



University of Nebraska NU Emergency Administrative Leave & Families First Coronavirus Response Act Policy During COVID-19 (Coronavirus) Pandemic

As of April 1, 2020, new Federal legislation (Families First Coronavirus Response Act - FFCRA) provides for paid time off options to support employees who need to be absent from work due to the COVID-19 (coronavirus) pandemic, in addition to the NU Emergency Administrative Leave enacted March 14, 2020. These are temporary emergency measures, scheduled to end on December 31, 2020, and put in place in response to the public health emergency. Employees will not be paid for unused leave.

The following types of paid leave may be used for COVID-19 related absences:

1. NU Emergency Administrative Leave
2. Federal Emergency Paid Sick Leave (according to the FFCRA)
3. Federal Emergency Family and Medical Leave Expansion Act (according to the FFCRA)

NU Emergency Administrative Leave

NU Emergency Administrative Leave is a one-time bank of up to 160 hours, created by NU on March 14, 2020 in response to the current COVID-19 pandemic. Employees may take up to 160 hours of administrative paid leave in the event they cannot work because of the following:

- self-quarantine
- quarantine or care of an immediate family member
- childcare resulting from school/daycare closures,
- or other related scenarios.

The NU Emergency Administrative leave is available to all employees, including temporary and student workers; part-time employees will be eligible for a prorated amount of time. This leave is available for use through December 31, 2020. Employees will not be paid for unused leave.

Employees who choose to exhaust their NU Emergency Administrative Leave bank of time and continue to require absence from work may be eligible to request paid time off under the Federal Emergency Paid Sick Leave Act, and subsequently under the Federal Emergency Family and Medical Leave Expansion Act, and/or other NU paid or unpaid leave programs.

Federal Emergency Paid Sick Leave

Starting April 1, the Federal Emergency Paid Sick Leave Act provides a new bank of up to 80 hours of paid time off for COVID-19-related absences. Employees may choose to use NU Emergency Administrative Leave prior to using Federal Emergency Paid Sick Leave.

Qualifying Reasons

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave 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 childcare 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.

Eligible Employees

Currently we expect all employees to be eligible, including full-time and part-time faculty and staff with appointments as regular, temporary, student and on-call. However, the federal regulations allow us to make a future decision to exclude certain essential employees.

Request for Leave

Employees will complete a request for time off under the Families First Coronavirus Response Act and submit any required school/daycare closure certifications as requested, as defined on the campus HR website. Employees should follow their normal campus process for requesting time off and applicable unit process for payroll procedures.

Duration of Leave

A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

Calculation of Pay (for qualifying reasons as referenced above)

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay 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 leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (total over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate 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, which includes Federal Emergency Paid Sick Leave plus 10 additional weeks of Federal Emergency Family and Medical Leave Expansion Act).

Supplementing Federal Emergency Paid Sick Leave

Non-leave eligible employees (without NU paid leave options) may use any unused NU Emergency Administrative Leave to supplement Federal Emergency Paid Sick Leave.

Leave eligible employees may use current NU paid leave options to supplement Federal Emergency Paid Sick Leave pay, in order to make up for the difference between full

regular pay versus the maximum amount of Federal Emergency Paid Sick Leave in the following order of applicability and availability:

- **NU Emergency Administrative Leave** – employees may use any unused NU Emergency Administrative Leave.
- **Crisis Leave** – regular and leave eligible temporary employees will be paid Crisis Leave for any qualifying COVID-19 related reason as defined in FFCRA, up to the amount the employee is eligible for prior to using any other paid leave. These employees are eligible for Crisis Leave from date of hire. Crisis Leave is allocated based on the availability of leave that has been donated to the campus Crisis Leave pool.
- **Sick Leave** – eligible employees may use Sick Leave in accordance with current NU Sick Leave policy with the following provisions:
 - For COVID-19 absences for qualifying reason (4) related to immediate family, the current policy maximum of five working days does not apply.
 - Sick Leave may not be used for caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.
- **Vacation Leave**
- **Floating Holiday/Banked Holidays**
- **Compensatory Time Off** (hourly non-exempt employees)
- **Advancement** – if an employee exhausts vacation and/or sick leave, advancement of vacation and/or sick leave may be available with unit approval

Exhaustion of Federal Emergency Paid Sick Leave

Employees who exhaust their Federal Emergency Paid Sick Leave and continue to require absence from work may be eligible for the following:

- use of an additional 10 weeks of paid time off, according to the Federal Emergency Family and Medical Leave Expansion Act, if the reason is due to caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19.
- to request paid time off using eligible NU paid or unpaid leave programs

Federal Emergency Family and Medical Leave Expansion Act

The federal legislation also calls for an expanded paid time off benefit for employees who need to provide childcare and cannot work or telework due to school closures and childcare closures related to the COVID-19 pandemic.

Eligible Employees

Currently we expect all employees who have been employed for thirty (30) days to be eligible, including full-time and part-time faculty and staff with appointments as regular, temporary, student and on-call, except employees defined as exempt.

However, the federal regulations allow us to make a future decision to exclude certain essential employees.

Request for Leave

Employees will complete a request for time off under the Families First Coronavirus Response Act and submit any required school/daycare closure certifications as requested, as defined on the campus HR website. Employees should follow their normal campus process for requesting time off and applicable unit process for payroll procedures.

Duration of Leave

A full-time employee is eligible for up to a total of 12 weeks of leave (two weeks running concurrently with Federal Emergency Paid Sick Leave followed by up to 10 weeks of expanded paid Federal Emergency Family & Medical Leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

Calculation of Pay

Employees taking leave for school and childcare closures are entitled to pay at 2/3 their regular rate 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, which includes Federal Emergency Paid Sick Leave plus 10 additional weeks of Federal Emergency Family and Medical Leave Expansion Act).

Supplementing Federal Emergency Family and Medical Leave Expansion Act

Non-leave eligible employees (without NU paid leave options) may use any unused NU Emergency Administrative Leave to supplement Federal Emergency Paid Sick Leave.

Leave eligible employees may use current NU paid leave options to supplement Federal Emergency Family and Medical Leave Expansion Act, in order to make up for the difference between full regular pay versus the amount of pay received under the Federal Emergency Family and Medical Leave Expansion Act in the following order of applicability and availability:

- **NU Emergency Administrative Leave** – employees may use any unused NU Emergency Administrative Leave.
- **Crisis Leave** – Regular employees and leave eligible temporary employees will be paid Crisis Leave for qualifying reason (5) due to school or daycare closure. These employees are eligible for Crisis Leave from date of hire. Crisis Leave is based on the availability of leave that has been donated to the campus Crisis Leave pool.
- **Vacation Leave**
- **Floating Holiday/Banked Holidays**
- **Compensatory Time Off**
- **Advancement** of vacation leave may be available

Exhaustion of Federal Emergency Family and Medical Leave Expansion Act

Employees who exhaust their total of 12 weeks of Federal Emergency Family and Medical Leave Expansion Act and continue to require absence from work may be eligible to request paid time off using eligible NU paid or unpaid leave programs.

Federal Emergency Family and Medical Leave Expansion Act time available will be coordinated with other FMLA related absences and will be counted together as 12 total weeks of FML eligibility.