EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to $511 daily and $5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to $200 daily and $2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to $200 daily and $12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;	5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
2. has been advised by a health care provider to self-quarantine related to COVID-19;	6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;	
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);	

▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.

WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

WH1422 REV 03/20

Human Resources Guidance Regarding Coronavirus Disease 2019 (COVID-19)

Reissued April 3, 2020

Exposure Reporting Requirements

1. If an employee is in close contact with someone with COVID-19 and/or develops symptoms of COVID-19, they should call the SSU Health Clinic or their healthcare provider and tell them about their symptoms. The healthcare provider will decide whether the employee needs to be tested.

2. If an employee is a resident in a community where there is ongoing spread of COVID-19 and the employee develops COVID-19 symptoms, they should call their healthcare provider and tell them about their symptoms. The healthcare provider will decide whether the employee needs to be tested.

3. Employees working on campus should stay home if COVID-19 symptoms develop and should go home immediately if COVID-19 symptoms occur at work.

4. Employees who are sick should follow normal call-in procedures to notify their supervisor of their condition.

5. The university may prohibit an employee from working if the employee is known to have contracted COVID-19, or to have had close contact with someone who has. The university is obligated to provide a safe workplace and may take necessary and reasonable steps to minimize health risks for its employees, such as requiring that employees not come to work if they have been diagnosed with, or have been exposed to, COVID-19.

Leave Guidelines (Updated as of April 3, 2020)

Families First Coronavirus Response Act (FFCRA)
Effective April 1, 2020 through December 31, 2020, employees are entitled to emergency paid sick leave and expanded Family Medical Leave (FML) for qualifying reasons related to COVID-19.

Emergency Paid Sick Leave
To comply with FFCRA, HR will add an additional forty (40) hours of emergency sick leave to regular full-time employee's emergency sick leave balance; regular part-time employees will receive a pro-rated amount of leave based on the average number of hours worked.

1. This leave is in addition to the forty (40) hours (or pro-rated amount) credited to regular employees on March 23, 2020.

2. The rate of pay for the first forty (40) hours will be 100% of the employee's base rate of pay. The rate of pay for the remaining forty (40) hours will depend upon the reason for the leave (see below chart for details).

3. Temporary employees will be permitted to take eighty (80) hours of emergency sick leave and will be paid in accordance with the chart below.

4. The total eighty (80) hours of emergency sick leave will be available through December 31, 2020.

Families First Coronavirus Response Act					
	Amount of Leave	Rate of Pay	Daily Cap Amount(s)	Aggregate Cap Amount(s)	Qualifying Reason(s)
Sick Leave	80 hours for FT Varies for PT/Temp	100%	$511/day	$5,110	**Self-Care – The Employee is:** o Subject to a quarantine or isolation order. o Advised by a healthcare provider to self-quarantine. o Experiencing COVID-19 symptoms and seeking a medical diagnosis
	80 hours for FT Varies for PT/Temp	67%	$200/day	$2,000	**Care for Another – The Employee is:** o Caring for individual subject to an order or advised by provider. o Caring for child if school or place of care closed/unavailable. o Experiencing any other substantially similar condition specified by HHS Secretary.
Family Medical Leave	12 Weeks (First 10 Days Unpaid)	First 10-days unpaid, but can supplement other leave. Employer paid 67% after first 10-days.	$200/day	$10,000	Employee unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider is unavailable, due to a public health emergency.

5. Supervisors cannot require the use of other paid leave before using the new emergency sick leave, but an employee can choose to use other paid leave before using emergency sick leave. Employees may also use already accrued leave (sick, vacation, personal and/or compensatory time) to supplement the emergency sick leave to receive their total rate of pay if the emergency sick leave is reduced or they reach the monetary cap based on the reason for the leave.

6. Regular employees will submit their leave request through the Absence Management module in BearTrax. Temporary employees will submit leave request using the FFCRA Request for Leave form through DocuSign. Employee's requesting the expanded family medical leave must seek approval before submitting their family medical leave request (see below for additional details).

7. Employees will use the following absence reasons when taking emergency sick leave or expanded family medical leave:

   a. COVID-19 (Self-Care)
   b. COVID-19 (Care for Another)
   c. COVID-19 (FML)

Absences unrelated to COVID-19 should be requested following normal leave procedures. Employees who choose to be in unpaid status will be considered excused throughout the emergency period.

Expanded Family Medical Leave (FML)

1. The Family Medical Leave Act (FMLA) is amended to include a new qualifying event. An eligible employee, who is unable to work or telework and needs to take leave due to a need to care for the employee's child (under 18 years of age) if the child's school or place of care has been closed, or the childcare provider is unavailable, due to a public health emergency.

2. To be eligible under the new qualifying event, an employee must have been employed for at least 30 calendar days, compared to already existing qualifying events that require the employee to have worked at least 1,250 hours in the previous twelve months.

3. The Act does not expand an eligible employee's FML entitlement to greater than 12 workweeks during any 12-month period regardless of the number of qualifying events an employee may have. If an employee has otherwise exhausted their 12 weeks of FML, they are not entitled to an additional 12 weeks of leave for the new qualifying event.

4. The first 10 days of the leave is unpaid, but the employee can supplement with other accrued leave (sick, vacation, personal, and/or compensatory time) or the emergency sick leave. Supervisors cannot require the employee to supplement with other leave. Any remaining leave used of the 12 weeks must be paid subject to the monetary cap (see above chart for details).

5. Employee's requesting the expanded family medical leave must seek approval using the [FFCRA Expanded FMLA Request](#) form before submitting their leave request.

Employees who have exhausted benefits under the Families First Coronavirus Response Act (FFCRA) may follow the guidelines below to stay in paid status:

Scenario 1: Employee or immediate family is diagnosed with COVID-19 through testing.

If an employee or immediate family member is diagnosed with COVID-19 and leave is exhausted (including leave granted through FFCRA), the following options are available to you:

   i. Use up to 80 hours (10 days) of available donated leave (reference sick leave donation guidelines below); or

   ii. Up to 80 hours (10 days) may be advanced to your sick leave balance. This leave will be repaid as sick leave days are earned.

Scenario 2: Employee is mandated by the university and/or a healthcare provider to be quarantined or isolated due to exposure to COVID-19.

If an employee is subject to quarantine or isolation due to exposure to COVID-19, telework should be considered. If telework is not operationally feasible and all leave sources are exhausted (including leave granted through FFCRA), the employee may:

   i. Use up to 80 hours (10 days) of available donated leave (reference sick leave donation guidelines below); or

   ii. Up to 80 hours (10 days) may be advanced to your sick leave balance. This leave will be repaid as sick leave days are earned.

Scenario 3: Employee must stay home due to a school closure and/or the unexpected absence of a care provider for child or immediate family member.

The employee may be eligible to telework and should explore that option with supervisor. If telework is not operationally feasible, the employee will be allowed to use available leave (sick, vacation, personal and/or compensatory time), including leave granted through FFCRA, to cover his/her absence from work.

Scenario 4: Employee chooses to stay home to self-quarantine as a precaution.

If an employee chooses to stay home and telework is not operationally feasible, the supervisor will consider the request based on operational needs and determine if other work schedule arrangements, including flexible scheduling, are acceptable.

Supervisors may contact Human Resources for additional guidance on any of the scenarios discussed above, or variations of them.

Emergency Sick Leave Donation Guidelines

During this emergency, the University is permitting the donation of sick leave as follows:

Donators

1. Employees who wish to voluntarily donate sick leave must:

    a. Be actively employed;

    b. Retain a minimum of 480 hours of paid sick leave for their own use; and

    c. Donate leave in increments of eight hours.

2. Donations will be accumulated in a pool and will not be returned to the donating employee.

3. The identity of the donors will remain anonymous to the extent permitted by law.

4. To donate leave employees must complete the COVID-19 Leave Donation Form.

Request for Sick Leave Donations

1. Donated sick leave is available to an employee:

    a. Under isolation due to diagnosis of COVID-19;

    b. Symptomatic due to exposure to COVID-19;

    c. Must care for an immediate family member who is symptomatic due to exposure to COVID-19; or

    d. Must care for an immediate family member due to a school closure and/or the unexpected absence of a care provider.

2. Upon exhaustion of available leave, employees who meet the above conditions may apply for donated sick leave through this program if they are in need of paid leave. Employees may not apply for leave through this program for any other reason.

3. An employee is limited to a maximum of 80 sick leave hours under this program.

4. If an employee is eligible, but unable to apply due to their health condition, a family member or other authorized representative may apply on behalf of the employee.

5. The employee's right to privacy regarding the nature of their condition will remain confidential to the extent allowed by law.

6. To request sick leave donations employees must complete the COVID-19 Leave Donation – Recipient Request Form.

Telecommuting (Telework) Guidelines

In response to COVID-19, work from home (telework) options will be the primary method of performing work assignments (services and operations) for eligible employees. Managers will determine which work assignments are to be performed at the usual work site (on-campus location).

Definition: Telework is a work arrangement that authorizes an employee to complete work assignments at a location away from the campus workplace. Normally, telework assignments are consistent with the employee's job description and scheduled work hours. Some variation may be necessary.

Eligibility:
- Actively employed full and part time administrators, ATSS, staff (hourly paid), faculty and adjunct faculty
- Temporary employees (depends upon nature of work assignments)
- Student employees, including College Work Study
- In addition to an employee's regular work tasks, other meaningful work assignments should be made available. Examples include but are not limited to:
    - Process and quality improvement projects
    - Develop user manuals
    - Update policies and procedures
    - Generate and update job aids
    - Research best practices for specific functions
    - Professional development (e.g., view web-based training for new technologies, complete online compliance trainings, etc.)

How do supervisors determine if telework is operationally feasible?

1. Employees in positions needing in-person contact/customer service or that rely upon specific equipment or supplies may need to work on campus. In such case, the supervisor will work with the employee to identify whether a flexible schedule is possible and provide support to protect the employee and those with whom he/she will come into contact.

2. With direct supervisor approval, employees, including student employees, may be permitted to work on campus for short periods of time if a critical task must be completed within a definitive time period.

3. Management and supervisors are expected to report periodically as needed or directed on campus for planning purposes and to ensure projects and functions are progressing satisfactorily.

4. Supervisors are expected to utilize technology (i.e., Blackboard Collaborate, Microsoft Teams, etc.) for regular communications with staff. The use of SharePoint for document exchange and the expanded use of DocuSign should be promoted where possible.

5. Supervisors should consider the following factors to determine if telework is possible:

    a. Availability of on-site work stations

    b. Operational or direct service requirements

    c. Security of work data

    d. Technological capabilities and equipment necessary to perform job duties.

6. An assessment of IT resources, equipment, VPN access, etc. needed to perform remotely will be required by ITS before University-provided equipment will be permitted.

What should supervisors and employees do to establish a telework arrangement?

1. The telework arrangement must be documented using the [Telecommuting (Telework) Worksheet/Agreement](#) with appropriate approvals.

2. If the supervisor determines telework is not appropriate or operationally feasible, the employee will continue to work on campus and seek other options as needed (e.g., flexible work schedule, request available leave etc.).

Supervisor Checklist for Telecommuting (Telework)

Telework works best when employees and supervisors communicate clearly about expectations. The following checklist will help employees and supervisors establish a foundation for effective teamwork, continued productivity, and service to the university.

1. **Review technology needs and resources.**
   Identify technology tools staff use in their daily work and determine whether the resources will be accessible when working from home. Also, ensure employees know how to access the appropriate technical support should they need assistance.

   a. Confirm that employees know how to set up call forwarding and how to access their voicemail from home.

   b. Determine which platform(s) you will use to communicate as a team (e.g., Blackboard Collaborate, Microsoft Teams).

   c. Clarify expectations for online availability and confirm everyone has access to the technology tool(s) and support resources.

2. **Review work schedules.**
   Be clear about your expectations with employees for maintaining their current work schedule or if you are open to flexible scheduling based on employee needs.

3. **Draft a work plan.**
   Review the questions below with staff and work through answers together.

   a. What routine responsibilities/tasks cannot be fulfilled while working remotely and how will it impact operations or other people? How can you reduce the impact?

   b. What routine responsibilities/tasks require regular communication and collaboration with others? Confirm how you will communicate while everyone is working.

   c. Oftentimes employees experience fewer interruptions while teleworking. Are there any special projects or tasks that you can advance while working remotely.

   d. How will you communicate your plans with partners and customers?

   e. Are there upcoming events or meetings that may need to be postponed or canceled?

4. **Make a communication and accountability plan.**
   Supervisors should tell employees how often to send updates on work plan progress and what those updates should include. Supervisors should also communicate how quickly they expect the employee to respond while teleworking and the best ways for the employee to contact the supervisor while working remotely. Current performance standards are expected to be maintained by employees.

   a. If you normally make daily rounds to visit employees at their desks, you can give them a call during this period. Maintain team meetings and one-to-one check-ins, altering the schedule if needed to accommodate any alternative schedules that have been approved.

b. Conduct regular check-ins. Start each workday with a phone, video or instant message chat. Your employees will be eager for connection and information during the disruption and the structure will help everyone create a positive routine. Every other day or weekly may be fine, so long as you are in contact frequently enough that your employees are in sync with you and/or with one another.

5. **Enable and encourage ongoing communication.**
    Ongoing communication is the most important part of effective remote teamwork. Working online can be isolating without regular contact with supervisors and colleagues. By creating the expectation that an entire team will communicate regularly with one another, members will feel connected regardless of where they are.

6. **Be positive and trust employees will work productively.**
    A positive attitude toward teleworking and a willingness to trust employees to telework effectively is key to making such arrangements successful and productive. Teleworking presents an opportunity for managers to become better supervisors. Instead of focusing on how many hours your employees are working, re-emphasize a focus on measuring results and reaching objectives—regardless of work arrangement. The employee's completed work product is the indicator of success, rather than direct observation. By focusing on the employee's work product, telemanagers will improve their organizational abilities and their own skill in managing by objectives.

7. **Debrief after normal operations resume.**
    Employees and supervisors should review work plans when work returns to normal, assess progress on the employee's work plan and prioritize any unresolved or new work that resulted from temporary operational disruption.

Employee Tips for Telecommuting (Telework)

Employees who telework often learn that working remotely is different than they expected and that it requires specific skills and habits. The following tips will help you get to work while at home.

1. **Define your workspace.**
   Experienced teleworkers will tell you that it's often difficult to stay focused at home. We are creatures of habit and most of us are used to our normal home routines. Establishing a workspace, even if it is your kitchen table, gives your brain a cue that it is time for work. Wearing attire that you may wear to the office even if it is your "casual Friday" attire may cue the brain. You should remain capable of reporting to work if your presence is requested by your supervisor.

2. **Master the basics.**
   a. Set up call forwarding and how to access your voicemail from home.

   b. Know how to remote into the university's network and other online tools you use regularly.

   c. Use Blackboard Collaborate, Microsoft Teams or another instant messaging client to stay connected to colleagues.

   d. Plan for video calls/meetings by making sure you know how to turn on your computer's camera and microphone and being aware that your colleagues may be able to see the background behind you.

3. **Set daily goals, track them and share your progress.**
   You may be surprised by how differently the workday passes without the comings and goings of an office to break things up or influence what you do next. Start each day of telework by writing down what you need to achieve and then track your progress. Pay attention to how long tasks take you and start adjusting your daily goals to match your current rhythm. Communicate with your supervisor and/or colleagues if you think your telework plan needs to be adjusted.

4. **Eliminate distractions.**
   Home can mean pets, children or a favorite hobby are only a few feet away. Depending on your living arrangement, you may need to hang a "do not disturb" sign so your family members don't interrupt you. Pets often need a closed door to keep them away and you might need headphones to block the noise.

5. **Prioritize privacy.**
   Whether you are in your home or a common area, take five minutes to assess the privacy of your workspace. Can someone standing behind you read your computer screen? Are your windows open so your neighbor can hear your phone call? What information do you need to secure before grabbing a cup of coffee or heading to the restroom? Your personal privacy matters too, so see if there is anything around you that you would not want visible during a video conference with your boss or colleague.

6. **Continue to employ security best practices.**
   Situations like this are prime phishing opportunities. Remain vigilant for security concerns and be sure to report suspicious emails to ITService@shawnee.edu.

7. **Stay connected.**
Many people say they do not call or instant message colleagues who are working remotely because they don't want to bother them. Remember, they are working, not vacationing at home! You should feel confident about calling or messaging an employee who is teleworking anytime you would walk to their office or call them if you were working on-site.

Technology Support for Telecommuting (Telework)

Blackboard Collaborate Ultra – Remote Meetings

In support of remote meetings you can use Blackboard Collaborate to stay in touch with your staff. You can find the getting started guide here:
https://help.blackboard.com/Collaborate/Ultra/Moderator/Get_Started

This is a link to a workshop/training video Shawnee State University Workshop - recording_1 for a more in-depth review.

The login page is: https://us.bbcollab.com/collab/ui/scheduler/login

Tele-Commuting over VPN access

Shawnee State is extending remote network access to designated employees by establishing a Virtual Private Network (VPN) connection to the employees campus computer. VPN access will be authorized by the employees' respective Vice President for the duration of the COVID-19 pandemic or until the virus is no longer deemed a threat to the campus.

Keep in mind that access to Blackboard LMS, Microsoft Office 365 (email and applications) and Beartrax (Oracle) cloud services do not require a VPN connection to access. These services can be accessed directly from the services URL from off campus (see below). All VPN access is governed by Computer Use Policy 5.30 (see link below). Users are obligated to abide by all Conditions (see link below) for accessing and using SSU network resources.

O365   https://portal.office.com

BB LMS   https://blackboard.shawnee.edu

BearTrax   https://ednd.login.us2.oraclecloud.com

Policy 5.30   https://www.shawnee.edu/areas-study/clark-memorial-library/information-technology-services/it-documents/campus-computer-and

Conditions   https://www.shawnee.edu/areas-study/clark-memorial-library/information-technology-services/it-documents/conditions-use

Questions should be directed to Information Technology Services at ITService@shawnee.edu or X3538.

Available Resources

Employees should continue to visit shawnee.edu/health for regular updates and information, and refer to the University's daily bulletin to help answer any commonly asked questions.

In addition, employees may obtain educational information or seek online counseling services through our employee assistance program, IMPACT Solutions.

- To help provide employees with information and resources on the COVID-19 pandemic, IMPACT is offering the following webinars:

    o **COVID-19: Facts You Need to Know –** can be found under the News Alert banner on the IMPACT website (www.MyImpactSolution.com).

    o **Calm Is Contagious: Mindfulness Strategies for Responding to COVID-19 -** posted on the IMPACT website (www.MyImpactSolution.com) for viewing at your convenience for the next 30 days.

- Online counseling appointments provide access to highly skilled, licensed mental health professionals at a time when face-to-face counseling may not be advisable. Online counseling sessions can usually be scheduled within 24 to 48 hours.

More information about IMPACT can be accessed at www.MyImpactSolution.com.