

SNU Policy: Emergency Paid Sick Leave (COVID-19 Sick Leave)

SNU Policy ID: Benefit Information D-9a

Policy Reviewed by: Director of Human Resources

Approval Authority: Vice President for Business and Finance

Approval Date: April 1, 2019

Next Review Date: April 1, 2024

Overview

On March 18, 2020, Congress enacted the Families First Coronavirus Response Act (H.R. 6201) (“Families First Act”) providing emergency sick pay and expanding family and medical leave for employees affected by the novel coronavirus (“COVID-19”) public health emergency.

As part of the Families First Act, the Emergency Paid Sick Leave Act (“EPSLA”) goes into effect April 1, 2020, and provides for two (2) weeks of paid sick leave while an employee is quarantined or seeks a diagnosis for COVID-19, cares for an individual quarantined due to COVID-19, or because the employee’s child’s school, daycare, or child care provider is closed because of COVID-19.

EPSLA paid leave is in addition to any paid leave the University already provides. EPSLA leave is not available past December 31, 2020 and employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

This policy is effective and applicable to leave taken between April 1, 2020 and December 31, 2020.

Eligibility

There is no minimum tenure of employment for an employee to be eligible. Employees requesting EPSLA leave must notify his/her supervisor and/or the Director of Human Resources as early as possible, as well as provide certification of the need for leave, including documentation from a physician or a child’s¹ school, day care, or child care provider, as applicable. In addition, where an employee’s duties may be accomplished via telework, EPSLA leave is not available unless an employee is able to show an inability to telework because of the COVID-19-related reason. The University may consider whether an employee is able to telework outside his or her typical schedule, and if needed, may agree to a schedule of intermittent leave in conjunction with telework. A Request and/or Certification Form may be obtained from Human Resources.

¹ “Child” includes children under 18 years of age and children age 18 or older who are incapable of self-care because of a mental or physical disability.

An unjustified failure to return a complete and sufficient certification within the time designated by the University can result in the delay or denial of a request for leave.

During leave, employees are expected to comply with applicable call-in procedures.

Certification of Eligibility

The University will determine when an employee is eligible for EPSLA leave and will designate leave that qualifies as EPSLA leave.

The University may, in its discretion and at its own expense, require the employee to obtain a second (or third) medical opinion and certification.

EPSLA Pay

EPSLA pay is calculated by multiplying the number of hours the employee would normally be scheduled to work each day, by an hourly rate as determined below.

EPSLA Leave pay is capped at 80 hours. Thus, a full-time employee would receive 80 hours of leave pay during a two-week EPSLA leave, even if the employee had more than one qualifying reason for the leave.

For employees working a varied schedule, the University will calculate the employee's average hours per day during the prior six months. If an employee has not been employed for at least six months, the University will use the number of daily hours the employee agreed to work upon hiring. Finally, if there is no such agreement, the University will calculate the appropriate number of hours of leave based on the average hours per day the employee was scheduled to work over the entire term of his or her employment.

EPSLA hourly pay differs depending on the reason for the leave.

A. Employee personally affected by COVID-19

An employee that is unable to work or telework because he or she (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 due to COVID-19 concerns; or (3) is experiencing COVID-19 symptoms and is seeking medical diagnosis, receives for each applicable hour the greater of:

- the employee's regular rate of pay.
- the federal minimum wage in effect under the FLSA; or
- the applicable State or local minimum wage.

Under the circumstances described in this Section A, an employee's leave pay is capped at a maximum of \$511 per day, or \$5,110 total over the two-week COVID-19 Sick Leave period.

B. Employee caring for someone else affected by COVID-19

An employee that is unable to work or telework because the employee is caring for (1) an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or (2) an individual who has been advised by a health care provider to self-quarantine due to COVID-19 concerns; or (3) a son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19, receives for each applicable hour two-thirds (2/3) of the greater of the three bulleted amounts above in A.

Under the circumstances described in this Section B, an employee's leave pay is capped at a maximum of \$200 per day, or \$2,000 over the two-week COVID-19 Sick Leave period.

Returning From EPSLA Leave

An employee's ability to receive EPSLA leave ceases upon the termination of the qualifying event. An employee returning from EPSLA leave should give the University at least two (2) workdays' notice of their desired return.

Given the highly transmissible nature of COVID-19, prior to returning to work, an employee must provide either a fitness-for-duty certificate signed by a physician, or a statement wherein the employee attests that he or she has met current CDC return-to-work guidelines. If an employee fails to provide such a certificate or attestation by the end of the EPSLA leave, then the employee may not be eligible to return.

Non-Discrimination and Anti-Retaliation

The University will not use any protected leave as a negative factor in any employment decision or discharge, discriminate or otherwise retaliate against any employee because of that employee's use of EPSLA leave, opposition to any practice made unlawful by the EPSLA, or involvement in any proceeding under or relating to the EPSLA. In addition, the University will not illegally interfere with, restrain, or deny any employee's right to exercise his/her EPSLA rights.

Employees who believe the University has interfered with their rights or otherwise discriminated against them in violation of the EPSLA should report the issue to their supervisor or another member of management.