COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS

EFFECTIVE MAY 9, 2020, UNTIL REVISED OR RESCINDED

(Issued 05-07-2020)

These provisions supersede all regular policies and are subject to modification or discontinuation at any time based on COVID-19 developments, executive orders of the governor, and the operational needs of the University. All paid administrative leave provisions are per the employee’s regular work schedule (or typical work schedule for temporary employees as determined by management) and do not include overtime or other special pay provisions.

COVID-19 Paid Administrative 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.

1. Employees who cannot work because they have childcare needs (and are no longer eligible under FFCRA leave benefits) or have eldercare needs due to COVID-19-related facility closings may receive COVID-19 paid administrative leave for the period of time they are unavailable. 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.

2. Employees may receive COVID-19 paid administrative leave if they cannot telework because their position and duties cannot be performed remotely, and reasonable alternate remote work is not feasible or productive.

3. Employees who are sick due to symptoms of a cold, flu, or COVID-19 or who are caring for a dependent with such symptoms may receive COVID-19 paid administrative leave. All other absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if approved.

4. Employees who were on other pre-approved leave, choose not to work, 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.

5. For part-time employees with fluctuating schedules, COVID-19 paid administrative leave may be applied, 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.

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Families First Coronavirus Response Act (FFCRA) Leave Provisions

1. 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.

2. Emergency Paid Sick Leave is paid at 100% 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.

3. Emergency Paid Sick Leave is 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 9a above or a recommendation described in 9b 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).

Employees may use COVID-19 paid administrative leave to supplement any partial pay for all days on which Emergency Paid Sick Leave is used.

4. 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), FFCRA provides two-thirds of the employee’s pay up to $200 daily or $10,000 total.
   b. Employees may use Emergency Paid Sick Leave, if available, to cover the first two weeks of Expanded FML. If Emergency Paid Sick Leave has been exhausted, then employees may use available COVID-19 paid administrative leave for the first two weeks and to supplement any partial pay for all days on which Expanded FML is used.
   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.

5. For further information and requirements, refer to UNC Policy Manual 300.2.15[R], effective April 1, 2020, and related Frequently Asked Questions.
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 on-site student and instructional support services.

2. UNC Asheville 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 should 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 special leave provisions below, as deemed appropriate.