

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

PURPOSE:

TO OUTLINE THE UNIVERSITY'S RESPONSIBILITIES UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA), WHICH CREATED NEW LEAVE OPTIONS AND PROVISIONS RELATED TO COVID-19: (1) EMERGENCY PAID SICK LEAVE ACT (EPSLA) AND (2) EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT (EFMLA). THE PROVISIONS APPLY APRIL 1, 2020 THROUGH DECEMBER 31, 2020.

I. Emergency Paid Sick Leave Act (EPSLA)

Eligible employees under the EPSLA: All employees (regular, temporary, full, or part-time, student employees and Graduate Assistants) unable to work or telework based upon the qualifying criteria.

A. Qualifying Events for EPSLA Coverage

The employee is unable to work or telework due to one of the following reasons:

1. Employee is subject to a federal, state, or local quarantine or isolation order.
2. Employee has been advised by a healthcare provider to self-quarantine.
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
4. Employee is caring for an individual subject to quarantine/isolation order or has been advised to follow quarantine directives.
5. Employee is caring for their child due to a school or daycare closure due to COVID-19.
6. Employee is experiencing any other substantially similar symptoms of COVID-19 as defined by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

B. Amount of Emergency Paid Sick Leave (EPSL)

All eligible full-time employees will have up to 80 (75 as applicable) hours of EPSL available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours the employee would otherwise be scheduled to work. EPSL may not exceed a total of 80 hours.

For employees with varying hours such that the number of scheduled hours cannot be readily determined, employees are entitled to:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type; or
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

C. Rate of Pay

EPSL will be based upon the employee's regular rate of pay for reasons 1-6 above through December 31, 2020 for all faculty, staff, and student positions.

Employees taking EPSL will be compensated at the threshold specified below.

- For reasons 1-3 above employees will be paid at the regular rate.
- For reasons 4-6 above employees will be paid at two-thirds their regular rate.

Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

D. Interaction with Other Paid Leave

Employees may use EPSL under this policy before using any other accrued paid time off for the qualifying reasons stated above. Employees are not permitted to supplement the identified pay thresholds using available accrued leave balances. Employees on EFMLA under this policy may utilize EPSL during the first 10 days of qualifying leave.

II. Emergency Family Medical Leave Expansion Act (EFMLA)

Eligible employees under the EFMLA: Any employee unable to work or telework based upon the qualifying criteria and who has been employed for a period of 30 calendar days or longer with the University immediately prior to the effective date of the requested leave.

A. Qualifying Events for EFMLA Coverage

Eligible employees who are unable to work or telework due to a need to care for their child(ren) when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

B. Duration of Leave

Employees will have up to 12 weeks of EFMLA to use through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

C. Pay During Leave

Leave will be unpaid for the first 10 days; however, employees may use any accrued paid vacation, sick, or compensatory time leave during this time. The employee may also elect to use the paid leave provided under the EPSL paid at two-thirds of any qualifying employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. During this initial 10-day period, employees are not required to use any University-provided paid leave to run concurrently with, or substitute for, paid sick leave under EPSLA.

EFMLA used after the first 10 days will be paid at two-thirds of any qualifying employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. EFMLA pay will not exceed \$200 per day and \$10,000 in total. After the first two workweeks (usually 10 workdays) of expanded family and medical leave under the EFMLEA, however, the University will permit an employee to take their remaining expanded family and medical leave at the same time as any existing paid leave that is available to them under University policies applicable in that circumstance. This would likely include vacation, but not medical or sick leave if the employee is not ill.

When utilizing the employee's own accrued vacation time, the University will pay the employee's full pay per University policies and Collective Bargaining Agreements for PTO time during the EFMLA leave until such time is exhausted or the employee chooses to stop using PTO time. Thereafter, and if an employee has more EFMLA leave time remaining, the employee would receive pay for the remainder of the leave at the two-thirds rate, subject to the daily (\$200) and aggregate (\$10,000) limits. Any unused portion of this pay will not carry over to the next year. Employees may not use other accrued leave (if available) for the remaining one-third of the employee's regular rate of pay.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- I. The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type;
- II. or If the employee has worked less than six months, but more than 30 days, the expected number of hours to be scheduled per day at the time of hire.

D. Employee Status and Benefits During EFMLA Leave

During EFMLA leave, an employee must fulfill specific responsibilities for handling the absence and the authorized return from leave as specified on the Human Resources website. While on approved EFMLA leave, State Employee Health Plan coverage will be maintained during the 12-week FMLA entitlement period. While on paid leave, the employee will pay the regular SEHP premiums (through paycheck deduction or, if the paycheck is insufficient, through personal check), and the University will pay its regular employer contribution.

E. Procedure for Requesting EPSL and EFMLA

Employees needing to take leave under FFCRA should:

1. Notify their immediate supervisor of their leave requirement as soon as possible;
2. Complete and submit the employee EFMLA packet;
3. Submit Leave Request slips to their supervisor; and
4. Submit required supporting documentation to Human Resources within 15 days of the start of the leave period. For information about approved supporting documentation, please contact Bonnie Brueggemann.

The Office of Human Resources encourages managers and employees to collaborate to achieve maximum flexibility to meet the needs of both individuals and departmental business needs during this time. While some example scenarios are addressed in the FAQs, employees and supervisors are encouraged to work with Human Resources to address any relevant questions or concerns.

The University requires EFMLA leave time to be taken consecutively, not on an intermittent basis. Human Resources is the University's designated authority to review and approve EFMLA requests. Paid EFMLA under this policy will not be provided beyond December 31, 2020. Any unused leave under this policy will not carry over to the next year or be paid out to employees.

F. Employee Status After EFMLA Leave

Generally, an employee who takes EFMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The University may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic

injury to business operations. Key employees will be given written notice at the time EFMLA leave is requested of their status as a key employee.

G. Denial of EFMLA Leave

EFMLA leave can be denied by Human Resources when:

- the employee does not meet the eligibility requirements;
- the condition does not meet EFMLA-qualifying standards;
- the time period covered under the FFCRA expires;
- the employee has exhausted their FMLA leave; or
- the employee has failed to provide timely advance notice.

If an employee feels that EFMLA has been denied inappropriately, the employee may discuss this with Human Resources.

H. Employee Responsibilities

During EFMLA leave, an employee must update their supervisor and/or Human Resources regarding the employee's status and intent to return to work, and fulfill responsibilities for handling the absence and notifying Human Resources in regard to the date of which the employee returns from leave.

I. Additional FMLA Information

Paid and unpaid leave taken for an EFMLA approved condition will be FMLA protected and counted against the employee's FMLA leave entitlement (when eligible).

DEFINITIONS:

"Child" means a biological, adopted, foster, or step child, a legal ward, or a dependent of a person standing in loco parentis, who is either under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

"Childcare provider" provides childcare services on a regular basis, including:

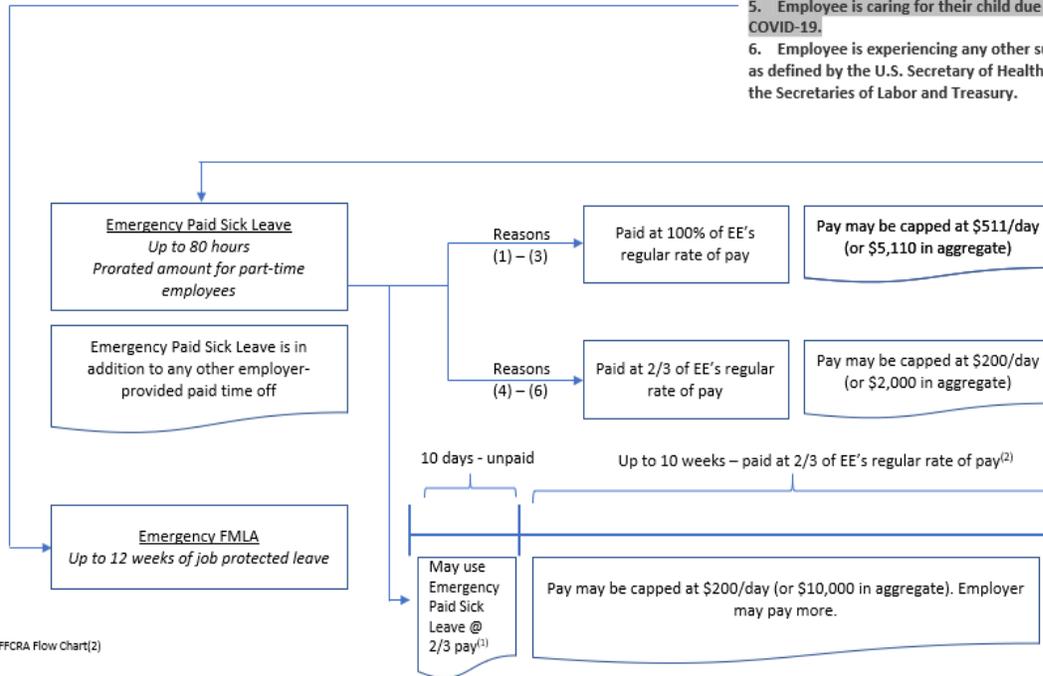
- a center-based childcare provider;
- a group home childcare provider;
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day as the sole caregiver, and in a private residence);
- other licensed provider of childcare services for compensation; or
- a childcare provider who is 18 years of age or older and who provides childcare services to children to whom they are related (i.e., their grandchild, great grandchild, sibling (if the provider lives in a separate residence), niece or nephew) at the direction of the parent.

"School" means a facility that provides K-12 education.

Families First Coronavirus Relief Act Flow Chart

Expires 12/31/2020

- The employee is unable to work or telework due to one of the following reasons:
1. Employee is subject to a federal, state, or local quarantine or isolation order.
 2. Employee has been advised by a healthcare provider to self-quarantine.
 3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
 4. Employee is caring for an individual subject to quarantine/isolation order or has been advised to follow quarantine directives.
 5. Employee is caring for their child due to a school or daycare closure due to COVID-19.
 6. Employee is experiencing any other substantially similar symptoms of COVID-19 as defined by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.



FFCRA Flow Chart(2)

⁽¹⁾ Employee may elect to substitute any accrued vacation or sick leave at 100%

⁽²⁾ Employee may elect emergency leave pay at 2/3 pay or substitute any accrued vacation at 100%, but not both