

# Special Emergency Leave Plan

## Purpose:

This plan is a part of the efforts to further protect the health and well-being of WVU's campus community in response to coronavirus COVID-19. The plan is meant to address concerns some faculty and staff may have about their leave and encourage them to stay home if they are sick. This plan also is designed to help minimize any potential financial hardships faculty and staff may face as a result of COVID-19. The leave provided in this Plan may run concurrently with leave provided in the Family First Coronavirus Response Act ("FFCRA") or the Family Medical Leave Act ("FMLA").

## Scope:

The plan applies to West Virginia University, West Virginia University Institute of Technology, and West Virginia University Potomac State College (collectively the "University").

Benefit and non-benefits eligible Classified Employees, Non-Classified Employees, Faculty, and any other non-student employee positions of the West Virginia University Board of Governors (collectively "faculty and staff") will be eligible for the benefits outlined in this plan.

Student employees, federal work study, or graduate student assistants (i.e., teaching assistants, research assistants, service assistants) may be eligible for Special Emergency Leave under the Family First Coronavirus Response Act ("FFCRA"), but are not eligible for the additional benefits outlined in this plan.

## Duration, Alignment and Interpretation:

This plan will remain in place until the emergency has ended or ninety (90) calendar days from implementation, whichever occurs first. The President will secure additional approval from the Board of Governors if the plan requires extension beyond ninety (90) calendar days.

As necessary, this plan may be modified to align with any federal or state legislation, regulation, declaration, executive order or other authoritative document.

If any current WVU rule, policy, procedure or practice cannot be aligned with this plan, then this plan is controlling. If the FFCRA conflicts with or cannot be aligned with this plan, then the FFCRA is controlling.

If the FFCRA expires while this plan is actively in place, this plan will continue for the duration outlined above and the expired FFCRA may be used as a reference for the interpretation of this plan.

Authority to interpret this plan rests with the President or his/her designee.

## Alternative Work Assignments:

In general, faculty and staff should work with their supervisors to flex their schedules or work from home, when possible.

Every opportunity to develop an alternative work assignment should be considered before submitting a request for special emergency leave with pay.

Duties and responsibilities may be temporarily altered to support alternative work assignments. Examples of alternative work assignments include:

- /// Telework, webinars, development and training;
- /// Alternative shifts; and
- /// Policy reviews/operational improvements.

Talent and Culture will post [resources and ideas](#) that may be used for alternative work assignments. Supervisors also may contact their HR Partner for advice regarding alternative work assignments for faculty and staff. Supervisors should also work with their HR Partner to properly document the alternative work assignment for faculty and staff, if one is given.

## **Special Emergency Leave with Pay:**

### **Special Emergency Leave with Pay under the FFCRA**

The University shall provide employees with any leave as provided in the FFCRA.<sup>1</sup> The FFCRA provides for both short-term Special Emergency Leave with Pay and long-term Special Emergency Leave with Pay in certain circumstances.

Employees qualify for two weeks (up to eighty (80) hours, or a part-time employee's two-week equivalent) of short-term Special Emergency Leave with Pay under the FFCRA in the following instances<sup>2</sup>:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in subparagraph (2).
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child-care provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and the Secretary of Labor.

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<sup>1</sup> If the FFCRA expires, upon expiration, this sentence shall be deleted in its entirety and replaced with the following: "The University may provide, at its sole discretion, employees with any leave as provided in the FFCRA. This determination shall be approved on a case-by-case basis."

<sup>2</sup> If the FFCRA expires, upon expiration, this sentence shall be deleted in its entirety and replaced with the following: "Employees qualify for seventy-five (75) hours (or a part-time employee's two-week equivalent) of short-term Special Emergency Leave with Pay under the FFCRA in the following instances:"

Employees that qualify for Special Emergency Leave with Pay under subparagraphs (1), (2), or (3) of this Section are entitled to their regular rate of pay during the leave period. Employees that qualify for Special Emergency Leave with Pay under subparagraphs (4), (5), or (6) of this Section are entitled to two thirds (2/3rds) their regular rate of pay during the leave period.

Employees qualify for an additional ten (10) weeks of long-term Special Emergency Leave with Pay under the FFCRA, to be taken at the conclusion of the short-term Special Emergency Leave with Pay outlined above, at two-thirds (2/3) their regular rate of pay where an employee, who has been employed at least thirty (30) calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

Employees that qualify and take Special Emergency Leave with Pay under the FFCRA are subject to all per day and aggregate total pay limitations as outlined in the FFCRA.

For more information regarding the FFCRA, please review the [required posting](#) from the Department of Labor.

### **University Provided Special Emergency Leave with Pay**

Under certain limited circumstances, the President may approve up to seventy-five (75) hours of University Provided Special Emergency Leave with Pay for covered faculty and staff in active appointments. Employees that qualify for or have already exhausted the short-term Special Emergency Leave with Pay under the FFCRA are not entitled to University Provided Special Emergency Leave with Pay except in extreme circumstances as determined by the President.

The University Provided Special Emergency Leave with Pay for covered faculty and staff in active appointments shall be prorated by full-time equivalency (FTE).

Additional hours of University Provided Special Emergency Leave with Pay may be approved on a case-by-case basis.

University Provided Special Emergency Leave with Pay may be cancelled if the reasons supporting the approval of special emergency leave have resolved.

University Provided Special Emergency Leave with Pay is contingent upon continued employment and may not be transferred to another West Virginia state agency. If the services of a faculty or staff member have been terminated, all Special Emergency Leave credited to the faculty or staff member shall be considered cancelled as of the last day of employment, and no reimbursement or credit shall be provided.

## **Reasons to Request University Provided Special Emergency Leave:**

Faculty and staff may request to use University Provided Special Emergency Leave with Pay in instances where an alternative work arrangement is not possible **AND** the employee does not qualify for Special Emergency Leave with Pay under the FFCRA. Each request for University Provided Special Emergency Leave with Pay shall be reviewed on a case-by-case basis and shall only be approved by the President if the employee has demonstrated circumstances whereby the employee is unable to work and the circumstances directly or indirectly relate to COVID-19. The University

Provided Special Emergency Leave with Pay shall not exceed seventy-five (75) hours. Employees may request an additional seventy-five (75) hour extension of their University Provided Special Emergency Leave with Pay, which is subject to review and approval by the President. This extension shall only be granted in extreme circumstances.

## **Procedure:**

If an alternative work arrangement is not possible, the supervisor should submit a [request form](#). If the supervisor is unable to submit a request form, an HR Partner or other staff member from Talent and Culture or Shared Services may assist.

Shared Services will process the request, and an HR Partner or other staff member from Talent and Culture will review for proper application of this plan.

The request for special emergency leave should be the minimum necessary.

If faculty or staff need to discuss specific details regarding medical issues or diagnoses, the supervisor should direct them to Medical Management in Talent and Culture.

Medical documentation related to COVID-19 illness and subsequent returns to work may be required based on current advice from local and state public health and safety officials.

Talent and Culture will publish [frequently asked questions](#) to assist supervisors, faculty and staff with the implementation of this plan.

As testing becomes available, the University may modify the requirements for those seeking to take advantage of this special emergency leave.

## **Definitions:**

Immediate family means father, mother, son, daughter, brother, sister, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, granddaughter, grandson, stepmother, stepfather, step children, or others considered to be members of the household and living under the same roof.

For the purposes of the Special Emergency Leave with Pay under the FFCRA Section, all words, phrases, or terms of art used in that Section possess the meaning provided to them in the FFCRA.

## **Authority:**

[WVU BOG Finance and Administration Rule 5.3 – Emergency Management and Campus Safety](#)

## **Effective Date:**

December 18, 2020

## **History:**

September 18, 2020, [June 19, 2020](#), [March 19, 2020](#)