



## COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS

EFFECTIVE JANUARY 1, 2021 THROUGH MARCH 31, 2021

UNTIL REVISED OR RESCINDED

*(Issued 12-17-2020)*

*The following are special emergency provisions authorized by the 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 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.*

### 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.*

1. **"FAMILIES FIRST CORONAVIRUS RESPONSE ACT" (FFCRA):** Leave benefits provided under this federal program end on December 31, 2020. Starting January 1, 2021, absences that may have been covered by FFCRA are subject to the provisions described below.
2. **ADVANCED/"MAKE UP" LEAVE:**
  - a. At the chancellor's discretion, employees may be advanced vacation/sick leave accruals and/or be allowed to use paid communicable disease "make-up" leave for absences if the employee:
    - 1) must provide child care because a school or child care facility remains closed, or the school has required or has allowed remote learning for the family, due to COVID-19; or
    - 2) must provide elder care because an elder care facility is closed due to COVID-19.
  - b. Employees who are allowed make-up leave must make up this time within 24 months of accrual, similar to the make-up provisions in the Adverse Weather and Emergency Events policy, or otherwise apply accrued personal leave and paid time off to pay back the leave or take leave without pay.
  - c. Chancellors have the discretion to place a cap on the amount of advanced leave or make-up hours provided to an employee. In no case shall the total amount of advanced leave exceed what the employee would accrue within 24 months.

3. **COVID-19 SHARED LEAVE BANK:** At the chancellor’s discretion, the institution may establish or continue a COVID-19 shared leave bank, similar to the state-wide voluntary shared leave program.
- a. Donations to, and receipt of leave from, this leave bank are available only from and to employees within the institution; exchanges with employees at other institutions/agencies are not permitted.
  - b. The chancellor may set limits on the amount of leave that can be donated or received by any employee and establish internal procedures for collecting and distributing leave under this program.
  - c. Such a leave bank program would be available for absences only if the recipient employee cannot report to work on-site or telework because the employee:
    - 1) must provide child care because a school or child care facility remains closed, or the school has required or has allowed remote learning for the family, due to COVID-19;
    - 2) must provide elder care because an elder care facility is closed due to COVID-19;
    - 3) has been in [close contact](#) with a COVID-19 positive person in the last 14 days;
    - 4) received instructions to isolate or quarantine by a health department or health care providers;
    - 5) has COVID-19 symptoms and seeking medical diagnosis or has been diagnosed with COVID-19; or
    - 6) is 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.
  - d. Employees must have exhausted all COVID-19 paid administrative leave, accrued personal leave, and paid time off prior to participating in the leave bank program, and newly accrued leave must be used prior to any additional shared leave.
  - e. At the chancellor’s discretion, an employee may also be required to have exhausted all allowable advanced leave and/or all allowable paid communicable disease “make-up” time.
  - f. Leave bank donations may be applied only to eligible absences occurring between July 1, 2020 and March 31, 2021. At the chancellor’s discretion, the effective period for eligible absences may be shortened. Leave donations cannot be used for any purpose other than those described above, and any unused leave donations cannot be retained by the recipient employee once their eligibility to use the shared leave ends.
  - g. Institutions providing a COVID-19 shared leave bank shall report usage in the manner prescribed by OSHR.
4. **COVID-19 PAID ADMINISTRATIVE LEAVE:**
- a. ***Use of this COVID-19 Paid Administrative Leave for the purposes listed below is cumulative from March 16, 2020, through March 31, 2021.*** If an employee used FFCRA emergency paid sick leave in 2020 for any of the reasons listed below, then those hours must be deducted from any remaining COVID-19 Paid Administrative Leave available through this section.
  - b. Employees may receive COVID-19 Paid Administrative Leave under the following conditions:
    - 1) the employee is subject to a quarantine or an isolation order, or has been advised to self-quarantine by a health care provider or public health official;
    - 2) the employee has had exposure with someone who has tested positive for COVID-19 and is awaiting a diagnosis (the employee may or may not be demonstrating symptoms); or
  - c. Under these conditions, COVID-19 Paid Administrative Leave is allocated as described below:
    - 1) The employee may receive up to 80 hours of COVID-19 paid administrative leave for the absences prior to using any accrued personal leave and paid time off.
    - 2) Once this 80 hours has been exhausted, the employee must use their accrued personal leave and paid time off for the absences.
    - 3) Once the employee has exhausted their accrued personal leave and paid time off, then the employee may receive an additional 80 hours of COVID-19 paid administrative leave for the absences.

**NOTE:** Employees who have symptoms of a communicable disease and are required to stay home, or who are ill with the communicable disease, must not return to work until they are fully recovered in accordance with current CDC or NC Division of Public Health guidelines. Employees should also refer to their institution's return to work guidance and resources before turning to onsite work.

5. **DUAL STATE EMPLOYEE HOUSEHOLD:** 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 leave to avoid inappropriate overlap of leave usage for child and elder care needs.
6. **OTHER ABSENCES:** Employees who are on other pre-approved leave or who are otherwise unavailable for reasons other than provided above cannot use paid administrative leave as described in this document for the absence and must use their accrued personal leave and paid time off for hours not worked.
7. **INTERCHANGEABILITY OF LEAVE:** Through March 31, 2021, employees may use accrued sick leave, vacation leave, and bonus leave interchangeably for COVID-19-related absences (child/elder care, cannot telework, etc.); however, this paid leave cannot be used to cover hours during which an employee is on emergency temporary furlough. This provision does not allow interchangeability of leave usage in regard to the leave options provided in state policy for retirement, transfer, or separation.
8. **PART-TIME/FLUCTUATING SCHEDULES:** 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 40 hours per week.
9. **REMOTE WORK AND FLEXIBLE WORK ARRANGEMENTS:** Institutions continue to be encouraged to allow for broad use of flexible work arrangements, including telework and alternate work schedules, through March 31, 2021.
10. **OTHER PROVISIONS:** For other provisions not addressed in this document, refer to the Communicable Disease Emergency Policy.

#### **Options Regarding Temporary Employees**

11. At the chancellor's discretion, the institution may, but is not required, to provide any or all of the following to temporary employees:
  - a. Temporary employees (including students) may be allowed to telework.
  - b. Temporary employees may be designated mandatory (on-site or remote) to address critical operational needs (see mandatory employee provisions below).
  - c. 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.
  - d. Temporary employees who are designated as mandatory employees, and/or student employees (whether designated as mandatory or not), may be allowed COVID-19 paid administrative leave as described above based on available funds and operational needs.
  - e. Temporary appointments may be extended beyond 12 months without a break-in-service during the public health emergency. These temporary appointments must have a break-in-service within 30 calendar days of the end of the public health emergency period.

### Expanded Community Service Leave (CSL)

12. **COVID-19 RELATED SERVICE ACTIVITY:** In August 2020, institutions were allowed to provide permanent SHRA and EHRA employees up to 80 hours of Expanded Community Service Leave for service with non-profit organizations on COVID-19-related volunteer activities. Although the unused CSL hours allocated for this purpose in calendar year 2020 are forfeited as of December 31, 2020, a new allocation of 80 hours, effective January 1, 2021, has been provided. These hours are accounted for separately from an employee's regular annual allotment of 24 (or 36) hours community service leave.
13. **TUTORING AND MENTORING:** Use of tutoring and mentoring options under CSL may occur in a formal standardized program or may include non-conventional tutoring/mentoring arrangements. For example, tutoring sessions may be carried out in a virtual and/or in-person environment, performed as part of a remote student cohort, or could include activities with an employee's own child(ren). The tutoring and mentoring of "at-risk" students includes those that, by virtue of their circumstances, are more likely than others to fail academically, particularly in a virtual academic environment, and who require temporary or ongoing support to succeed academically.

### Mandatory and Non-Mandatory Employee Designations

**NOTE: Designation of employees as mandatory on-site workers, and any special compensation provided to these employees, including time periods for which these designations and compensation may be active, is fully at the discretion of the chancellor based on operational needs and available funding.**

*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.*

14. "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.
15. 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.
16. 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 another State agency if requested.
17. 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.

### 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.**

18. SHRA and EHRA mandatory permanent employees may at the discretion of the institution receive special COVID-19 compensation for hours required to be 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.
19. 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.
20. 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.
  - d. 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.
21. 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.

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