

## Auburn Leave Guidelines (May 10-June 30)

### FFCRA and Auburn: Two New Categories of Leave:

1. **FEDERAL LAW - Emergency Paid Sick Leave:** Under federal law (the Families First Coronavirus Response Act, FFCRA), all employees receive 2 weeks of Emergency Paid Sick Leave (EPSL) to use for a list of approved COVID-19 related reasons (“Qualifying Reasons”) (see Page 4 of this document). This leave is available for employees to use through December 31, 2020. The number of hours of leave received by an individual employee will be based on the average number of hours the employee is scheduled to work in a two week period (for an employee with a normal work schedule) or the employee’s average number of hours worked in a two week period over the previous 6 months (for an employee with a variable work schedule). **Although federal law includes a daily cap on an employer’s obligation to pay employees for use of EPSL (see attached DOL Fact Sheet), Auburn has decided to compensate EPSL at 100% of the employee’s normal compensation rate with no daily cap.**
2. **AUBURN POLICY - Emergency COVID-19 Administrative Leave:** Emergency COVID-19 Administrative Leave (ECAL) is a new category of paid administrative leave created by Auburn to address certain COVID-19 related circumstances that may impact Auburn employees. **Federal law does not require Auburn to provide ECAL to employees.** Rather, it is a temporary leave category that will be used by Human Resources during this pandemic emergency only. ECAL operates similarly to Auburn’s existing paid administrative leave, which is provided to an employee at the discretion of the University. ECAL will provide compensation for employees who are unable to work due to a Qualifying Reason (except Qualifying Reason 5), and who have exhausted their use of EPSL. ECAL will be paid at 100% of the employee’s normal compensation rate and will not be charged against an employee’s accrued annual or sick leave.

### FMLA+: A New Reason to Take FMLA

1. Under federal law (the Families First Coronavirus Response Act, FFCRA), the Family and Medical Leave Expansion Act (FMLA+) expands an employee’s FMLA entitlement to include the employee’s inability to work because the employee must care for a son or daughter whose school is closed or childcare provider is unavailable due to COVID-19 (Qualifying Reason 5). The FMLA+ does not increase an employee’s overall entitlement to FMLA leave; employees may take up to 12 weeks combined in a 12-month period for any FMLA or FMLA+ qualified reason. While existing FMLA leave is unpaid, under FFCRA, FMLA+ will be paid. FMLA+ will be paid at 100% of the employee’s normal compensation rate and will not be charged against an employee’s accrued annual or sick leave.

### Feeling Uncomfortable Coming to Campus

1. Employees who wish to take leave because they feel uncomfortable coming to campus due to COVID-19 do not qualify for leave under the EPSL, FMLA+, or ECAL. Such employees will be permitted to use accrued annual leave. Upon exhaustion of all accrued annual leave, employees will be permitted either to use accrued sick leave or to enter leave without pay status.

### **Additional Leave Guidelines: May 10 through June 30**

1. The FFCRA and the leave guidelines outlined in this document apply to all employees, whether working remotely or on the jobsite.
2. Any employee, whether working remotely or on the jobsite, who needs to be away from his/her work for any reason other than a Qualifying Reason may take accrued leave in accordance with normal University policies, including supervisor approval for use of annual leave.
3. Employees who can perform their job responsibilities remotely should continue to do so. Remote employees are expected to maintain productivity, responsiveness, and availability at the same levels that would be required during normal operations.
4. An employee may elect to use his/her own accrued sick leave (for Qualifying Reasons 1, 2, 3, 4 or 6) or accrued annual leave (for Qualifying Reason 4 or 5) instead of EPSL. An employee might choose to do this in order to preserve EPSL for use at a later time (e.g. if an employee has a childcare situation now but wants to preserve the EPSL to use in case of a COVID-related issue next fall).
5. If any employee exhausts his/her EPSL, ECAL will be available to the employee for additional leave due to Qualifying Reasons 1, 2, 3, 4 or 6. ECAL will only be available once an employee has exhausted his/her EPSL.
6. FMLA+ leave will be paid by Auburn as follows:
  - a. For the first 2 weeks of FMLA+ (leave due to the need to care for a child whose school or childcare provider is unavailable due to COVID-19), the employee may choose (1) to use EPSL; or (2) to use the employee's accrued annual leave. Otherwise, this leave will be unpaid.
  - b. For the remaining 10 weeks of FMLA+, the employee will be paid at 100% of the employee's normal compensation rate and will not be charged against an employee's accrued annual or sick leave.
7. In order to be eligible for FMLA+, the employee alone must be providing care for the child during the period for which the employee is receiving this type of leave. For example, if there is a co-parent, co-guardian, or another suitable individual who is present to care for the child, the employee will not be eligible for FMLA+.
8. In order to be eligible for any approved COVID-19 leave (qualification for FMLA+ or use of EPSL, accrued sick leave, accrued annual leave, or ECAL), beginning with the May 10 work week employees must submit to their HR liaisons a completed leave form identifying the reason for the employee's absence. This is required to ensure that leave is documented appropriately in compliance with Auburn policies, the FFCRA, and other applicable law. Except for situations where the need for leave is unknown, employees should submit their COVID-19 leave form no later than 4:45 p.m. on the Thursday prior to the applicable work week.

9. TES employees do not accrue sick or annual leave under Auburn policies but do qualify for benefits under the FFCRA and will also qualify for ECAL as outlined above.
10. Nine-month faculty do not accrue annual leave under Auburn policies but do qualify for all benefits under the FFCRA.

## **QUALIFYING REASONS FOR EPSL**

EPSL may be used when an employee is unable to work (or telework) due to a need for leave because the employee is:

1. Subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. Under self-quarantine due to concerns related to COVID-19 based on the advice of a health care provider;
3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Caring for an individual who is subject to an order as described in (1) or who has been advised as described in (2);
5. Caring for a son or daughter of any age whose school or place of care has been closed, or whose childcare provider is unavailable, due to COVID-19 precautions; or
6. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of Treasury and Labor.