



COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS

EFFECTIVE JUNE 1, 2020 UNTIL REVISED OR RESCINDED

(Issued 05-22-2020)

The following are special emergency provisions authorized by the interim president of The University of North Carolina in response to the COVID-19 event. These provisions supersede all regular policies and are subject to modification or discontinuation by the interim president 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. Where implementation decisions are noted as a chancellor's or institution's discretion, this includes a chancellor's authorized designees. This document does not apply to employees of UNC Health, who are governed by that entity's policies.

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 onsite student and instructional support services.
2. Each constituent institution should maintain 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 paid leave provisions below, as deemed appropriate.

Note: As stay-at-home orders from the Governor are modified, management 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 not be in a position to telework or otherwise perform their duties remotely. All such designations should take into account maximum flexibility and consideration with respect to employees who fall within high-risk groups per NCDHHS and CDC guidelines. Neither Phase I nor Phase II of the State reopening plans envisions a large-scale return to on-site work for State employees at this time. Further developments in this regard will be communicated by the UNC System Office.

Special Provisions for On-Site Mandatory Employees

Note: In consideration of anticipated budgetary challenges and as contemplated by Section 300.2.15 of the UNC Policy Manual, chancellors are advised to use appropriate care in managing expenses tied to COVID-19 special compensation and to adjust special pay rates in accordance with expected availability of funds at their institution, now and in the immediate future.

5. SHRA and EHRA mandatory permanent employees may at the discretion of the institution receive special COVID-19 compensation for hours required worked at a designated University worksite other than their personal residence, and only for those specific dates and times that such on-site work is required; off-site (teleworking) hours will not be subject to these added special compensation provisions.
6. Application of any COVID-19 special compensation is at the discretion of the institution based on current or projected future availability of funds, the operational needs of the institution, and the duties performed by similarly situated groups of employees. These decisions should be made in an equitable and consistent manner institution-wide and are not intended to be made by individual unit heads.
7. Chancellors have the discretion, but are not required, to grant COVID-19 special compensation (as added pay, equivalent compensatory time, or some combination of the two) to mandatory employees at rates of 1.05, 1.1, 1.2, 1.25, or 1.5 hours of compensation for each hour required to be worked on-site in a work week. The maximum work hours that may receive special compensation is 40 per work week.
 - a. Hourly (FLSA non-exempt) mandatory employees who work in excess of 40 hours in a work week will continue to receive overtime, per normal federal overtime rules (as added pay, equivalent compensatory time off, or some combination of the two) at 1.5 hours for each hour worked over 40.
 - b. Salaried (FLSA exempt) mandatory employees who work in excess of 40 hours in a work week will not receive any added compensation for those additional hours.
 - c. The following positions, even if designated mandatory, are excluded from any of the COVID-19 special compensation provisions:
 - Tier I and Tier II senior academic and administrative officers,
 - Faculty and physicians,
 - directors and deputy directors of major institution-wide or school-wide functions and centers,
 - department and division heads,
 - research and academic department administrators,
 - clinical and academic department administrators,
 - clinical division administrators, and
 - coaches and athletic administrators.

As the COVID-19 special compensation provisions are not intended to be applied to executive or leadership positions, the institution shall have the discretion to exclude other management employees (e.g., generally those with an annualized salary of \$100,000 or greater) who exercise leadership responsibilities of a designated department, division, or unit of the University who are not otherwise indicated above by classification or title.

8. The institution shall have the discretion to award COVID-19 special paid compensation or equivalent compensatory time as a lump sum payment, as a series of payments, as paid leave, or in any combination, within 12 months of the date of accrual. Accrued COVID-19 compensatory time must be paid out within 12 months of accrual, and this time is paid out at the employee's hourly rate of pay.

Families First Coronavirus Response Act (FFCRA) Leave Provisions

9. 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.
10. Emergency Paid Sick Leave is paid at 100% of the employee's pay, up to \$511 daily and \$5,110 total,¹ 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.
11. Emergency Paid Sick Leave (used June 1, 2020 or later) is paid at two-thirds of the employee's pay up to \$200 daily and \$2,000 total,² 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 10a above or a recommendation described in 10b 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).
12. 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) used June 1, 2020 or later, FFCRA provides two-thirds of the employee's pay up to \$200 daily and \$10,000 total.²

¹ Although FFCRA provides Emergency Paid Sick Leave for certain issues at 100% of an employee's pay up to \$511 per day and \$5,110 total, the university will supplement the FFCRA leave with COVID-19 paid administrative leave so that the employee receives 100% of their pay for all hours that the employee is using FFCRA leave.

² Although FFCRA provides Emergency Paid Sick Leave for certain issues at two-thirds of an employee's pay up to \$200 per day and \$2,000 total and Expanded FML at two-thirds of an employee's pay up to \$200 per day and \$10,000 total, the university will supplement the FFCRA leave with COVID-19 paid administrative leave so that the employee receives two-thirds of their pay for all hours that the employee is using FFCRA leave. The employee is responsible for the remaining one-third of these hours through their own accrued leave and/or other accrued paid time off.

- b. 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.
 - 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.
13. For further information and requirements, refer to [UNC Policy Manual 300.2.15\[R\]](#), effective April 1, 2020, and related Frequently Asked Questions.

COVID-19 Paid Administrative Leave and Other 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.

14. Employees who cannot telework because their position and duties cannot be performed remotely and reasonable alternate remote work is not feasible or productive may receive COVID-19 paid administrative leave at two-thirds of the employee's pay for the scheduled hours they cannot telework.³
15. Employees who cannot work because they have eldercare needs due to COVID-19-related facility closings 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.³
16. At the chancellor's discretion, employees may be allowed to use paid communicable disease "make-up" leave for child care needs due to a school or child care closing (after all FFCRA leave benefits have been exhausted) or for elder care needs (after provisions in #15 above have been exhausted). Employees must make up this time within 24 months, similar to the make-up provisions in the Adverse Weather and Emergency Events policy, apply accrued personal leave or paid time off to pay back the leave, or take leave without pay. Chancellors have the discretion to place a cap on the number of make-up hours provided to an employee.
17. 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.
18. Employees who were on other pre-approved leave or are unavailable for reasons other than provided above must use available and applicable leave types; e.g. vacation leave, parental leave, bonus leave, compensatory time, or take leave without pay.
19. 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.
20. For part-time employees with fluctuating schedules, COVID-19 paid administrative leave may be applied as allowed above, 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.

³ Similar to the leave benefits under FFCRA, the two-thirds of the employee's pay provided for the approved reasons above applies only to hours that the employee is using leave 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 per 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.

Provisions Related to Temporary Employees

21. The chancellor of each constituent institution has the discretion to offer telework to any temporary employees (including students) and/or to designate such employees as mandatory to address critical operational needs.
22. At the institution's discretion, temporary employees designated as mandatory on-site may be awarded special compensation provisions for this purpose for all hours required to work on-site or alternatively receive an adjusted higher hourly pay rate. However, such employees are not eligible for COVID-19 compensatory time. Institutions should make all efforts to prioritize on-site work to permanent employees before assigning on-site work to temporary employees.
23. COVID-19 paid administrative leave may only be extended at the chancellor's discretion to temporary employees that are designated as mandatory employees or to student employees (whether designated as mandatory or not) based on available funds and operational needs.
24. Temporary employees may be eligible for FFCRA leave benefits, if allowed by those provisions. Consistent with prior issued guidance, institutions have the discretion to place any temporary employees (including student employees) in inactive/unpaid status or to end their temporary employment. Temporary employees placed in an inactive/unpaid status may not be eligible for benefits under FFCRA. Please review the FFCRA guidelines carefully.

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