

UPDATED COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS
WESTERN CAROLINA UNIVERSITY
July 1, 2020 – Until Revised/Rescinded

The following COVID-19 Special Faculty and Staff Work and Leave Provisions will go into effect **on July 1, 2020**, and remain in place until further revised or extended. At present, employees should continue to maximize telework/remote work arrangements **and only those employees who have been designated as “mandatory” should report to work on-site.**

In addition to the below guidance, the University has released incremental [return to on-site work guidelines](#) designed to facilitate the gradual return to on-site work.

Summary of Changes from Previous Guidance

- Effective July 1, 2020, **UNC System COVID-19 Paid Administrative Leave (PAL)** will only be applicable to the following situations:
 - Provided at **one-third** pay (reduced from two-thirds) for employees who are not expected to physically report to a University worksite but cannot telework because their position and duties cannot be performed remotely.
 - Provided at **one-third** pay for child care needs due to COVID-19 related child care closing after all [FFCRA leave benefits](#) have been exhausted.
 - Provided at **two-thirds** pay for elder care needs due to COVID-19 related elder care facility closings (up to a maximum of 12 weeks equivalent to FFCRA related child care leave). Once all FFCRA-equivalent leave is exhausted, employees may receive PAL at **one-third** of the employee’s pay for scheduled hours they cannot work due to elder care needs.

Mandatory and Non-Mandatory WCU Employee Designations

- **Mandatory employees are those WCU faculty or staff 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 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; the care of persons or property for whom the University has a duty to continue to serve; and remaining on-site student and instructional support services.
- As stay-at-home orders from the Governor are modified, University leadership 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 be in a position to telework or otherwise perform their duties remotely.
- All WCU 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. **WCU Employees who are not designated as “Mandatory” MUST NOT report to their on-site work location**

until otherwise notified. The University may also reassign an individual to complete other work assignments that are not part of their normal duties and responsibilities if deemed necessary.

Special consideration should be given to mandatory WCU employees who are determined to be “high risk” for contracting COVID-19 (i.e., over 65 years of age; have underlying health conditions, including heart disease, lung disease, or diabetes; or a weakened immune system) or who are providing care to someone at high-risk.

Consistent with current University protocols and when requested by a faculty or staff member considered at high-risk from exposure to COVID-19, the University will provide options for reasonable alternative work arrangements such as online teaching/instruction, telework, alternative work locations, reassignment, or social distancing measures whenever possible. Faculty or staff who meet [high risk criteria](#) (or have a household member who meets these criteria) and for which face-to-face instruction or onsite work could place them further at risk may request assistance through the University’s formal request process ([COVID-19 Assistance Request Form](#)).

Questions regarding this process may be directed to Matt Brown (mbrown@email.wcu.edu or 227-3139) or Trisha Ray (trisharay@email.wcu.edu or 227-2522).

Families First Coronavirus Response Act (FFCRA) Leave Provisions

- 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). The chancellor has the discretion to exclude health care providers and emergency responders from eligibility. This leave is counted separately from a permanent employee’s normally accrued sick leave.
- Emergency Paid Sick Leave is paid at 100% of the employee’s pay if the employee is unable to work, including unable to telework, because the employee:
 - is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - has been advised by a health care provider to self-quarantine for COVID-19-related reasons; or
 - is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- Emergency Paid Sick Leave (used June 1, 2020 or later) is paid at two-thirds of the employee’s pay if the employee is unable to work, including unable to telework, because the employee:
 - 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 above;
 - 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
 - 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).
- 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 first two weeks of the Expanded FML is unpaid. For the remaining weeks of Expanded FML (up to ten weeks), FFCRA provides two-thirds of the employee’s pay.
 - 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.

- 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.

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

Note: While supervisors will give every possible consideration to individual personal circumstances, WCU has the discretion to deny or defer UNC System COVID-19 special leave provisions for mandatory employees whose presence is determined necessary to address urgent public health, public safety, or critical infrastructure needs.

- 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*.
- 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*. 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.
- 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*.
- WCU employees who were on other pre-approved leave or are unavailable for reasons other than provided for in the special COVID-19 provisions must use available and applicable leave types; e.g. vacation leave, parental leave, bonus leave, compensatory time, or take leave without pay.
- 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.
- 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.

**Similar to the leave benefits under FFCRA, the one- or two-thirds of the employee's pay provided for the approved reasons above applies only to leave hours that the employee is using for these reasons and not to hours worked or to hours where leave is used for other purposes. For example, if an employee works 10 hours/week and then uses 30 hours of COVID-19 paid administrative leave due to elder care activities, then the employee receives 10 hours of pay at 100% (for hours worked), the equivalent of 20 hours of COVID-19 paid leave (two-thirds of 30 hours for elder care), and then must use the equivalent of 10 hours (one-third of 30 hours for elder care) of their own accrued leave or paid time off. Starting July 1, for teleworking, or for child/elder care after FFCRA eligibility is exhausted, then in the same scenario, the employee would receive 10 hours of pay for work, apply 10 hours of COVID-19 Paid leave, and then use 20 hours of the employee's own accrued leave or paid time off.*