



Executive Vice Chancellor
 And Provost
 and
 Vice Chancellor for
 Finance and Administration

Holladay Hall
 Raleigh, NC

MEMORANDUM

TO: Deans, Directors and Department Heads

FROM: Warwick A. Arden, Executive Vice Chancellor and Provost
 Charles A. Maimone, Vice Chancellor, Finance and Administration

SUBJECT: Families First Coronavirus Response Act and Paid Administrative Leave

DATE: May 1, 2020

Families First Coronavirus Response Act

The federal Families First Coronavirus Response Act (FFCRA) was enacted in March 2020 to address the impact of the coronavirus pandemic on the U.S. The FFCRA went into effect April 1, 2020, and is set to remain in effect until December 31, 2020. The act provides two types of leave: emergency paid sick leave and expanded family medical leave. A regulation in The Code and UNC Policy Manual (Section 300.2.15[R]) addresses the implementation of the act and employee eligibility.

Implementation

The University of North Carolina System asked its member institutions to implement the act between April 1, 2020, and May 1, 2020. NC State will begin implementing the act on May 1, 2020.

Retroactive Approval

While system institutions may implement the new action May 1, 2020, eligible employees can request FFCRA-related leave for a qualifying event that occurred between April 1-30, 2020, and receive retroactive approval.

The Emergency Paid Sick Leave Act

The Families First Coronavirus Response Act includes a time-limited allocation of emergency paid sick leave for employees who are unable to work as a result of COVID-19.

Eligibility for Emergency Paid Sick Leave

All active permanent and temporary employees, student workers, graduate student workers, and postdoctoral scholars are eligible for emergency paid sick leave.

The Emergency Paid Sick Leave Act

1. The Emergency Paid Sick Leave Act provides up to two weeks of paid leave (80 hours for full time employees and prorated for part-time employees) paid at 100 percent of the employee's pay, up to \$511 per day or a total of \$5,110 if the employee is unable to work on-site or telework because the employee is:
 - Subject to a federal, state or local quarantine related to COVID-19.

- Advised by a health care provider to self-quarantine due to COVID-19.
 - Experiencing COVID-19 symptoms and is seeking a medical diagnosis.
2. The Emergency Paid Sick Leave Act provides up to two weeks of paid leave (80 hours for full time employees and prorated for part-time employees) paid at two-thirds of the employee's pay, up to \$200 per day or a total of \$2,000 if the employee is unable to work on-site or telework because the employee is:
- Caring for an individual with whom the employee has a personal relationship, such as an immediate family member or a roommate who is subject to government-ordered quarantine, self-quarantine or is experiencing COVID-19 symptoms, or
 - Needs to care for his or her child because the child's school or place of care is closed due to COVID-19 or related reasons, or
 - Experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Important Emergency Paid Sick Leave Usage Information

1. Employees may supplement their paid sick leave with paid administrative leave, if available, or any other available accrued leave, such as sick, vacation, bonus, etc.
2. Emergency paid sick leave will be used before any other available accrued leave, unless the employee requests to use another form of paid time off first.

The Expanded Family Medical Leave Act

The Expanded Family Medical Leave Act provides an additional 12 weeks of family medical leave related to COVID-19.

Eligibility for Expanded Family Medical Leave

All active permanent and temporary employees, student workers, graduate student workers and postdoctoral scholars are eligible for expanded family medical leave if they are:

- Employed by the university for at least 30 calendar days immediately prior to the first day of leave beginning.
- Unable to work on-site or telework because the employee needs to care for his or her child who is under the age of 18 and whose school or place of care is closed due to reasons related to COVID-19.

The Expanded Family Medical Leave Act

The Expanded Medical Leave Act provides up to 12 weeks of expanded family medical leave, of which up to 10 must be paid at two-thirds of the employee's pay, and up to \$200 per day and \$10,000 total.

Important Expanded Family Medical Leave Usage Information

1. Expanded family medical leave does not extend the total number of weeks of family medical leave an eligible employee may use within a 12-month period.
2. The first two weeks of expanded family medical leave is unpaid.

3. An employee may supplement the first two weeks of expanded family medical leave with emergency COVID-19 paid sick leave, paid administrative leave, if eligible, or other accrued paid time off (sick, vacation, bonus).
4. Intermittent use of expanded family medical leave can be requested in no less than one-week blocks of time.

Calculation of Regular Average Rate of Pay Under FFCRA

1. **Fair Labor Standards Act Nonexempt Employees:** An employee's pay rate for emergency paid sick leave and expanded family medical leave is the average regular rate of pay, as defined in the federal Fair Labor Standards Act, for each full workweek in which the employee has been employed over the six-month period immediately prior to the day the leave would begin; or if employed less than six months, the entire period of employment.
2. **Fair Labor Standards Act Exempt Employees:** The pay rate is calculated as the hourly rate of the employee's annual salary.
3. **Part-time and Temporary Employees:** For employees with variable weekly schedules, the rate of pay is calculated at 14 times the average number of hours that the employee was scheduled to work per calendar day over the sixth-month period ending on the date in which the employee takes paid sick leave, including hours for which the employee took leave of any type. If employed for less than a sixth-month period, the rate of pay will be calculated at 14 times the expected number of hours per week that was agreed upon at the time of hiring. If no agreement was made, the pay rate calculation will be 14 times the average number of hours per calendar day that employee was scheduled to work over the entire period of employment, including hours for which the employee took leave of any type.

Requesting Emergency Paid Sick Leave and Expanded Paid Parental Leave

NC State Human Resources and campus stakeholders are developing a dedicated webpage that will include important information about the Families First Coronavirus Response Act, such as links to the UNC System regulation, FAQs and a link to an online request form. The online request form will be located on MyPack Portal.

The request form for emergency paid sick leave and expanded family medical leave will be available on May 1, 2020. All emergency paid sick leave and expanded family medical leave requests must be submitted through MyPack Portal using the online request form. University Human Resources plans to send an email to all employees that will include links to our Families First Coronavirus Response Act webpage and the leave request form.

Additional Information

The Families First Coronavirus Response Act guidelines can be [viewed here](#).

For more information or questions regarding the act, please email University Human Resources at ffcra-questions@ncsu.edu.

For information or questions relating to ADA Accommodations, please email ada_coordinator@ncsu.edu or to equalopportunity@ncsu.edu.

Special COVID-19 Leave Provisions Update

The UNC System has extended the use of paid administrative leave for reasons related to COVID-19 through May 8, 2020. The extension aligns with the state stay-at-home order, which is in effect currently through May 8, 2020. Any changes and updates to these provisions will be shared when they are received from the UNC System.

cc W. Randolph Woodson, Chancellor
Marie Y. Williams, Associate Vice Chancellor, University Human Resources
Barbara Moses, Associate Vice Chancellor, Budget and Resource Management
Brad C. Bohlander, Associate Vice Chancellor, University Communications