

This document is a translation from German into English of the letter entitled “Arbeits- und tarifrechtliche Hinweise zum Umgang im Zusammenhang mit dem Corona-Virus” from the Lower Saxony Finance Ministry dated 04.03.2020 and is for internal Osnabrück University use only.

Lower Saxony Finance Ministry

To the Personnel Departments of the Highest State Authorities

By Email only

Hanover 04.03.2020

Information for Salaried Employees in Connection with Coronavirus in the Workplace

Due to the current situation surrounding the spread of coronavirus, the following advice has been issued for dealing with salaried employees of the *Land Niedersachsen* who might be affected:

1.

If salaried employees of the Land Niedersachsen have been infected with coronavirus, they must not go to work. Whilst salaried employees 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 to be released from the obligation to perform their duties.

2.

Salaried employees 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 (§§ 241 II, 242 BGB; 618 BGB [German Civil Code]).

Salaried employees may be asked by their employer if they 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). The employer's right-to-know is limited to a negative response.

3.

The salaried employee's workplace is obliged to initiate the necessary measures to prevent the disease spreading through the public administration whilst ensuring the continuance of public services (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 salaried employees affected must be granted compassionate leave on full pay in accordance with § 29 para. 3 TV-L commensurate with the circumstances of the individual case pending final clarification of their state of health. This possibility also exists in cases where a salaried employee 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. Measures in sentence 1 also include the use of flexible working time.

4.

Salaried employees 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. Salaried employees should observe the travel warnings issued

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by the RKI and AA. If salaried employees embark on a trip to an affected country or region despite warnings to the contrary, then they do so at their own risk (e.g. infection, local quarantine measures, travel hindrances to their return journey).

5.

If a salaried employee does not go to work because of illness, they must in accordance with the Continuation of Remuneration Law and their collective bargaining agreement 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 submit a doctor's note. In order to ease the burden on doctors' surgeries, it is admissible for the salaried employee's workplace not to request a doctor's note until the fifth working day.

Please pass on this information to the human resources offices in your area of operations.

By order

Kuyny