Information for Civil Servants in Connection with Coronavirus in the Workplace

Due to the increasing severity of the situation surrounding the spread of coronavirus, the following advice has been issued for dealing with civil servants of the Land Niedersachsen who might be affected:

1. If civil servants have been infected with coronavirus, they must not go to work. Whilst civil servants who are suspected of having coronavirus and who have been placed in quarantine by a doctor or by order of the public health authority remain fit for work by medical definition, they are prevented from working for other important reasons in accordance with § 67 para. 1 alt. 2 NBG [Lower Saxony Civil Service Law] and are required to stay away from their place of work.

2. Civil Servants
   - who have spent time in a country or region for which a travel warning has been issued by the German Foreign Office (AA, www.auswaertiges-amt.de) based on a risk assessment by the Robert Koch Institute (RKI, www.rki.de), or
   - in whose close personal circle there is a case or the suspicion of a case of illness caused by coronavirus
are obliged to contact their workplace by telephone or in electronic form before they go to work and inform their workplace of their circumstances.

3. The civil servant’s workplace is then obliged to initiate the necessary measures to prevent the disease spreading through the public administration (e.g. by ordering its staff to work from home using teleworking or mobile working). If it is not feasible or is inappropriate to implement such measures, then any civil servants affected must be granted compassionate leave on full pay in accordance with § 11 Nds. SUrlVO [Lower Saxony regulations on compassionate leave] commensurate with the circumstances of the individual case pending final clarification of their state of health. Compassionate leave on full pay should also be granted if a civil servant is obliged to stay at home and care for a minor due to the closure of their child’s childcare facilities or school, if there is no alternative childcare available and measures in sentence 1 are not feasible or appropriate.
4. Civil servants are expressly warned against embarking on holidays which they might already have planned or booked to countries or regions which the RFI or AA have listed as being affected by the illness. Civil servants should observe the travel warnings issued by the RKI and AA. If civil servants embark on a trip to an affected country or region despite warnings to the contrary and become infected with coronavirus, this can represent a breach of a civil servant’s duty to remain healthy and potentially result in disciplinary procedures.

5. If a civil servant does not go to work because of illness, they must inform their workplace of their illness and its prospective duration without delay. If they are unable to go to work for longer than three working days, they must as a rule submit a doctor’s note in accordance with the “VV zu § 81 NBG (a.F.)” [admin. agreement on § 81 NBG (old version)]. In order to ease the burden on doctors’ surgeries, it is recommended that doctors’ notes only be requested after the fifth working day.

Please pass on this information to the human resources offices in your area of operations. Please also inform the corporate bodies, institutions and public-sector foundations under your supervision as necessary. MF will release specific guidelines for the salaried employees of the Land Niedersachsen in due course.

I will send a copy of the guidelines to the working group of municipal umbrella organizations for information purposes.

By order

sign. Hilmer