

COVID-19 SPECIAL WORK AND LEAVE PROVISIONS FOR JULY

EFFECTIVE JULY 1, 2020 UNTIL REVISED OR RESCINDED

Mandatory and Non-Mandatory Employee Designations

1. "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.
2. FSU maintains 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.
3. 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 with another State agency when requested via interagency agreement.
4. Special consideration may 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.

Special Provisions for On-Site Mandatory Employees

5. **Special COVID19 compensation at FSU ended on May 31, 2020. Eligible mandatory employees who worked on campus during April and May 2020 will receive up to 80 hours of pay, at .5 of their hourly rates, in the July 2020 payroll. Any remaining special compensation will be available as compensatory time off.**

Families First Coronavirus Response Act (FFCRA) Leave Provisions

6. The Families First Coronavirus Response Act (FFCRA) provides up to two weeks of Emergency Paid Sick Leave (80 hours, pro-rated for part-time employees) to all active employees (both permanent and temporary).
 - a. This leave is counted separately from a permanent employee's normally accrued sick leave.
 - b. Once Emergency Paid Sick Leave is exhausted, employees must use their own accrued leave and/or accrued paid time off to cover absences due to these reasons, unless other paid leave options are allowed as described elsewhere in these provisions.

7. Emergency Paid Sick Leave is paid at 100% of the employee's pay, up to \$511 daily and \$5,110 total,¹ if the employee is unable to work, including unable to telework, because the employee:
 - a. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - b. has been advised by a health care provider to self-quarantine for COVID-19-related reasons; or
 - c. is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
8. Emergency Paid Sick Leave (used June 1, 2020 or later) is paid at two-thirds of the employee's pay up to \$200 daily and \$2,000 total,² if the employee is unable to work, including unable to telework, because the employee:
 - a. is caring for an individual with whom the employee has a personal relationship (such as an immediate family member, roommate or other similar person) and who is subject to an order described in 10a above or a recommendation described in 10b above.
 - b. needs to care for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or
 - c. is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services (none has been declared at this time).

¹Although FFCRA provides Emergency Paid Sick Leave for certain issues at 100% of an employee's pay up to \$511 per day and \$5,110 total, the university will supplement the FFCRA leave with COVID-19 paid administrative leave so that the employee receives 100% of their pay for all hours that the employee is using FFCRA leave.

²Although FFCRA provides Emergency Paid Sick Leave for certain issues at two-thirds of an employee's pay up to \$200 per day and \$2,000 total and Expanded FML at two-thirds of an employee's pay up to \$200 per day and \$10,000 total, the university will supplement the FFCRA leave with COVID-19 paid administrative leave so that the employee receives two-thirds of their pay for all hours that the employee is using FFCRA leave. The employee is responsible for the remaining one-third of these hours through their own accrued leave and/or other accrued paid time off.

9. FFCRA also provides an Expanded Family & Medical Leave (FML) benefit for employees who need to care for their child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons. This program provides up to 12 weeks of Family & Medical Leave to any employee (permanent or temporary) who has been employed by the institution for at least 30 calendar days. The chancellor has the discretion to exclude health care providers and emergency responders from eligibility.
 - a. The first two weeks of the Expanded FML is unpaid. For the remaining weeks of Expanded FML (up to ten weeks) used June 1, 2020 or later, FFCRA provides two-thirds of the employee's pay up to \$200 daily and \$10,000 total.²
 - b. Employees may use Emergency Paid Sick Leave, if available, to cover the first two weeks of Expanded FML, or use other available accrued personal leave or paid time off if no Emergency Paid Sick Leave is available.
 - c. The Expanded FML does not expand FMLA coverage for other issues to employees who are not otherwise eligible for the usual 12 weeks of Family & Medical Leave in a 12-month period, and any Family & Medical Leave used for another purpose within the past 12 months will reduce the weeks of Expanded FML available to an employee.
10. For further information and requirements, refer to [UNC Policy Manual 300.2.15\[R\]](#), effective April 1, 2020, and related Frequently Asked Questions.

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.

11. Employees who are 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, may receive COVID-19 paid administrative leave at one-third of the employee's pay for the scheduled hours they cannot telework.
12. For elder care needs due to COVID-19-related elder care facility closings, employees may receive COVID-19 paid administrative leave at two-thirds of the employee's pay for the period of scheduled time they are unavailable due to providing elder care. This leave is provided equivalent to the same compensation rules and eligibility requirements applied to FFCRA for child care.³ This also means that the maximum elder care benefit for an employee is 12 weeks (or fewer, depending on the employee's FMLA eligibility). Once all FFCRA-equivalent leave is exhausted, employees may receive COVID-19 paid administrative leave at one-third of the employee's pay for scheduled hours they cannot work due to elder care needs.
13. For child care needs due to a COVID-19-related school or child care closing after all FFCRA leave benefits have been exhausted, employees may receive COVID-19 paid administrative leave at one-third of the employee's pay for scheduled hours they cannot work due to child care needs.³
14. 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 paid administrative leave to avoid inappropriate overlap of leave usage for child and elder care needs.
15. Employees who were on other pre-approved leave or are unavailable for reasons other than provided above must use available and applicable leave types, e.g. vacation leave, parental leave, bonus leave, compensatory time, or take leave without pay.
16. Through December 31, 2020, employees may use accrued sick leave, vacation leave, and bonus leave interchangeably, regardless of the reason for the employee's absence; however, paid leave cannot be used to cover hours on 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 retirements, transfers, or separations.
17. **The university has established a COVID-19 shared leave bank, similar to the state-wide voluntary shared leave program. Additional information will be provided on this program in the near future.**
 - a. Donations to and receipt 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 university 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 to a recipient employee only for absences due to:
 - i. the employee being unable to telework due to the nature of their position and/or has ongoing child/elder care needs as described in items #14-17 above, and
 - ii. the employee has exhausted all accrued personal leave and all accrued paid time off. An employee may also be required to have exhausted all allowable advanced leave.
 - d. Leave bank donations may be applied only to eligible absences occurring between July 1, 2020 and December 31, 2020. Leave donations cannot be used for any purpose other than those described in item #21c above, and any unused leave donations cannot be retained by the recipient employee beyond December 31, 2020.

18. 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 forty hours per week.

Provisions Related to Temporary Employees

19. The chancellor of each constituent institution has the discretion to offer telework to any temporary employees (including students) and/or to designate such employees as mandatory to address critical operational needs.
20. Temporary employees designated as mandatory on-site are not eligible for COVID-19 compensatory time. Institutions should make all efforts to prioritize on-site work to permanent employees before assigning on-site work to temporary employees.
21. Temporary employees may be eligible for FFCRA leave benefits, if allowed by those provisions. institutions have the discretion to place any temporary employees (including student employees) in inactive/unpaid status or to end their temporary employment. Temporary employees placed in an inactive/unpaid status may not be eligible for benefits under FFCRA.