

William & Mary Guidelines
Families First Coronavirus Response Act
Effective April 1, through December 31, 2020

Eligibility

All staff (operational and professional), faculty, and hourly employees are covered under the Families First Coronavirus Response Act (FFCRA).

Paid Emergency Sick Leave

Paid Emergency Sick Leave (PESL) is offered in addition to Paid Health Emergency Leave (PHEL). Employees fitting the criteria for PESL may use it in addition to or in place of any other leave including PHEL. An employee does not need to exhaust all other leave categories before accessing PESL.

Under the FFCRA, an employee qualifies for PESL if the employee is unable to work, or telework, because the employee:

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 related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in number 1 or self-quarantine as described in number 2;
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

For reasons 1, 2, and 3, employees receive up to 80 hours of leave (2 weeks) at 100% pay. Full-time employees receive 80 hours and the leave is prorated for part-time employees. There is a maximum dollar amount of \$511 per day and \$5,110 over the 2 week period – this equates to an annual salary of \$132,860.

For reasons 1, 2, and 3, Human Resources is developing a form to request leave. Until it is available for use, the employee should send an e-mail request to AskHR with a copy to the person's supervisor. The request should indicate the reason for the leave, when the leave would start, and when it would end. A doctor's note is required to support the request. The note may be faxed to Human Resources at (757) 221-7724; attached to the e-mail; or put in the box outside of the Human Resources Office at Bell Hall. After review of the documentation, Human Resources will notify the employee of whether the leave is authorized as PESL, load the leave into the employee's balance in Banner, and provide the employee and his/her supervisor with instructions for entering the time on the employee's timesheet.

For reason 2, PESL is authorized for an employee whose doctor requires him/her employee to self-quarantine due to an underlying health condition that makes him/her more susceptible to COVID-19.

For reasons 4 and 5, employees receive up to 80 hours of leave (2 weeks) at 2/3 their rate of pay. Full-time employees receive 80 hours and the leave is prorated for part-time employees. There is a maximum dollar amount of \$200 per day and \$2,000 over the 2 week period – this equates to an annual salary of \$78,000. Employees may use other leave – including annual leave, comp time, overtime leave, and family/personal leave – to supplement their time in order to receive 100% pay.

For reason 4, employees should use the same request process as outlined for reasons 1, 2, and 3. The individual being cared for does not have to be an immediate family member. If the person is an immediate family member, PHEL may be used to supplement PESL in order to receive 100% pay.

For reason 5, employees may use this time to cover the first two weeks of the Expanded Family Medical Leave explained below. To do this, the employee needs to complete the request form for Expanded Family Medical Leave. The form is in DocuSign format and is available online at <https://wmdocusign.wm.edu/url/go/ffcrafml>. After the employee completes and signs the form, it is sent to the employee's supervisor for review. The form then goes to Human Resources for approval. The employee and the employee's supervisor receive a copy of the completed form after it is approved. Human Resources will load the leave balances into Banner and send an e-mail to the employee and employee's supervisor with instructions for entering the time on the employee's timesheet.

For reason 5, if an employee is requesting use of PESL and it is not in conjunction with a request for Expanded Family Medical Leave, the employee should use the same process as outlined for reasons 1, 2, and 3.

For reason 6, the Secretary of Health and Human Services has not issued specifications yet. Once they are available, Human Resources will update the guidelines.

PESL may be requested retroactively to April 1, 2020.

Expanded Family Medical Leave

Expanded Family Medical Leave (EFML) provides employees with 12 weeks of leave when an employee is unable to work, or telework, due to a bona fide need to care for a child under the age of 18 whose school or child care provider is closed or unavailable for reasons related to COVID-19. Employees may also use the leave to care for a child over 18 years of age who has a mental or physical disability and is incapable of self-care because of that disability. The first two weeks of EFML is unpaid and the remaining 10 weeks are paid at 2/3 the employee's regular rate of pay. Employees must have worked for William & Mary a minimum of 30 calendar days to be eligible.

The first ten work days (two weeks) may be without pay or an employee may use PESL or other leave. The remaining ten weeks are paid at the rate of 2/3 of the employee's regular rate of pay up to a maximum of \$200.00 per work day and \$10,000.00 in aggregate – this equates to an annual salary of \$78,000. Employees receiving 2/3 pay may supplement by using their personal leave (annual leave, comp time, overtime leave, or family/personal leave) for the remaining 1/3 to achieve 100% of their normal income. Employees are also authorized to use up to 24 hours of PHEL for this purpose – if this time has not previously been taken.

Full-time employees are eligible for a cumulative total of 12 weeks (480 work hours) of EFML. As mentioned above, 80 hours are unpaid and the remaining 400 hours are paid at 2/3 their regular rate of pay. Part-time employees are eligible for a pro-rated number of weeks based upon the number of hours they work.

Employees in part-time or hourly positions with flexible hours will use the preceding six-month period to determine the average hours paid per week. If that is not applicable, the average number of hours per day that the employee would normally be scheduled to work will be used.

EFML hours are cumulative and previous hours used since January 10, 2020 will be deducted from the available hours provided for this period. This means that if the employee was on approved FML due to the birth of a baby, surgery, illness, etc. from January 10, 2020 to the date of the request, the time used is counted towards the time granted under EFML.

Employees may use EFML on an intermittent basis working a reduced work schedule. For instance, an employee may work, or telework, for 4 hours per day and be on EFML for the remaining 4 hours. Supervisors are asked to provide flexibility when possible regarding the time and days when the hours are worked. For instance, the employee may work in the evenings or on weekends.

To request EFML, the employee needs to complete a request form. The form is in DocuSign format and is available online at <https://wmdocusign.wm.edu/url/go/ffcrafml>. After the employee completes and signs the form, it is sent to the employee's supervisor for review. The form then goes to Human Resources for approval. The employee and the employee's supervisor receive a copy of the completed form after it is approved. Human Resources will load the leave balances into Banner and send an e-mail to the employee and employee's supervisor with instructions for entering the time on the employee's timesheet.

While on EFML, employees' jobs are protected and their health benefits continue. Employees are still responsible for paying their portion of the health benefits. Employees are also protected against retaliation or discrimination for use of the leave.

General Information

When using either PESL or EFML, employees who work shifts over 8 hours are put on a five 8-hour day schedule.

This leave is effective April 1, through December 31, 2020. It cannot be carried over after this period.

Any leave paid to wage employees counts towards their 1,400 hour maximum for the period of May 1, through April 30. Supervisors need to carefully monitor these balances to ensure that the employee does not exceed them.

Health care providers and emergency responders are exempt from the law.

Any questions about PESL or EFML should be sent to AskHR@wm.edu.