

Regulation on Leave Provisions under the Families First Coronavirus Response Act (FFCRA)

I. Purpose. The federal government passed the Families First Coronavirus Response Act (FFCRA), effective April 1, 2020, which includes the time-limited allocation of emergency paid sick leave and expanded family and medical leave coverage for employees who cannot work as a result of the COVID-19 pandemic.

II. Emergency Paid Sick Leave

A. Eligibility. All active employees (both permanent and temporary) are eligible for Emergency Paid Sick Leave.

B. Leave Benefit

1. Up to two weeks of paid leave (80 hours, pro-rated for part-time employees) paid at 100 percent of the employee's pay, up to \$511 daily and \$5,110 total, 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.

2. Up to two weeks of paid leave (80 hours, pro-rated for part-time employees), paid at two-thirds of the employee's pay, up to \$200 daily and \$2,000 total, 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 II.B.1.a., or a recommendation described in II.B.1.b., above;
- b. Needs to care for his or her child whose school or place of care is closed (or child care 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.

C. Additional Leave Provisions

1. Employees may supplement Emergency Paid Sick Leave with COVID-19 Paid Administrative Leave (if eligible), or other available leave or paid time off (e.g., comp time, sick, vacation, bonus).
2. Emergency Paid Sick Leave will be used prior to any other paid leave or paid time off unless an employee requests to use other accrued paid leave or paid time off first.

III. Expanded Family and Medical Leave

A. Eligibility. Both active permanent and temporary employees who have been employed by the institution for at least 30 calendar days immediately prior to the day the leave would begin are eligible to receive Expanded Family & Medical Leave (FML).

B. Leave Benefit. Up to 12 weeks of Expanded Family & Medical Leave, up to 10 of which must be paid at two-thirds of the employee's pay, up to \$200 daily and \$10,000 total, if the employee is unable to work, including unable to telework, because the employee needs to care for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19-related reasons.

C. Additional Leave Provisions

1. The Expanded FML does not extend the total number of weeks of FMLA leave an eligible employee may use within a 12-month period.
2. The first two weeks of Expanded FML are unpaid. Employees may supplement the Expanded FML with Emergency Paid Sick Leave or COVID-19 Paid Administrative Leave (if eligible) or other available leave or paid time off (e.g., comp time, sick, vacation, bonus).

IV. Other Provisions for Emergency Paid Sick Leave and Expanded Family & Medical Leave

A. Employee Eligibility Exclusions. Due to the critical work supporting efforts to manage the pandemic and related operations, institutions are not required to provide Emergency Paid Sick Leave and Expanded FML to health care providers and emergency responders, consistent with federal Department of Labor regulations.

B. Use of Intermittent Leave

1. For teleworking employees, intermittent use of Emergency Paid Sick Leave and Expanded FML is allowed, subject to agreement of the employee and institution.
2. For employees required to report on-site for work, intermittent use of Emergency Paid Sick Leave and Expanded FML is allowed, subject to agreement of the employee and institution, only if the employee needs to care for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19-related reasons.

C. Coordination with Other Leave. COVID-19 Paid Administrative Leave, if applicable, will supplement the FFCRA requirements for Expanded FML and Emergency Paid Sick Leave. If COVID-

19 Paid Administrative Leave is expired or not applicable, then employees may choose to use their accrued leave (vacation, sick, bonus) or other accrued paid time off to supplement the pay provided under Expanded FML with Emergency Paid Sick Leave.

D. Calculating the Regular Rate

1. For FLSA non-exempt employees. An employee's pay rate for Emergency Paid Sick Leave and Expanded FML is the average regular rate, as defined in the federal Fair Labor Standards Act, for each full workweek in which the employee has been employed over the six-month period immediately prior to the day the leave would begin; or, the entire period of employment if not employed for at least six months.

2. For FLSA exempt employees. An employee's pay rate is the hourly rate of the employee's annual salary.

E. Prohibited Acts and Enforcement. An employer is prohibited from discharging, disciplining or discriminating against any employee because such employee used Emergency Paid Sick Leave, used Expanded FML, and/or filed a complaint in regard to either program.

V. Effective Date. This regulation is effective April 1, 2020, and expires December 31, 2020.