

HR-700 Enhanced HR Policies for Employees in Response to COVID-19

Summary

Section 20.021 authorizes the President to place into effect temporary lawful policies, procedures, or other measures to meet the COVID-19 public health emergency. This policy states such human resources policies authorized by the President under that rule.

Policy

Per Collected Rules and Regulations (CRR) 20.021: President's Temporary Authority for COVID-19 Response (Bd. action on 03-16-20):

- A. Notwithstanding any limitations or restrictions placed on the President in Section 20.020 or elsewhere in these Collected Rules and Regulations, the President shall have authority to place into immediate effect any temporary lawful policies, procedures, or other measures which in his judgment are necessary or appropriate to meet the public health emergency associated with the novel coronavirus and COVID-19 disease, including but not limited to safeguarding persons and property and maintaining University activities as appropriate.
 - B. Temporary lawful policies, procedures, or other measures adopted by the President under this authorization shall be effective notwithstanding any contrary provisions of these Collected Rules and Regulations and shall remain in effect until such time identified by the President or the Board of Curators, or until such time as the Board of Curators withdraws the authority granted in this rule or otherwise directs.
 - C. The President shall keep the Board of Curators advised as to policies, procedures, or other measures adopted under this rule.
-

Further HR Policy Provisions

Additional temporary HR-700 policy provisions below in accordance with CRR 20.021:

- I. Notwithstanding provisions of the University's Collected Rules and Regulations or HR Policy Manual to the contrary, the following measures shall become effective on March 17, 2020.
 - A. Families First Coronavirus Response Act Paid Sick Leave and Expanded FMLA Leave**
 - i. The Families First Coronavirus Response Act ("FFCRA") provides employees with paid sick leave ("FFCRA Paid Sick Leave") and expanded family and medical leave ("FFCRA Expanded FMLA Leave") for specified reasons related to COVID-19. These provisions were enacted after the University established the enhanced leave identified in this HR-700, and they do not diminish the benefits available to employees under University policies. The University has modified the enhanced leave identified in this HR-700 to integrate the leave benefits provided by the FFCRA and ensure that employees receive the benefits provided by the new law.
 - ii. The following principles apply where FFCRA leaves are referenced below in this HR-700:
 - a. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave are available from April 1, 2020 through December 31, 2020.
 - b. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave are available to all employees, including academic appointees; administrative, service, and support staff; probationary and variable hour employees; and student employees. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave are not available to employees in University of Missouri Health Care, employees with job duties involving clinical care operations that are continuing, and other health care providers and emergency responders designated by the University System's Chief Human Resources Officer.

- c. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave are available if an employee is unable to work (including telework) because of a qualifying need for leave (as described in I.B.ii and I.C.i). If there is not work because of a closure, reduction in operations, or other factor, FFCRA leave is not available.
- d. FFCRA Paid Sick Leave is limited to a total of two weeks for all qualifying reasons. The total hours provided may not exceed 80 hours for full-time, 100 percent FTE employees. Part-time employees are eligible for the number of hours that the employee is normally scheduled to work over a two-week period.
- e. Unless otherwise stated in this HR-700, FFCRA Expanded FMLA Leave is subject to Collected Rules and Regulations Section 340.010, Family and Medical Leave, including the limitation to a total of twelve (12) workweeks of leave in a 12-month period for all FMLA-qualifying reasons.
- f. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave may be taken intermittently if approved by the employee's direct supervisor. Employees working on site may not take intermittent leave for the reasons described in I.C. below.

B. Leave Due to School or Day Care Closure or Child Care Provider Unavailability.

- i. Eligible employees may use accrued sick leave, up to a limit of 30 days of leave, to care for any immediate family member who is in need of care due to closures or limits in operation of a school, day care center, or other provider that otherwise would have cared for the immediate family member. An eligible employee also may use accrued personal, compensatory, or vacation leave, subject to supervisor approval in accordance with existing policy, to care for any immediate family member who is in need of care due to closures or limits in operation of a school, day care center, or other provider that otherwise would have cared for the immediate family member. Subject to supervisor approval, an eligible employee with insufficient accrued leave may use up to 15 days of unearned vacation leave for this purpose. Any such usage will be tracked as a negative balance in the employee's accrual and future accruals will be counted against that balance. After the temporary expanded use of vacation leave authorized in this policy is withdrawn, vacation leave will not be available for use until the employee has accrued sufficient vacation leave to reach a positive balance.
 - a. This policy measure shall not apply to employees in University of Missouri Health Care or to any other units excluded by the University System's Chief Human Resources Office.
- ii. The FFCRA provides employees with up to 12 weeks of FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave if an employee is unable to work or telework because the employee is caring for the employee's child whose school or place of care is closed or child care provider is unavailable for reasons related to COVID-19.
 - a. The FFCRA provides all employees with up to two weeks of FFCRA Paid Sick Leave (as described in I.A above) paid at 2/3 the employee's regular rate of pay, up to a maximum of \$200 per day and \$2000 total.
 - b. The FFCRA also provides employees who have been employed at least 30 days up to 12 weeks of FFCRA Expanded FMLA Leave. During the first two weeks of FFCRA Expanded FMLA Leave, an eligible employee may elect use University paid leave available under I.B.i, FFCRA Paid Sick Leave (described in (a) above), or if no FFCRA Paid Sick Leave is available, the employee may take unpaid leave. After the first two weeks, an eligible

employee must use all University paid leave available under I.B.i as part of the FFCRA Expanded FMLA Leave. Once paid leave available under I.B.i is exhausted, the eligible employee will be paid at 2/3 the employee's regular rate of pay, up to a maximum of \$200 per day and \$10,000 total.

- c. An eligible employee may take a maximum of 12 weeks of leave to care for a child whose school or place of care is closed or child care provider is unavailable for reasons related to COVID-19, including FFCRA Paid Sick Leave, FFCRA Expanded FMLA Leave, and any University paid leave available under I.B.i used concurrently with FFCRA Expanded FMLA Leave.
- d. FFCRA Paid Sick Leave and FFCRA Expanded FMLA Leave are only available if there is no other suitable person, such as a co-parent or co-guardian, to care for the child whose school or place of care is closed or child care provider is unavailable. Co-parents or co-guardians employed by the University may not take FFCRA leave to care for the same child at the same time.

C. Leave Due to Quarantine or Isolation

- i. The FFCRA provides employees with up to two weeks of FFCRA Paid Sick Leave if an employee is unable to work or telework because the employee:
 - a. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - b. Has been advised by a health care provider to self-quarantine related to COVID-19;
 - c. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 - d. Is caring for an individual who is subject to an order described in (a) above or has been advised to self-quarantine as described in (b) above; or
 - e. Is experiencing another substantially-similar condition designated by the U.S. Department of Health and Human Services.

FFCRA Paid Sick Leave will be paid at the employee's regular rate for reasons (a) – (c) above, up to a maximum of \$511 per day and \$5110 total, and at 2/3 the employee's regular rate of pay for reasons (d) and (e), up to a maximum of \$200 per day and \$2000 total. Employees may elect to use FFCRA Paid Sick Leave prior to using other available paid leave. FFCRA Paid Sick Leave may not be used concurrently with other paid leave provided by applicable policies, including the enhanced leave identified in this HR-700.

- ii. Employees may be directed by their university's chief human resources officer or designee to remain away from their worksite and other University premises, with the exception of appropriate health care facilities, when they have been exposed or are reasonably believed to have been exposed to the coronavirus causing COVID-19.
- iii. If the University or public health authorities direct an employee to remain away from the worksite because the employee has been exposed or is reasonably believed to have been exposed to the coronavirus causing COVID-19:
 - a. The employee will be expected to perform duties remotely to the extent feasible;
 - b. To the extent remote work is not feasible, the employee will be granted up to 15 days of paid leave. In addition to any FFCRA Paid Sick Leave available under I.C.i, the employee will receive paid administrative leave as needed to cover up to 15 working days.
 - c. If the employee is still directed to remain away from the worksite, the eligible employee may use sick, vacation, or personal leave in accordance with applicable policies, including the enhanced leave identified in this HR-700.

Such an eligible employee with insufficient accrued vacation may use up to 15 days of unearned vacation leave. Any such usage will be tracked as a negative balance in the employee's accrual and future accruals will be counted against that balance. After the temporary expanded use of vacation leave authorized in this policy is withdrawn, vacation leave will not be available for use until the employee has accrued sufficient vacation leave to reach a positive balance.

- d. Employees who do not have available paid leave may be approved for unpaid leave.

Employees who have COVID-19 symptoms or diagnosis will not be eligible for administrative leave, but may take paid leave in accordance with applicable policies, including the enhanced leave identified in this HR-700. If an employee on administrative leave develops COVID-19 symptoms or receives a diagnosis of COVID-19, the employee will discontinue administrative leave and will be covered by the policies in I.C.v below.

- iv. Employees who exhibit COVID-19 symptoms or have a diagnosis of COVID-19 are encouraged to seek medical care and to avoid the worksite and other University premises, with the exception of appropriate health care facilities. Employees who do not do so voluntarily may be directed by their university's chief human resources officer or designee to remain away from their worksite and other University premises, with the exception of appropriate health care facilities.
- v. If an employee exhibits COVID-19 symptoms or receives a diagnosis of COVID-19:
 - a. The employee may continue to work remotely at their choice and will not be required to use leave to the extent that they are able to perform assigned duties remotely.
 - b. Eligible employees who exhibit COVID-19 symptoms or have a diagnosis of COVID-19, or who are caring for an immediate family member who is exhibiting COVID-19 symptoms or has a diagnosis of COVID-19, may use sick, vacation, or personal leave in accordance with applicable policies, including the enhanced leave identified in this HR-700. Such an employee may use vacation leave before it is accrued, up to an aggregate limit of 15 days of leave, provided that such usage will be tracked as a negative balance in the employee's accrual and future accruals will be counted against that balance. After the temporary expanded use of vacation leave authorized in this policy is withdrawn, vacation leave will not be available for use until the employee has accrued sufficient vacation leave to reach a positive balance.
 - c. Employees who are directed to remain away from the worksite because they are exhibiting COVID-19 symptoms or have received a diagnosis of COVID-19 but who do not have available paid leave may be approved for unpaid leave.

D. Additional Policies for Administrative, Service and Support Staff

- i. Variable hour employees and student employees shall be eligible for administrative leave under conditions identified in CRR 340.080 when authorized by the President, Vice President, Chancellor, or designee.
- ii. Probationary employees may use accrued vacation and sick leave in accordance with this policy, including the enhanced leave identified in this HR-700.

E. Additional Policies for Academic Appointments

- i. The following policies will apply with respect to pay for employees on academic appointments who do not accrue vacation or sick leave.

- ii. If the University or public health authorities direct an employee to remain away from the worksite because the employee has been exposed or is reasonably believed to have been exposed to the coronavirus causing COVID-19:
 - a. The employee will be expected to perform duties as assigned by the employee's supervisor remotely to the extent feasible;
 - b. To the extent remote work is not feasible, the employee will be granted up to 15 days of paid leave. In addition to any FFCRA Paid Sick Leave available under I.C.i, the employee will receive paid leave as needed to cover up to 15 working days. Such time will not count against leave that might otherwise be available to the employee under CRR 320.070, the paid family and medical leave policy in CRR 340.070.B.2, the School of Medicine policy, or any other applicable leave policies.
- iii. If the employee exhibits COVID-19 symptoms, has a diagnosis of COVID-19, or is caring for an immediate family member who is exhibiting COVID-19 symptoms or has a diagnosis of COVID-19:
 - a. The employee may continue to work remotely at the employee's choice on duties as assigned by the employee's supervisor to the extent feasible.
 - b. If the employee does not work remotely, the employee will be granted up to 15 days of paid leave. In addition to any FFCRA Paid Sick Leave available under I.C.i, the employee will receive paid leave as needed to cover up to 15 working days. Such time will not count against any leave that would be available to the employee under CRR 320.070, the paid family and medical leave policy in CRR 340.070.B.2, the School of Medicine policy, or any other applicable leave policies

F. Limited Closure. For any limited closure as defined in HR-217:

- i. The limit on available administrative leave pay will be increased from 5 days to 30 days.
- ii. Subject to authorization by the President, Vice President, Chancellor, or designee, variable hour employees and student employees, based on their normal schedule, shall be eligible for administrative leave pay associated with limited closure and will be subject to the same pay procedures stated in HR-217 IV.A for benefit eligible administrative, service and support staff and benefit eligible non-exempt academic employees.
- iii. Consistent with HR-217 I.B, administrative leave will be authorized only if employees are unable to perform assigned duties at the worksite, through redeployment to other duties or locations, or through telework arrangements.

G. Telework Arrangements. The following policies apply with respect to telework arrangements.

- i. Supervisors are encouraged to review operations and identify employees who can perform their duties through telework arrangements. Supervisors should allow telework arrangements to the extent feasible while still maintaining continuity of University operations. Supervisors may use resources available at HR's Working Through COVID-19 website to assist them in that process.
- ii. Telework arrangements that are already in place may continue, subject to review as stated in this policy. Supervisors must submit new telework arrangements to the appropriate Vice President or Associate Vice President, Vice Chancellors, Vice Provosts, Deans, or their designees for approval. Requests for approval are not required to be in a specific form, but must identify the employee involved and provide a brief justification of how the employee performs duties through the

- telework arrangement. Approvals may be issued on a preliminary basis to begin on March 18, 2020.
- iii. Beginning March 23, 2020, supervisors should evaluate telework arrangements on a weekly basis to:
 - a. Assess whether the employee is adequately performing duties through the arrangement;
 - b. Assess whether the arrangement continues to serve continuity of University operations; and
 - c. Continue to refine details of the telework arrangement.
 - iv. Employees working through telework arrangements:
 - a. Must effectively accomplish their assigned job duties, regardless of work location;
 - b. Are responsible for following University rules, regulations, and policies while teleworking; and
 - c. Are responsible for notifying their supervisor if they will be unavailable during the telework period, including following University policies and any department guidelines for reporting attendance and requesting time off.
 - v. Telework arrangements that are requested or provided for purposes of disability accommodation will not be subject to this policy, but instead will be addressed through existing policies related to employees with disabilities. See CRR 600.080.
- H. Effective Monday, March 23 at 12:00 a.m., the University will implement the following temporary measures:
- i. Until further directive from the President, all employees will be required to work through telework arrangements except those approved by the appropriate Vice President or Associate Vice President, General Counsel, Vice Chancellor, Vice Provost, Deans or their designees to work on site. Approvals will be limited to the minimum number of employees needed to work on site to maintain operations during this period.
 - ii. Employees who are not working on site during the period of these temporary measures:
 - a. Will work through telework arrangements to the maximum extent feasible, focusing first on regular duties, but also including other duties as may be assigned by their supervisors, including duties outside normal position duties and descriptions;
 - b. If no telework arrangements are feasible, employees will receive administrative leave pay based on their normal rate of compensation and normal schedule until no later than Sunday, April 12 at 11:59 p.m. After April 12, employees who are not working on site and for whom no telework arrangements are feasible may use paid leave in accordance with applicable policies, including any FFCRA Paid Sick Leave available under I.C.i and the enhanced leave identified in this HR-700. Employees who do not have available paid leave may be approved for unpaid leave.
 - iii. Classes will continue to be delivered remotely.
 - iv. Residence and dining halls designated by the appropriate Vice Chancellor will remain open.
 - v. University operations otherwise will continue to the maximum extent feasible through telework and limited on-site presence.
 - vi. Campus closure policies in HR-217 will not apply to these measures.
 - vii. These temporary measures will not apply to employees in University of Missouri Health Care, employees with job duties involving clinical care operations that are

continuing, or other units excluded by the University System's Chief Human Resource Officer.

- II. While federal, state, or local emergency orders related to COVID-19 are in effect, the Chief Executive Officer of University of Missouri Health Care and Dean of the MU School of Medicine or their designees may authorize premium pay for positions required to work on site and determine the amount and method of payment by position or shift. Such premium pay should be designed to prevent or address shortages of health care personnel, considering their exclusion from the enhanced leave identified in this HR-700, as well as health care operational needs, market considerations, and other appropriate factors.
- III. While federal, state, or local emergency orders related to COVID-19 are in effect, the Chief Executive Officer of University of Missouri Health Care, Dean of the MU School of Medicine, and Dean of the College of Veterinary Medicine or their designees may approve or deny administrative leave for employees in their units to appropriately manage staffing levels, considering needs to have personnel on site or otherwise available to work as necessary and to provide employees with appropriate paid time off as feasible to address personal matters.
- IV. If an employee who has a negative accrued vacation leave balance under this policy ends employment before accruing sufficient leave to reach a zero or positive balance, the University may withhold an amount equivalent to the value of the negative leave balance from the employee's compensation to the extent such negative leave balance is not attributable to FFCRA Expanded FMLA Leave under I.B.ii.
- V. The measures of this HR-700 will be construed and applied in a manner to comply with applicable laws, including but not limited to the Families First Coronavirus Response Act, Family and Medical Leave Act and laws prohibiting discrimination. To the extent that exceptions or modifications are needed to comply with such laws, they may be approved by the University System's Chief Human Resources Office after consultation with the President and the University's Office of the General Counsel.
- VI. The measures stated in this HR-700 will remain in effect until withdrawn at the direction of the President or the Board of Curators.

Last updated: 04/03/2020