



BOARD OF REGENTS OF
THE UNIVERSITY SYSTEM OF GEORGIA

COVID-19 Leave Options and Procedures FAQs

Last updated April 1, 2020

Non-Closure Emergency Leave Questions

1. What is Non-Closure Emergency Leave?

The USG has expanded its Inclement Weather or Other Emergencies policy by enabling presidents to establish Non-Closure Emergency Leave with pay or without pay in situations when the institution remains open but with reduced operations. Presidents will determine if Non-Closure Emergency Leave will be paid or unpaid for the institution. If leave is paid, employees can be compensated for hours not worked, up to the equivalent of their regularly scheduled hours per week when there is not work for those employees to perform. Teleworking and flexible scheduling are highly encouraged before granting emergency leave.

2. Which employees are eligible for the Non-Closure Emergency Leave?

All regular full and part-time employees who are not able to perform their regular duties through telework or other remote and flexible work arrangements, and who are not working “on-campus” enabling the institution to sustain core on-campus services and operations, are eligible for Non-Closure Emergency Leave. Regular employment is considered continuous and may also be defined by agreement, contract, term or restricted funding source(s). Regular employment includes individuals who may be benefits eligible, partial benefits eligible, non-benefits eligible, full-time or part-time, exempt (monthly paid) or nonexempt (hourly paid).

3. Who is not eligible for the Non-Closure Emergency Leave?

Temporary workers (including rehired retirees) and student workers are not eligible. These employees are still permitted and encouraged to telework or utilize flexible work arrangements but are not eligible for the Non-Closure Emergency Leave.

4. How long does the Non-Closure Emergency Leave continue?

The USG implemented the Non-Closure Emergency Leave procedures on March 20, 2020, and they will remain active for 120 days or until Georgia’s state of emergency declaration ends (whichever is earlier). Non-Closure Emergency Leave use may be extended by the USG chancellor if necessary. Campus implementation and utilization of Non-Closure Emergency Leave will vary based on institutional needs, as determined by each institution’s president.

5. What hours are compensable under this program?

Employees can be compensated for hours not worked, up to the equivalent of their regularly scheduled hours per week when work is unavailable. For example, if the employee is regularly

scheduled to work 40 hours per week, then they are eligible to receive up to 40 hours of Non-Closure Emergency Leave pay for hours not worked. If the employee is regularly scheduled to work 25 hours per week, then they are eligible to receive up to 25 hours of Non-Closure Emergency Leave pay for hours not worked. Or as another example, if an employee has work that can be performed by teleworking for 20 hours of their regular schedule of 40 hours per week, the employee would telework for 20 hours and be eligible for Non-Closure Emergency Leave for the remaining 20 hours.

Regularly scheduled hours will be based on the standard hours for the employee in the OneUSG Connect HR payroll system.

6. Does Non-Closure Emergency Leave apply to federal work-study students?

No. However, federal work-study students will continue to receive their applicable financial aid for student employment during an emergency in accordance with Department of Education guidance.

7. How should we report Non-Closure Emergency Leave?

Employees will be credited Non-Closure Emergency Leave hours through the OneUSG system. Exempt (monthly) employees will follow a similar Non-Closure Emergency Leave process as non-exempt employees for any regularly scheduled hours not worked. Managers and supervisors will be responsible for reporting hours of eligible employees. The campus human resources office will provide additional guidance to assist managers with the process, including making group entries into the system.

8. How should I rotate employees that still need to be on-campus?

Where possible, managers and supervisors are strongly encouraged to rotate schedules for designated essential employees, to allow them to work on campus part of a work day and be home the rest of their normally assigned hours, and to ensure that social distancing occurs while they are on-site working. Rotation schedules should be based on operational needs and requirements. For example, suppose essential work on campus requires the equivalent of five employees each day. If 10 employees are qualified to perform the duties, five employees could be assigned to work in the morning and five employees could work in the afternoon. Each employee would receive four hours of regular pay and four hours of Non-Closure Emergency Leave pay. Another example might be to rotate the days employees work. For seven-days-a-week jobs, an employee might work four days on, three days off and vice versa the next week. Managers and supervisors should implement this in an equitable manner.

9. If an employee continues to do their regular job, how should they be paid?

Employees working their regular job, whether on campus, telecommuting or working a flexible schedule should be compensated as normal. For now, all work will be entered on the timesheet for hourly employees using code 00REG (for hours works) or 00TWM (for teleworking). Monthly employees will continue to be compensated for hours worked and will only be required to report

absences following the standard practice. When telecommuting, monthly paid employees should use the telework code (00TWM) on their monthly timesheet.

10. Now that we have the Non-Closure Emergency Leave option, should I try to create work for an employee to do from home?

During this emergency time period, we strongly encourage supervisors to assign work that employees can do from home, including their normal job responsibilities, if they can be completed remotely. However, if work assignments and/or normal job functions cannot be performed using telework, flexible scheduling, or appropriate alternative assignments, then Non-Closure Emergency Leave would be appropriate for eligible employees.

11. Can (or should) employees still take vacation or other sick leave?

Employees should use vacation or sick leave when:

- the employee plans to participate in a non-work activity that one would normally request the use of vacation leave; **Non-Closure Emergency Leave may not be used in place of vacation leave.**
- the employee is ill, caring for an ill family member/dependent, or taking bereavement that one would normally request the use of sick leave.

12. How will employees know if they should utilize Non-Closure Emergency Leave or telework?

Managers and supervisors will work with their employees to determine which employees are eligible for Non-Closure Emergency Leave. This leave will be utilized for those whose job duties cannot be performed (whether on-campus or remotely) or whose job duties require fewer hours due to the institution's reduced operations and/or when there is not work available.

13. Is there a formal HR approval process that employees, supervisors or managers should follow?

Supervisors/managers have the flexibility and authority to work with their employees to implement this leave as needed. There is no need to seek prior HR approval before utilizing the Non-Closure Emergency Leave process once the institution specific provisions have been determined by the president. Campus specific reporting procedures may apply.

Families First Coronavirus Response Act Questions

14. What is the Families First Coronavirus Response Act (FFCRA)?

The Families First Coronavirus Response Act was enacted into law on 3/18/2020 with an effective date of 04/01/2020 and will expire on 12/31/2020. While the act has many provisions addressing the impact of the COVID-19 outbreak, there are two key leave provisions that apply to USG as an employer:

- **The Emergency Paid Sick Leave** - Provides up to 80 hours of a new type of paid leave for 6 qualifying reasons (listed below) relating to absences caused by COVID-19. The act allows

an employee to take leave due to an **inability** to work or telework because the employee is:

- 1) subject to a federal, state or local quarantine or isolation order related to COVID-19;
 - 2) advised by a health care provider to self-quarantine due to COVID-19 concerns;
 - 3) experiencing COVID-19 symptoms and seeking medical diagnosis;
 - 4) caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
 - 5) caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or,
 - 6) experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- **The Emergency Family and Medical Leave Expansion Act** -Adds a qualifying reason that an employee may take job-protected family and medical leave if the eligible employee is unable to work or telework and must care for a child under the age of 18 because of a school closure or loss of childcare due to a public health emergency. The new emergency family and medical leave provision also increases eligibility for FML for this limited reason to any employee employed for 30 calendar days or more. The first 10 days of the Emergency FML is unpaid but may run concurrently with the Emergency Paid Sick Leave. After those 10 days, employers must provide two-thirds of the employee's regular rate up to a cap of \$200 per day or \$10,000 in the aggregate.

The 80 hours of emergency paid sick leave must be provided at the employee's regular rate of pay for reasons one, two and three listed above, capped at \$511 per day or \$5,110 in aggregate and at two-thirds the employee's regular rate of pay for reasons four, five and six listed above, capped at \$200 per day or \$2,000 in the aggregate.

15. If an employee is healthy, but is directed by a medical professional or the employing agency to stay home because they have been in direct contact with an individual exposed to COVID-19, in what pay/status is the employee placed and the employee is unable to telework?

If an employee is subject to a federal, state or local quarantine or isolation order related to COVID-19 or is advised by a healthcare provider to self-quarantine due to COVID-19 concerns, they may request up to 80 hours of emergency paid sick leave at the employee's regular rate of pay, capped at \$511 per day or \$5,110 total. Eligible employees may elect to use accrued leave or compensatory time to cover the absence. Note the use of accrued leave or compensatory time will not count against an employee's FFCRA entitlement.

16. If an employee is experiencing COVID-19 symptoms and is seeking medical diagnosis or tests positive for COVID-19 and the employee is unable to telework, in what pay/status is the employee placed?

If an employee is experiencing COVID-19 symptoms and is seeking medical diagnosis they may request up to 80 hours of emergency paid sick leave at the employee's regular rate of pay capped at \$511 per day or \$5,110 total. Eligible employees may elect to use accrued leave or compensatory time to cover the absence. Note the use of accrued leave or compensatory time will not count against an employee's FFCRA entitlement.

17. What leave/pay status applies if an employee must stay home to care for a child whose school was closed due to COVID-19?

If an employee cannot come to work or telework because they are caring for their child because the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency, they may request up to 80 hours of paid sick leave at two-thirds the employee's regular rate of pay, capped at \$200 per day or \$2,000 total.

Eligible employees may elect to use accrued annual leave, personal leave or compensatory time to cover the absence. Note the use of accrued leave or compensatory time will not count against an employee's FFCRA entitlement.

Eligible employees (those employed for thirty calendar days or more) may also request to receive emergency family and medical leave for up to 12 work weeks. The employee will receive two-thirds the employee's regular rate of pay, capped at \$200 per day for the period after the first 10 days that emergency family and medical leave is taken.

Eligible employees may elect to use the emergency paid sick leave, annual leave, personal leave or compensatory time to cover the initial 10 workdays of emergency family and medical leave. Note the use of accrued leave or compensatory time will not count against an employee's FFCRA entitlement.

18. Will emergency sick leave count against an employee's accrued leave?

No, the FFCRA Emergency Paid Sick Leave provides a new leave requirement in addition to leave already provided by the state, effective April 1, 2020.

19. What leave/pay status applies if they must stay home to care for an individual who is subject to quarantine or isolation and the employee is unable to telework?

An employee who is caring for an individual subject to a federal, state or local quarantine isolation order or who is advised by a health care provider to self-quarantine due to COVID-19 concerns may request up to 80 hours of paid sick leave at two-thirds the employee's regular rate of pay, capped at \$200 per day or \$2,000 total.

Eligible employees may elect to use accrued leave or compensatory time to cover eligible absences. Note the use of accrued leave or compensatory time will not count against an employee's FFCRA entitlement.

20. How is the emergency paid sick leave calculated for part time employees?

Part-time employees are eligible to receive emergency paid sick leave up to their regularly scheduled work hours per week or their full-time equivalent (FTE).

21. Who is eligible for the new FFCRA emergency family medical leave?

Employees who have been employed for at least 30 calendar days may take up to 12 weeks of job-protected leave to allow an employee who is unable to work or telework to care for their child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency.

22. Are temporary employees, including federal work-study students, eligible for FFCRA leave?

Yes, generally speaking FFCRA leave is available to an individual who is actively employed with work available and meets the qualification requirements of the new law. Federal work-study students are subject to the guidance of the Department of Education regarding financial aid payments during the COVID-19 pandemic you may contact your campus HR office for additional support.