees this is the only option. Once the need for borrowed leave has ended, districts will work with us on getting the accrued leave balances adjusted in the timesheets. We will send guidance in the future on what needs to be done for adjusting the leave balances.

Benefits

We are also getting some questions about health insurance and retirement benefits with employees on leave. The retirement payments whether or not if the district participates in LAGERS is based on gross salary paid. If an employee happens to be on leave without pay, the retirement contribution will be reduced due to a less gross salary. For health insurance, if the employee is on leave without pay, the employee still has coverage with MCHCP, and it is up to the board to decide who will pay the monthly premium. The policy to pay for the premium or retirement out of state funds is the employee has to be paid for at least 1560 hours in fiscal year.

FMLA

Family Medical Leave Act allows for qualified employees to apply for time off to address a serious health condition as defined in the law or if an employee is the primary caregiver of the person with a serious health condition. SWCD boards are required to follow FMLA. The FMLA law states that it applies to all public agencies, including local, State and Federal employers. <https://www.dol.gov/agencies/whd/fmla>

NRCS Forms

The high risk self-certification that NRCS sent out recently is to help locally make a determination of potential impacts and how they make accommodations with staff in the office to ensure everyone has the opportunity to continue working. In the email from NRCS, it does state that the certification is voluntary for partner employees and if the employee has concerns to visit with their supervisor. Filling this out does not have an impact on insurance coverage or retirement. If an employee is a high risk and wants to stay away from the office, they need to work with their board to determine if there are any accommodations that can be made or take leave.

There are a lot of concerns, anxiety and frustrations about this whole situation. We are all in this together and need to remember that we still have a job to do as public servants to help landowners protect the productive power of Missouri agricultural land and protect water quality. Thank you for all your help during this time!

Soil and Water Conservation Program

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We'd like your feedback on the service you received from the Missouri Department of Natural Resources. Please consider taking a few minutes to complete the department's Customer Satisfaction Survey at <https://www.surveymonkey.com/r/MoDNRsurvey>. Thank you.