



OFFICE of HUMAN RESOURCES

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

Effective April 1 – April 30, 2020

(Issued 03-26-2020)

**Note:** 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 order, and the operational needs of the university. Special 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. This document does not apply to employees of UNC Health, who are governed by that entity's policies. Where noted as the chancellor's discretion, this includes authorized designees.

### Mandatory and Non-Mandatory Employee Designations

- 1. Mandatory employees are those employees who are directed by their supervisor to work at specific dates and times at a designated university worksite other than their personal residence and in most circumstances are not eligible for telework options.** Such employees have been deemed essential to work on-site during the COVID-19 event and 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 also reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities. If employees are reassigned, management may compensate them accordingly for the duration of the assignment. If not, special COVID-19 leave provisions may apply.**
- 4. Special consideration should be given to mandatory employees who are determined to be "high risk" for 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 are providing care to someone at high risk. Management may allow these employees to telework or apply other special leave provisions below, as deemed appropriate.**

### Special Provisions for Mandatory Employees

5. SHRA and EHRA mandatory permanent employees will receive added 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. **Any employee who is required to physically be present on campus and thus eligible for the special provisions outlined in this message will be notified by their divisional leadership of this eligibility by March 31, 2020.**
  - a) **Hourly (FLSA non-exempt) mandatory employees** will receive 1.5 times their hourly pay rate for all hours worked on-site. Those employees who work in excess of 40 hours per work week will also receive overtime compensatory time off at 1.5 hours for each hour worked over 40, per federal overtime rules.
  - b) **Salaried (FLSA exempt) mandatory employees** will receive 1.5 times their hourly pay rate for up to 40 hours worked on-site in a work week.
  - c) **The following positions, even if designated mandatory, are excluded from these special compensation provisions:** Tier I and Tier II senior academic and administrative officers, faculty, physicians, directors and deputy directors of major institution-wide or school-wide functions and centers, department heads, division heads, research and academic department administrators, clinical and academic department administrators, clinical division administrators, and coaches and athletic administrators. As the special pay provisions are not intended to be applied to executive or leadership positions, the institution shall have the discretion to exclude other highly compensated individuals who exercise leadership responsibilities of a designated department, division, or unit of the university who are not otherwise indicated above by classification or title.
6. The institution shall have the discretion to award added compensation or equivalent compensatory time resulting from COVID-19 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**. COVID-19 compensatory time is paid out based on the employee's hourly rate of pay. **Plans are being finalized to implement this provision.**
7. At the institution's discretion, temporary employees (including retirees or students) designated as mandatory may be paid time and a half 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.
8. **These special compensation provisions will be subject to re-review as of April 30, 2020 taking into account continuing developments regarding COVID-19 and the availability of funds.**

### Special 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.

9. Employees who cannot work because they have childcare or eldercare needs due to COVID-19-related facility closings may receive 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.

10. Employees may receive 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.
11. 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 paid administrative leave. All other absences will utilize regular forms of leave such as sick, vacation, and bonus leave, or shared leave if approved.
12. 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.
13. For part-time employees with fluctuating schedules, 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.

#### **Discretionary Special Leave Provisions for All Temporary Employees**

14. The chancellor of each constituent institution has the discretion: to continue to offer full or partial special leave provisions to any temporary employees (including students and retirees) based on available funds and operational needs; to discontinue such temporary employees; or to place them in inactive status, as deemed appropriate.
15. The chancellor of each constituent institution has the discretion to offer telework to any temporary employees and/or to designate such employees as mandatory to address critical operational needs.

**Note:** The Families First Coronavirus Response Act was signed into law by President Trump on March 18, 2020. This legislation is intended to help workers, businesses, and the healthcare sector in their response to the consequences of the coronavirus outbreak. The law provides Emergency Family and Medical Leave and Emergency Paid Sick Leave. The University is currently reviewing the new legislation and will issue some additional provisions before the new law goes into effect on April 2, 2020.

Given the dynamic and evolving nature of this situation, we expect further guidance will continue to be issued with respect to COVID-19 in the days ahead and will continue to keep you updated.

Thank you.