

# COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS

EFFECTIVE JANUARY 1, 2021 THROUGH MARCH 31, 2021  
UNTIL REVISED OR RESCINDED

## COVID-19 Paid Administrative Leave and Other Leave Provisions for Permanent Employees

*Note: While management will give every possible consideration to individual personal circumstances, management has the discretion to deny or defer special leave provisions (below) for mandatory employees whose presence is determined necessary to address urgent public health, public safety, or critical infrastructure needs.*

1. **“FAMILIES FIRST CORONAVIRUS RESPONSE ACT” (FFCRA):** Leave benefits provided under this federal program end on December 31, 2020. Starting January 1, 2021, absences that may have been covered by FFCRA are subject to the provisions described below.
2. **COVID-19 SHARED LEAVE BANK:** FSU will continue a COVID-19 shared leave bank, similar to the state-wide voluntary shared leave program.
  - a. Donations to, and receipt of leave from, this leave bank are available only from and to employees within the institution; exchanges with employees at other institutions/agencies are not permitted.
  - b. The chancellor may set limits on the amount of leave that can be donated or received by any employee and establish internal procedures for collecting and distributing leave under this program.
  - c. Such a leave bank program would be available for absences only if the recipient employee cannot report to work on-site or telework because the employee:
    - 1) must provide childcare because a school or childcare facility remains closed, or the school has required or has allowed remote learning for the family, due to COVID-19.
    - 2) must provide elder care because an elder care facility is closed due to COVID-19.
    - 3) has been in close contact with a COVID-19 positive person in the last 14 days.
    - 4) received instructions to isolate or quarantine by a health department or health care providers.
    - 5) has COVID-19 symptoms and seeking medical diagnosis or has been diagnosed with COVID-19; or
    - 6) is not expected to report to a University worksite but cannot telework because their position and duties cannot be performed remotely and because reasonable alternate remote work is not feasible or productive.
  - d. Employees must have exhausted all COVID-19 paid administrative leave, accrued personal leave, and paid time off prior to participating in the leave bank program, and newly accrued leave must be used prior to any additional shared leave.
  - e. Leave bank donations may be applied only to eligible absences occurring between July 1, 2020 and March 31, 2021. Leave donations cannot be used for any purpose other than those described above, and any unused leave donations cannot be retained by the recipient employee once their eligibility to use the shared leave ends.
  - f. Institutions providing a COVID-19 shared leave bank shall report usage in the manner prescribed by OSHR.
3. **COVID-19 PAID ADMINISTRATIVE LEAVE:**
  - a. **Use of this COVID-19 Paid Administrative Leave for the purposes listed below is cumulative from March 16, 2020, through March 31, 2021.** If an employee used FFCRA emergency paid sick leave in 2020 for any of the reasons listed below, then those hours must be deducted from any remaining COVID-19 Paid Administrative Leave available through this section.
  - b. Employees may receive COVID-19 Paid Administrative Leave under the following conditions:

- 1) the employee is subject to a quarantine or an isolation order or has been advised to self-quarantine by a health care provider or public health official.
  - 2) the employee has had exposure with someone who has tested positive for COVID-19 and is awaiting a diagnosis (the employee may or may not be demonstrating symptoms); or
- c. Under these conditions, COVID-19 Paid Administrative Leave is allocated as described below:
- 1) The employee may receive up to 80 hours of COVID-19 paid administrative leave for the absences prior to using any accrued personal leave and paid time off.
  - 2) Once this 80 hours has been exhausted, the employee must use their accrued personal leave and paid time off for the absences.
  - 3) Once the employee has exhausted their accrued personal leave and paid time off, then the employee may receive an additional 80 hours of COVID-19 paid administrative leave for the absences.

***NOTE: Employees who have symptoms of a communicable disease and are required to stay home, or who are ill with the communicable disease, must not to return to work until they are fully recovered in accordance with current CDC or NC Division of Public Health guidelines. Employees should contact Kay Faircloth in the FSU Office of Human Resources for FSU return to work guidance and resources before returning to onsite work.***

4. **DUAL STATE EMPLOYEE HOUSEHOLD:** If more than one person in the household is a state employee, then the employees are expected to work with their supervisors to determine how to allocate leave to avoid inappropriate overlap of leave usage for child and elder care needs.
5. **OTHER ABSENCES:** Employees who are on other pre-approved leave or who are otherwise unavailable for reasons other than provided above cannot use paid administrative leave as described in this document for the absence and must use their accrued personal leave and paid time off for hours not worked.
6. **INTERCHANGEABILITY OF LEAVE:** Interchangeability of accrued leave continues but is limited to COVID-19 related absences (child/elder care, cannot telework, etc.). This may also include flexible use of vacation hours that will lapse into sick leave December 31, 2020 if the vacation hours could not be used due to COVID-related reasons (for example, vacation travel canceled due to COVID or employee having to work due to COVID and canceling other vacation plans). This paid leave cannot be used to cover hours during which an employee is on emergency temporary furlough. This provision does not allow interchangeability of leave usage in regard to the leave options provided in state policy for retirement, transfer, or separation.
7. **PART-TIME/FLUCTUATING SCHEDULES:** For part-time employees with fluctuating schedules, COVID-19 paid administrative leave may be applied as allowed above, but consideration should be given to the employee's average hours per week over the course of a month. In no case shall paid administrative leave exceed 40 hours per week.
8. **REMOTE WORK AND FLEXIBLE WORK ARRANGEMENTS:** Institutions continue to be encouraged to allow for broad use of flexible work arrangements, including telework and alternate work schedules, through March 31, 2021.
9. **OTHER PROVISIONS:** For other provisions not addressed in this document, refer to the Communicable Disease Emergency Policy.

#### Temporary Employees

10. At the chancellor's discretion, the institution may, but is not required, to provide any or all of the following to temporary employees:
  - a. Temporary employees (including students) may be allowed to telework.
  - b. Temporary employees may be designated mandatory (on-site or remote) to address critical operational needs (see mandatory employee provisions below).
  - c. Temporary employees who are designated as mandatory employees, and/or student employees (whether designated as mandatory or not), may be allowed COVID-19 paid administrative leave as described above based on available funds and operational needs.

- d. Temporary appointments may be extended beyond 12 months without a break-in-service during the public health emergency. These temporary appointments must have a break-in-service within 30 calendar days of the end of the public health emergency period.

### **Expanded Community Service Leave (CSL)**

11. **COVID-19 RELATED SERVICE ACTIVITY:** Permanent SHRA and EHRA employees will receive a new allocation of 80 hours of Expanded Community Service Leave for service with non-profit organizations on COVID-19-related volunteer activities, effective January 1, 2021. These hours are accounted for separately from an employee's regular annual allotment of 24 (or 36) hours community service leave.
12. **TUTORING AND MENTORING:** Use of tutoring and mentoring options under CSL may occur in a formal standardized program or may include non-conventional tutoring/mentoring arrangements. For example, tutoring sessions may be carried out in a virtual and/or in-person environment, performed as part of a remote student cohort, or could include activities with an employee's own child(ren). The tutoring and mentoring of "at-risk" students include those that, by virtue of their circumstances, are more likely than others to fail academically, particularly in a virtual academic environment, and who require temporary or ongoing support to succeed academically.

### **Mandatory and Non-Mandatory Employee Designations**

*Management continues to have the ability to modify mandatory on-site employee designations as deemed necessary with respect to evolving operational needs of the institution as well as to account for employees who may not be in a position to telework or otherwise perform their duties remotely. All such designations should take into account maximum flexibility and consideration with respect to employees who fall within high-risk groups per NCDHHS and CDC guidelines. A large-scale return to on-site work for State employees is not planned at this time. Further developments in this regard will be communicated by the UNC System Office.*

13. "Mandatory employees" are those individuals who are directed by their supervisor to work at specific dates and times at a designated University worksite other than their personal residence and may or may not also be authorized for telework options. Such employees have been deemed essential to work on-site during the COVID-19 event and may include, but are not limited to, positions that relate to:
  - public health and patient care.
  - public safety.
  - operation of critical infrastructure and facilities.
  - operation and safety of sensitive research labs.
  - supporting the humane care of laboratory research animals.
  - the care of persons or property for whom the University has a duty to continue to serve; and
  - remaining onsite student and instructional support services.
14. The University should maintain a list of mandatory employees to reflect this definition and the University's operational needs specific to the COVID-19 event. These designations may be changed by management at any time due to the ongoing operational needs of the University and COVID-19 developments.
15. All employees who have not been directed by their supervisor to work on-site at any particular date and time may continue to be assigned work and are expected to telework, if feasible, given the nature of their position and duties. Management may reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities either with the University or another State agency if requested.
16. Special consideration should be given to mandatory employees who are determined to be "high risk" for experiencing complications from contracting COVID-19 (i.e., over 65 years of age; have underlying health conditions, including heart disease, lung disease, or diabetes; or have a weakened immune system) or who live with someone who is at high risk for experiencing complications from contracting COVID-19. Management may allow these employees to telework or apply other paid leave provisions below, as deemed appropriate. Requests for employee flexibility / special consideration should be submitted to the Office of Human Resources using the Employee Request for Flexibility for Onsite Work and supporting documentation. [Employee Flexibility Request Form](#)

