

Memorandum

To: Community College Human Resources Directors and Business Officers
From: Jonathan Harris, General Counsel
Subject: OSHR Emergency Leave Policy #6
Date: July 27, 2020

Summary of Emergency Leave Provision #6

On July 14, 2020, the Office of State Human Resources (OSHR) adopted Emergency Leave Provision #6. The key points are:

- It is effective August 1, 2020 through December 31, 2020.
- When it becomes effective, it will replace all prior Emergency Leave Provisions.
- The state will no longer provide supplemental leave to employees who need to be out of the office for reasons not covered by the Families First Coronavirus Response Act (FFCRA). In other words, Emergency Leave can only be taken if it is for a qualified FFCRA reason. Employees can take the amount of their unused FFCRA leave and can use other accrued leave to supplement FFCRA leave amounts through December 31, 2020.¹
- Employees have the ability to use up to 80 hours of Expanded Community Service Leave working with non-profit organizations on COVID-19 volunteer activities, with supervisor approval.

FFCRA Leave Provisions

As a reminder, the FFCRA contains two leave provisions, Emergency Paid Sick Leave and Emergency Family Medical Leave.

Federal Emergency Paid Sick Leave

Emergency Paid Sick Leave is available to an employee who is unable to work because:

- (1) The employee is subject to governmental quarantine or isolation order related to COVID-19.
- (2) A health care provider has advised the employee to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
- (4) The employee is caring for an individual subject to an order described in (1) or has been advised as described in (2).
- (5) The employee is caring for a child due to a school or childcare facility being closed or unavailable.

Amount of Emergency Sick Leave Hours

¹ State of Emergency Leave runs concurrently with FFCRA leave.

- Full-time employees are entitled to 80 hours of Emergency Sick Leave.
- Part-time employees are entitled to a number of hours equal to the number of hours that such employee works, on average, over a two-week period.
- This leave does not carry over from one year to the next.

Rates of Pay

- If an employee uses Emergency Sick Leave for reasons (1), (2), or (3) above, the employee is paid at their regular rate of pay (100%).
- If an employee uses Emergency Sick Leave for reasons (4) or (5) above, the employee is paid at 2/3 of their regular rate of pay.

Relationship to Other Leave

- A college cannot require an employee to use other paid leave provided by the college prior to the employee using Emergency Sick Leave.

Federal Emergency FMLA

A college must provide an employee paid Emergency FMLA when the employee is unable to work or telework due to a need to care for a child under 18 years of age if a school or place of care has been closed or is unavailable due to a public health emergency.

Eligible Employees

- Full or part-time employees who have been employed with a college for at least 30 calendar days.

Amount of Emergency FMLA Time

- An employee can take 12 total weeks.

Rate of Pay

- The first ten days **may** consist of unpaid leave, but an employee can elect to use Emergency Sick Leave or any other leave the employee has during the first ten days.
- The next ten weeks are paid at 2/3 of the employee's regular rate of pay, times the number of hours the employee would normally be scheduled to work.