

To: Agency Heads

From: Secretary Melissa McCaw and COO Josh Geballe

Date: March 22, 2020

Re: Designation of job classes as Level 1 or Level 2

In assessing which job classes in your agency are Level One and Level Two, as it pertains to bargaining unit personnel, it is necessary to apply the definition of “essential” (Level One), as negotiated in the 2017 SEBAC agreement to the analysis of the programs and services that your agency must continue to keep operational while the State confronts the COVID 19 pandemic. This is not to diminish or devalue the work performed or services provided by all other employees.

The 2017 SEBAC agreement defines an “essential” (Level 1 employee) as an employee who is “required by the Employer to work outside the home during a period other bargaining unit employees are paid but relieved from work due to a closing.”

You must make the determination of which programs and services your agency must continue to keep operational, based on your agency’s Continuity of Operations Plan, and in accordance with Governor Lamont’s directives regarding measures needed to respond to the COVID 19 pandemic. All of these designations are with pay.

To help you in making that assessment, we have developed the following categories:

Level	Frequency	Essential/ Non-Essential	Description
Level 1	Constant	Essential	Employees must physically report to work (i.e. <u>work outside of their home</u>) to perform job functions.
Level 1	Intermittent	Essential	Intermittent or Per Diem - Employees must physically report to work (i.e. <u>work outside of their home</u>) to perform job functions.
			<i>Either a fixed schedule will be provided or such employees may be directed/called in to report to work to ensure continuity of critical services for the agency. Employee specific grid by job spec will be created by each agency.</i>
Level 2	Constant	Essential and Non-Essential	Employees with job duties that can be performed via telework (incl employees with existing approved standard telework arrangements) & equipped with State issued laptop/equipment. <u>Not required to work outside of their home.</u>
Level 2	Constant	Essential and Non-Essential	Employees with job duties that can be performed via telework, who have a suitable personal device, and are provided remote access to their work computer may telework. <u>Not required to work outside their home.</u>
Level 2	Constant	Non-Essential	Employees not in the above categories. Employees unable to telework due to nature of job duties, lack of equipment, nature of job, etc. <u>Job Duties do not require working outside their home.</u>

Employees with job functions determined by the agency head to be capable of teleworking and who are equipped to do so MUST telework.

In determining the appropriate category for each job classes (and, as applicable, which individuals within each job class) in your agency, we suggest you engage in the following analysis for each job class:

First, determine whether it is possible for the employees in that job class to telework. If the employees can perform their duties at home and there is no

reasonable likelihood that any of the employees would need to physically report to work outside of their home, then the employees should be categorized as Level 2.

Second, for each job class for which the employees will not be able to telework full-time, determine whether the employees in that job class will be able to perform most of their duties at home but may also need to physically report to work outside of their home on a sporadic or as needed basis. Employees in that job class should be categorized as Level 1 Intermittent.

Third, for each job class for which it is not possible for the employees to work from home, full-time or part-time, determine whether the duties performed by such employees are necessary to the programs and services that your agency must continue to keep operational while the State confronts the COVID 19 pandemic. If the work is necessary to maintain such operations, then the employees should be categorized as Level 1 Constant.

Finally, if the work is not necessary to maintain such operations, then the employees should be categorized as Level 2 – Other. Employees in such job classes will be placed on paid leave pursuant to C.G.S. §5-248(a) and *notified that they may be reassigned to other appropriate work, as needed in order to ensure that the State can maintain necessary operations.*

Agencies should notify all employees that the designation is for this unique circumstance, and that as circumstances change so might a particular designation.

If an agency wants to consider a creative concept not contemplated here, they should contact their assigned Labor Relations Program Manager.