

NC STATE UNIVERSITY

COVID-19 SPECIAL FACULTY AND STAFF WORK AND LEAVE PROVISIONS EFFECTIVE APRIL 1 – APRIL 30, 2020 (Issued 03-26-2020)

Note: The following are special emergency provisions authorized by the interim president of the University of North Carolina System in response to the COVID-19 event. **These 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.** Special paid administrative leave provisions are per the employee's regular work schedule (or typical work schedule for temporary employees as determined by management) and do not include overtime or other special pay provisions. Where noted at the chancellor's discretion includes authorized designees.

Mandatory and Nonmandatory Employee Designations

1. Mandatory employees are those employees who are directed by their supervisor to work at specific dates and times at a designated university worksite other than their personal residence and in most circumstances are not eligible for telework options.

- Such employees have been deemed essential to work on-site during the COVID-19 event and include positions that relate to the following: 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; and remaining onsite student and instructional support services.

2. Each college and division should maintain a list of mandatory on-site employees to reflect this definition and the university's operational needs specific to the COVID-19 event. These designations may be changed by a college, division or unit at any time due to the ongoing operational needs of the university and COVID-19 developments.

3. All employees who have not been directed by their supervisor to work on-site at any particular date and time may continue to be assigned work and are expected to telework if feasible. Colleges, divisions, or units may also reassign an individual to complete other work assignments that are not a part of their normal duties and responsibilities. If employees are reassigned, the college, division, or unit may compensate them accordingly for the duration of the assignment. If employees are not reassigned, special COVID-19 leave provisions may apply.

4. Special consideration should be given to mandatory employees who are determined to be high risk for contracting COVID-19 (i.e., people over 65 years of age; have underlying health conditions, including heart disease, lung disease or diabetes; or have a weakened immune

system) or who are providing care to someone at high risk. Management may allow these employees to telework or apply the special leave provisions below, as deemed appropriate.

Special Provisions for Permanent Mandatory On-Site Employees

5. SHRA and EHRA who are considered permanent mandatory on-site employees will receive added compensation for hours required to work at a designated university worksite (not a personal residence or alternative work location), and only for those specific dates and times that such on-site work is required. Off-site (teleworking) hours will not be subject to these special compensation provisions.

A. Hourly (FLSA non-exempt) permanent mandatory on-site employees will receive 1.5 times their hourly pay rate for all hours worked on-site. Those employees who work in excess of 40 hours per work week will also receive overtime compensatory time off at 1.5 hours for each hour worked over 40, per federal overtime rules.

B. Salaried (FLSA exempt) permanent mandatory on-site employees will receive 1.5 times their hourly pay rate for up to 40 hours worked on-site in a work week.

C. The following positions, even if designated mandatory, are excluded from these special compensation provisions:

- Tier I and Tier II senior academic and administrative officers
- Faculty
- Physicians
- Directors and deputy directors of major institutionwide or schoolwide functions and centers
- Department heads
- Division heads
- Research and academic department administrators
- Clinical and academic department administrators
- Clinical division administrators
- Coaches and athletic administrators

As the special pay provisions are not intended to be applied to executive or leadership positions, the university has the discretion to exclude other highly compensated individuals who exercise leadership responsibilities of a designated department, division or unit of the university who are not otherwise indicated above by classification or title.

6. The university may award added compensation or equivalent compensatory time resulting from COVID-19 as a lump sum payment, a series of payments, paid leave, or in any combination within 12 months of the date of accrual. COVID-19 compensatory time is paid out based on the employee's hourly rate of pay.

7. At the discretion of a college/division, temporary employees (including retirees or students) may be designated as mandatory on-site employees and may be paid time and a half for all hours required to work on-site or alternatively receive an adjusted higher hourly pay rate. However, **such employees are not eligible for COVID-19 compensatory time.**

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

Special Leave Provisions for Permanent Employees

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

9. Mandatory and nonmandatory employees will receive paid administrative leave for the period of time they are unavailable to work for the following reasons:

- Childcare or eldercare needs due to COVID-19-related facility closings. If more than one person in a 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.
- Sickness due to symptoms of a cold, flu or COVID-19; or caring for a dependent with symptoms of a cold, flu or COVID-19. All other absences will utilize regular forms of leave, such as sick, vacation, bonus leave or shared leave if shared leave has been previously approved.
- Cannot telework because an employee's position and duties cannot be performed remotely, and reasonable alternate remote work is not feasible or productive.

10. Employees who were on other preapproved leave, 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).

11. For part-time permanent employees with fluctuating schedules, paid administrative leave may be applied by calculating the employee's average hours per week over the course of a month. In no case shall paid administrative leave exceed 40 hours per week.

Discretionary Special Leave Provisions for All Temporary Employees

12. **Based on available funds and operational needs**, each head of a college or division has the discretion to do one of the following:

- Continue to offer full or partial special leave provisions to temporary employees (including students and retirees).
- Discontinue the employment of temporary employees.

- Place them 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 on-site employees to address critical operational needs.

Note: The Families First Coronavirus Response Act was signed into law by the president of the United States on March 18, 2020. This legislation is intended to help workers, businesses, and the health care sector in their response to the consequences of the coronavirus outbreak. The law provides emergency family and medical leave and emergency paid sick leave. The UNC System is currently reviewing the new legislation and will issue some additional provisions before the new law goes into effect on April 2, 2020.