

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: Important Update: COVID-19 Special Faculty and Staff Leave Provisions

DATE: March 30, 2020

Special Leave Provisions Effective April 1-30, 2020

New leave provisions authorized by the interim president of the University of North Carolina System in response to the COVID-19 event will take effect April 1 and remain in effect through April 30. **The new 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 orders and the operational needs of the university.**

Mandatory On-site Employee Designation for April 1-30, 2020

Employees designated as mandatory on-site employees for April 1-30, 2020, are those employees who are directed by their supervisor to work on specific dates and times at a designated university worksite and in most circumstances are not eligible for telework options during those specific dates and times. Employees' residences and other alternative work locations are not considered designated university worksites.

Employees who work in the following areas have been designated as mandatory on-site employees during the COVID-19 event and include positions that relate to: public health and patient care; public safety; the operation of critical infrastructure and facilities; the operation and safety of sensitive research labs; supporting the humane care of laboratory research animals; the care of persons or property the university has a duty to continue to serve or maintain; and remaining on-site student and instructional support services.

Lists of Those Designated as Mandatory On-Site Employees for the COVID-19 Event

Each college or division should maintain a list of mandatory on-site employees. Colleges and divisions must review and update their mandatory on-site employee designation lists for medical emergencies by March 31, 2020.

Please remember that employees designated as mandatory on-site employees due to COVID-19 may be eligible for additional compensation, as outlined below. Colleges, divisions and units must account for the financial impacts to their operational budgets when making mandatory on-site employee designations. Colleges or divisions may change employee designations at any time in response to the ongoing operational needs of the university and COVID-19 developments.

Compensation for Mandatory On-Site Employees

SHRA and EHRA permanent employees who are designated as mandatory on-site employees will receive added compensation for hours they are required to work at a designated university worksite. Off-site (teleworking) hours will not be subject to these added special compensation provisions.

1. **Hourly (Fair Labor Standards Act nonexempt)** mandatory on-site employees will receive 1.5 times their hourly pay rate for up to 40 hours worked on-site during the workweek.
2. **Salaried (FLSA exempt)** mandatory on-site employees will receive 1.5 times their hourly pay rate for up to 40 hours worked on-site during the workweek.
3. The university will have the discretion to award added compensation or equivalent compensatory time resulting from COVID-19-related work as a lump sum payment, a series of payments, paid leave or any combination thereof within 12 months of the date of accrual. COVID-19 compensatory time is paid based on the employee's hourly rate of pay.
4. **Positions excluded** from special compensation provisions include: tier I and tier II senior academic and administrative officers; faculty; physicians; directors and deputy directors of major institution-wide or schoolwide 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.

The university also will have the discretion to exclude other highly compensated individuals who exercise leadership responsibilities of a designated department, division or unit of the university but are not listed above by classification or title.

At the university's discretion, **temporary employees**, including retirees and student workers, may be designated as mandatory on-site employees and may be paid time and a half for all hours they are required to work on-site. Alternatively, temporary employees may receive an adjusted higher hourly pay rate. Temporary mandatory employees are not eligible for COVID-19 compensatory time.

These special compensation provisions will be subject to review as of April 30, 2020, taking into account continuing developments regarding COVID-19 and the availability of funds.

Special Consideration for Mandatory Employees Considered High Risk

Special consideration should be given to mandatory employees who are considered high risk for contracting COVID-19 (i.e., people over 65 years of age; people who have underlying health conditions, including heart disease, lung disease or diabetes; and people who have weakened immune systems) or who are providing care to someone at high risk. Colleges, divisions or units may allow these employees to telework or apply other special leave provisions, such as paid administrative leave.

Nonmandatory Employee Designation

Nonmandatory employees are those who have not been directed by their supervisor to work on-site at any particular date and time and may continue to be assigned work. Nonmandatory employees are expected to telework, if feasible, given the nature of their positions and duties.

Colleges, divisions or units may reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities. If employees are reassigned to a mandatory on-site

employee status, a college, unit or division may compensate them accordingly for the duration of the assignment. If employees are not reassigned, special COVID-19 leave provisions may apply.

Special Leave Provisions for Permanent Employees

Permanent employees are eligible for the special leave provisions (described below) from April 1-30, 2020, if they meet the following criteria:

1. The employee cannot work due to childcare or eldercare needs due to a COVID-19-related facility closing. 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.
2. The employee cannot telework because their position's duties cannot be performed remotely and reasonable alternative work is not feasible.
3. The employee is sick due to symptoms of a cold, flu or COVID-19 or is caring for a dependent with such symptoms.
4. For a part-time employee who has a fluctuating schedule, 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.

While colleges, divisions and units will give every possible consideration to individual circumstances, they have the discretion to deny or defer special leave provisions for mandatory on-site employees whose presence is determined to be necessary to address urgent public health, public safety or critical infrastructure needs.

Special paid administrative leave provisions are based on employees' regular work schedules (or a typical work schedule for temporary employees as determined by a college, division or unit) and do not include overtime or other special pay provisions. In no case shall paid administrative leave exceed 40 hours per week.

Other Absences

All other absences will utilize regular forms of leave such as sick, vacation, and bonus leave or shared leave if approved. Employees on other preapproved leave, who 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.

Discretionary Special Leave Provisions for All Temporary Employees

Based on available funds and operational needs, each head of a college or division has the following discretion:

- Continue to offer full or partial special leave provisions to temporary employees, including students and retirees.
- Discontinue the employment of temporary employees.
- Place temporary employees in an inactive status by keeping them on payroll but not paying them or terminating them in the system.

- Offer telework to temporary employees and/or designate such employees as mandatory to address critical operational needs.

Each college and division should evaluate their temporary employee staffing levels and make budgetary decisions accordingly.

Additional Information

If you have questions regarding the new COVID-19-related leave provisions, please contact your college, division or unit HR representative or University Human Resources.

For more COVID-19 guidelines and resources, visit [the HR website](#). For additional university-related COVID-19 updates, information and resources, go to NC State's [COVID-19 Response](#) site.