

# **Families First Coronavirus Response Act Guidelines**

Under the Families First Coronavirus Response Act (“FFCRA”) employees shall be eligible for emergency paid sick leave or expanded family and medical leave during the period of April 1, 2020 through December 31, 2020 if the employee has worked for the University for thirty or more days and have one of the COVID-19 specified reasons related. The University reserves the right to exempt emergency responders and health care providers from any and all provisions of these Guidelines, and the associated leave rights, at its sole discretion in accordance with U.S. Department of Labor guidelines and temporary rule, if the University determines that such exemption is necessary for the effective operation of the University.

Health Care providers shall include all those individuals identified by the temporary rule established by the Department of Labor. Health care providers include but are not limited to anyone employed at the University who provides or assists in the provision of medical care including but not limited to Student Health Service, Counseling and Psychological Services, rehabilitation services and any employees who assist or perform duties related to the local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. In addition, health care providers include any employees who are involved in any way in the provision of the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments.

Emergency responders include employees who are necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19, including but not limited to all employees of the Department of Public Safety.

## **Qualifying Reasons for Leave:**

An employee qualifies for FFCRA leave if the employee is unable to work because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

## **Duration of Leave:**

1. If the reason for leave is one of those stated in paragraphs 1 through 3 above, an employee is eligible for two weeks of paid leave at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period). For a part-time employee, the eligible amount of leave shall be based on the number of hours that the employee works on average over a two-week period up to the limits provided herein.
2. If the reason for leave is one of those stated in paragraph 4 or 6 above, an employee is eligible for two weeks of paid leave at 2/3 their rate of pay or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period). For a part-time employee, the eligible amount of leave shall be based on the number of hours of leave that the employee works on average over a two-week period up to the limits provided herein.
3. If the reason for leave is for the reason stated in paragraph 5 above, a full-time employee is eligible for up to 12 weeks of leave. The amount of leave available is reduced by any prior use of leave under the Family Medical Leave Act during the qualifying period (12 weeks during the 12 month period). This leave also reduces the amount of leave available under the Family Medical Leave Act for the remainder of the appropriate period. The first two weeks shall be unpaid unless an employee elects to substitute FFCRA leave or use any available leave (sick or vacation) rather than taking leave without pay. If an employee uses FFCRA leave during the first two weeks for this reason, it will be at 2/3 pay. For the remaining ten (10) weeks, an employee shall receive 2/3 their rate of pay or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave). For a part-time employee, the eligible amount of leave shall be based on the number of hours of leave that the employee works on average over a two-week period. The employee may use any available leave for the remaining 1/3 of time prior to using absence without pay for that period.

**Requesting Leave:**

Employees requesting to use leave under these Guidelines should notify their supervisors as soon as possible.

**Leave Availability:**

An employee may use the leave provided under these Guidelines for the period of April 1, 2020 through December 31, 2020. Please note, employees are not entitled to a pay-out for any unused leave provided by this Act upon termination, resignation, retirement or other types of separation from employment.

**Retaliation and Restoration:**

The University shall not retaliate against any employee who exercises their right to leave under this Policy. Upon return, employees shall be placed in the same or substantially similar job with equivalent pay and benefits.

**Savings Clause:**

This Policy shall be interpreted in accordance with the law and temporary rules. If any provision of this Policy is declared in violation of the law or rules, or if the rules are amended or changed, then the remaining provisions shall be severable and remain in full force and effect.