The California State University
SYSTEMWIDE HUMAN RESOURCES

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Date:	March 27, 2020	**Code:**	**TECHNICAL LETTER** **HR/Leaves 2020-01**
To:	Associate Vice Presidents, Human Resources Associate Vice Presidents, Faculty Affairs	**Reference:**	**HR 2020-03**
CC:	Benefits Officers Payroll Managers		
From:	Tammy Kenber Associate Vice Chancellor for Human Resources		Beth Ryan Sr. Director, Benefits and Payroll Data Operations

Subject: **Temporary Paid Administrative Leave Policy Guidance - Coronavirus Pandemic (COVID-19)**

Summary

The purpose of this technical letter is to provide campuses with instructions regarding the administration of the CSU COVID-19 Temporary Paid Administration Leave (CPAL) policy enacted in response to the Coronavirus pandemic. Pursuant to the Chancellor's announcement on March 20, 2020, and communicated in HR 2020-03, paid administrative leave up to 128 hours has been granted effective March 23 through December 31, 2020 for eligible employees unable to work due to COVID-19-related reasons.

Under the new provisions, <u>most employees</u>* including student employees (hereinafter "employee") shall be eligible to receive a one-time allotment of up to 128 hours of paid administrative leave that can be used for COVID-19- related absences, subject to the following conditions:

- All hours must be used by close of business on December 31, 2020 at which time the remaining allotted hours will expire;
- The hours may be used at any time during this designated period, including intermittently, either before or after the use of any accrued leave or other paid leave, at the request of the employee, in consultation with the supervisor, provided that such use shall not adversely affect the delivery of essential university services;
- The number of hours of paid administrative leave for employees who work less than full-time shall be prorated according to the percent or timebase of the appointment.

The paid administrative leave time may be used only if the employee is unable to work, on campus or remotely, for the following purposes:

- When an employee is unable to work due to the employee's own COVID-19-related illness or the COVID-19-related illness of a family member whom the employee would normally be allowed to use sick leave for;
- When an employee is unable to work because the employee has been directed by their healthcare provider or supervisor not to come to the worksite for COVID-19-related reasons;
- When it is not operationally feasible for the employee to work remotely;
- When an employee is unable to work due to a COVID-19-related school or daycare closure, and the employee is required to be at home with a child or dependent, and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment.

*The term "most employees" is defined to mean: all appointments with a timebase associated therein. More specifically, any employee with an appointment/classification (or multiple) that would be eligible for benefits if their timebase (exempt or non-exempt) and duration were met under the Standard Benefits Criteria as defined in the Benefits Eligibility Administrative Guide, even if they do not currently have benefits (e.g., temporary faculty with a timebase below .4).

Action Items
This Technical Letter should be reviewed by staff personnel responsible for administering and/or explaining CSU leaves.

Affected Employee Groups/Units
All employees eligible to participate in the Paid Administrative Leave Program.

Details
The intent of the CPAL policy provisions is to keep whole individuals who have no accrued paid leave credits (vacation, sick leave, CTO, or personal holiday) available and may be impacted by COVID-19 as well as preserve the balances for employees with accrued paid leave credits by allowing the paid leave available under this policy to be used first should there be a need for qualifying and operationally necessary time away from work due to COVID-19. This paid leave allotment does not supersede paid leave provisions announced by the Chancellor on March 17, 2020 providing indefinite leave for employees who have underlying chronic medical conditions and/or who are 65 years or older and unable to work remotely. Also, CPAL does not supersede the provisions of the new COVID-19 emergency pay provisions announced in a memorandum by the Vice Chancellor of Human Resources on March 25, 2020, or HR 6201, the Families First Coronavirus Response Act (FFCRA), which is federal legislation that becomes effective April 1, 2020. Information regarding the coordination of all paid leave time available under this policy and the FFCRA will be issued as a supplement to this Technical Letter.

The following further expands and operationalizes the provisions of HR 2020-03.

Eligibility
Employees
Employees eligible for CPAL include the following:
- All employees with a timebase including exempt and non-exempt employees. This excludes hourly/intermittent (positive pay) employees, special consultants, retired annuitants, auxiliary/foundation employees, and temporary faculty employed solely to teach summer session, extension, and/or intersession, with no appointments during the regular terms (e.g. fall and spring semester; or fall, winter, and spring quarters) within the academic year;
- All academic student employees (Unit 11); and
- All non-represented student assistants.

The number of hours available for employees who work less than full-time shall be prorated according to their full-time equivalency, or the percent of the appointment (hours normally scheduled to work).

There is no waiting period to become eligible for this leave allotment, and new employees hired after the effective date are also eligible.

Total Time Available (up to 128 hours)
Full Time
Eligible employees are granted an allotment of up to 128 hours. This time may be used at any time from March 23, 2020 through December 31, 2020. The policy allows employees to use this time paid under CPAL before using other accrued leave balances or any other paid leave which might be available.
- Exempt Employees:
  Exempt employees are to use paid leave in full day increments unless the leave is designated under the Family and Medical Leave Act (FMLA).
- Non-Exempt employees
  Under the Fair Labor Standards Act (FLSA), non-exempt employees may use time in less than full day increments.

<u>Less than Full Time</u>
The number of hours (or days, if exempt) for employees who work less than full-time shall be prorated according to the percent or timebase of the appointment (hours normally scheduled to work). In the case of an employee whose schedule varies from week to week to such an extent that the campus is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave, the campus shall use the following in place of such number:

If the normal hours scheduled are unknown, or if the part-time employee's schedule varies, campuses may use a six-month average to calculate the average daily hours. If this calculation cannot be made because the employee has not been employed for at least six months, use the number of hours that the employee is expected to work.

Reason for Leave
An employee is unable to work or work remotely due to:
- **Isolation**:
  When an employee is unable to work due to the employee's own COVID-19-related illness or that of a family member for whom the employee would normally be able to use sick leave.
- **Quarantine:**
  When an employee is unable to work because the employee has been directed by a healthcare provider not to come to the worksite for COVID-19-related reasons. This includes when an employee is exhibiting signs of illness and has verified with their appropriate administrator that they not come to the worksite for COVID-related reasons. This further includes when an employee is exhibiting signs of illness and is aware of potential exposure and/or there has been a COVID-19 related diagnosis at the worksite. Under all these circumstances, it is appropriate for the employee to quarantine and utilize this leave if remote work is unavailable.
- **Remote Work Unavailable**
  When an employee meets the criteria above for isolation or quarantine and the appropriate administrator determines remote work is not operationally feasible.
- **Dependent/Child School Closure:**
  When an employee is unable to work due to a COVID-19-related school or daycare closure and the employee is required to be at home with a child(ren) or dependent(s), and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment. The employee must discuss the limitations of working remotely with the appropriate administrator.

Pay
Employees on CPAL will be paid at their "regular rate of pay" as defined by FLSA. This includes pay the employee is receiving currently which could include base pay, shift differential, stipends, allowances, etc. Campuses should continue to pay wages as prior to the COVID-19 emergency declaration. CPAL shall not be used to extend temporary appointments, contracts, or to pay wages in a collective bargaining agreement (CBA) that have expired.

Reasonable Notification and Documentation
Employees requesting paid leave under CPAL must submit a Request for Paid Administrative Leave Form (Appendix A) to their appropriate administrator. The employee must self-certify on the form that the need for leave is valid.

Leave Allowed under other Paid or Unpaid Leave Programs
<u>Accrued Leave Credits</u>
Employees may be eligible to use accrued leave credits (vacation, sick leave, CTO, or personal holiday) to supplement leave provided under CPAL. Those employees not eligible for CPAL may use their accrued leave credits.

<u>Non-Industrial Insurance (NDI) and other CSU Disability Leave Programs including Workers' Compensation/Industrial Disability Leave (IDL)</u>
Employees may be eligible to apply for these leaves if they meet the current eligibility requirements and approvals specific to each leave program.

Catastrophic Leave Program – Illness or Injury
Employees may be eligible for the CSU Catastrophic Leave Program for illness or injury if they meet the eligibility requirements as described under CSU policy or their CBA.

Family Medical Leave
The CSU Family Medical Leave policy will apply to employees meeting the definition of a serious medical condition for themselves or immediate family members. If an exempt employee is covered under California State University Family Medical Leave (CSU FML), leave may be tracked by hours rather than in full day increments.

Definitions
Employee
- All employees with a timebase including exempt and non-exempt employees. This excludes hourly/intermittent (positive pay) employees, special consultants, retired annuitants, auxiliary/foundation employees, and temporary faculty employed solely to teach summer session, extension, and/or intersession, with no appointments during the regular terms (e.g. fall and spring semester; or fall, winter, and spring quarters) within the academic year; and
- All academic students (Unit 11); and
- All non-represented student assistants.

Family Member
An individual an employee would normally be able to use sick leave for, as described in CSU policy or CBA.

Child
As described in CSU policy and CBA.

Dependent
As described in CSU policy and CBA.

Common Management Systems (CMS) Processing Instructions
The new leave types will be processed and tracked in PeopleSoft/Time and Labor utilizing new Earnings IDs:

- CPAL – COVID PAL 128 Hrs MX - (Effective 3/23)
- CSIC – COVID FFCRA Sck - (effective 4/1)
- CFML – COVID FFCRA FML - (Effective 4/1)

These IDs will only exist in PeopleSoft and will be mapped to regular earnings IDs for the purpose of PIP payments to the State Controller's Office. Reports will be developed to track usage. This process is being developed with the intent of having these codes available before next payroll cutoff (4/22). More information will be forthcoming regarding payroll processing.

Questions regarding this Technical Letter may be directed to the CO Human Resources Management Team at hradmin@calstate.edu or (562) 951-4411. For your convenience, this memorandum is also available on the CSYou website at: https://csyou.calstate.edu/Policies/HRPolicies/Forms/Default.aspx.

Attachment

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REQUEST FOR TEMPORARY PAID ADMINISTRATIVE LEAVE (CPAL)
Coronavirus Pandemic (COVID-19)

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Employee Name:		Employee ID:
Job Title:	**Division/Department:**	
Classification:	**Full-Time:** ☐ **Part-Time:** ☐	**Exempt:** ☐ **Non-Exempt:** ☐
Supervisor Name:	**Supervisor email/Ext.**	
Date Requested:	**Date of Requested Extension (if applicable):**	

In accordance with HR Letter 2020-03, most employees (exempt and non-exempt) including student employees are eligible to receive a one-time allotment of up to 16 days (128 hours) of paid administrative leave from March 23, 2020, through December 31, 2020, that can only be used due to COVID-19 related absences, subject to the following conditions:

- All hours must be used by close of business on December 31, 2020 at which time any remaining allotted hours will expire.
- The hours may be used at any time during this designated period including intermittently, in consultation with the appropriate administrator, provided that such use shall not adversely affect the delivery of essential university services.
- The number of hours of paid administrative leave for employees who work less than full-time shall be prorated according to the employee's percent or timebase of their appointment.

PERMISSIBLE USE OF LEAVE

Select at least One (1)	Qualifying Reasons to Use Coronavirus Pandemic (COVID-19) Temporary Paid Administrative Leave
	I am unable to work due to my own COVID-19-related illness.
	I am unable to work or work remotely due to my family member's COVID-19 related illness. (For purposes of this paid leave, family member includes those I would normally be able to use sick leave for.)
	I am unable to work because I have been directed by my healthcare provider not to come to the worksite for COVID-19-related reasons.
	I am unable to work because I have been directed by my appropriate administrator not to come to the worksite and it is not operationally feasible for me to work remotely.
	I am unable to work due to a COVID-19-related school or daycare closure and I am required to be at home with a child or dependent, and it is not operationally feasible for me to work remotely or in conjunction with the childcare commitment.

Request for Dates of Coronavirus Pandemic (COVID-19) Temporary Paid Administrative Leave

Month	Dates Requested (Additional detail may be attached to this form Exempt employees must use time in full day increments if not covered under FML.)	Total Number of Hours Requested	Total Number of Hours Used Prior to this Request	Total Number of Hours Remaining in Allotment
	Total Hours			

SIGNED AND AGREED BY:

To the best of my knowledge and belief, I certify that the facts stated are accurate and in full compliance with CPAL policy requirements. I understand I may be asked to substantiate the reason for the leave in accordance with current Bargaining Unit Contracts and/or CSU Policies.

Employee Name: _____ Signature: _____ Date:_____

I approve the use of temporary paid administrative leave as indicated above.

Appropriate Administrator Name: _____ Signature: _____ Date: _____

HR/Academic Personnel Designee Name: _____ Signature: _____ Date: _____

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Request for Dates of Coronavirus Pandemic (COVID-19) Temporary Paid Administrative Leave
Detail by Month

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
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