



## HR Benefits During COVID-19 FAQs April 17, 2020 update

### Public Health Emergency Leave

#### 1. What is Public Health Emergency Leave (PHEL)?

- a. Leave for employees to tend to their own medical needs, and those of their immediate family members, when Communicable Disease of Public Health Threat conditions have been declared by the State Health Commissioner and Governor. Please reference [DHRM Policy 4.52- Public Health Emergency Leave](#) for more details.

#### 2. Under what circumstances am I able to use PHEL?

- a. Per [DHRM Policy 4.52- Public Health Emergency Leave](#), this leave is intended only for illness directly related to the declared communicable disease threat.

#### 3. Is PHEL currently active and available for employees to use if necessary?

- a. Yes. Up to 160 hours of Public Health Emergency Leave will be made available to all NSU employees, including classified, faculty, wage (hourly), adjunct faculty, graduate research assistants who currently submit timesheets.
- b. Wage (hourly) student workers (excluding work-study students with FW-prefix position number), provided they are actively employed at the time the leave is needed.
- c. The manual leave form will be updated by the Office of Human Resources (OHR) with the new leave options.

#### 4. Who approves PHEL?

- a. Supervisors must contact OHR first to review the situation and criteria for approval first.
- b. Supervisors for all wage (hourly), classified and AP faculty will be responsible for approving and ensuring appropriate documentation for the use of PHEL.

**5. Are contract workers (Thompson, Abacus, Athena, etc.) eligible for PHEL?**

- a. Contract workers are employed by vendors contracted with NSU and their compensation and benefits are determined by their employer.

**6. How much PHEL are wage (hourly) eligible to receive?**

- a. Wage (hourly) employees will receive pro-rated paid leave based on the hours they are normally scheduled to work. The maximum paid leave must not exceed the maximum number of hours they would normally work each week. For example, if a wage (hourly) employee normally works 20 hours per week, the maximum amount of paid leave should be 20 hours per week for up to 160 hours. When a wage (hourly) employee's hours vary, an average will be used as the maximum. Payroll will average the most recently worked last 2 pay periods.
- b. Hours of paid leave awarded to wage (hourly) must be counted toward the 1500-hour threshold and included in ACA reporting.
- c. Maximum number of hours:
  - i. Full-time, salaried employees: up to 160 hours.
  - ii. Part-time, salaried employees: pro-rated based on their FTE status. (50% salaried employee would be granted up to 80 hours)
  - iii Wage employees: up to the maximum they would normally work during a four-week period.

**7. Will there be a leave code to track PHEL and other leave types?**

- a. Yes. The new codes have been adjusted:

PH = Public Health Emergency Leave
EL = Emergency Paid Sick Leave
EF = Emergency Family Medical Leave (associated with COVID19)
FL = Family Medical Leave (not associated with COVID19)
SD = Short-Term Disability

**8. Can employees use PHEL for picking up college kids who now must be home and away from the school?**

- a. This is not an appropriate use of PHEL. Employees must use their available leave balances (annual, family/personal, compensatory, overtime, or recognition leave) for this specific purpose. Volunteer and School Assistance Leave is also not applicable for dependent college/university students. See the leave use types.

**9. Can a manager request documentation for the use of PHEL? If a person is asymptomatic and/or can't get documentation from a doctor/facility, do they still use**

## **PHEL for the time off, or do we reclassify with some other type of leave?**

- a. Documentation may not be readily available. During this public health threat, use your best judgment to maintain the integrity and intent of the use of this leave. The goal is to keep employees whole and in a pay status when at all practical. The employee should not be denied their eligibility to take the PHEL leave in these situations.
- b. If you have any questions or concerns regarding this type of leave, please contact OHR at 757-823-8160 or contact your HR Business Partner.

## **10. What is the new Emergency Paid Sick Leave (EL)?**

- a. EL is 80 hours of sick leave provided to full time employees and pro-rated for employees based on average of two weeks of hours worked.
- b. This leave type is in addition to all other available leave types.
- c. Contact OHR to validate you qualify for this leave.

## **FMLA (Expanded for Emergency FMLA or EF)**

### **1. Does Family and Medical Leave Act (FMLA) leave apply for employees or family members (employee is primary caregiver) who may contract Coronavirus?**

- a. Yes, FMLA has been expanded (EFML), and coronavirus would qualify as a "serious health condition" under EFML until 12/31/20, allowing an employee to take FMLA leave if either the employee or an immediate family member contracts the disease. All applicable policies and required medical certifications would apply. Contact OHR for the EFML form, which is different from the usual FML form. The form is also available on DHRM's site.
- b. An employee unable to work (or telework) due to the need to care for their child under age 18 due to school/daycare closure due to COVID-19 may be eligible.

## **Workers' Compensation**

### **1. In relation to workers' comp, how should supervisors respond to an employee who states they contracted the virus from a co-worker?**

- a. The Virginia Department of Health has an established protocol to determine how an individual contracted COVID-19. If the Department of Public Safety is notified by public health officials of a symptomatic employee, it may be appropriate to file a workers' compensation claim and allow the case to be evaluated.

### **2. If an employee becomes infected with COVID-19 while conducting NSU business, would this qualify under workers compensation?**

- a. If an employee contracts the virus as a result of performing their job duties, they may be eligible to receive workers compensation. To be eligible, there will have

to be documented evidence of a work exposure. However, ultimately, this will be a decision made by the Workers Compensation Commission.

- b. Please contact Patricia Perkins-Smith, Director of Environmental, Health, Safety and Risk Management at (757) 823-9142

### **Employee Health & Wellbeing**

#### **1. Are there counseling services available for employees that have concerns or pre-existing anxiety disorders that may be triggered by the potential of an occurrence of COVID-19?**

- a. Yes. For additional care and support, faculty and staff may also call the Employee Assistance Program call your insurance provider. These services are available 24/7 to provide immediate support.

#### **1. How do I know I am safe?**

- a. The University's Leadership team continues to monitor, plan for, and respond to the global outbreak of coronavirus COVID-19 and is working closely with State officials, and the Norfolk and Virginia Departments of Health to best respond to the needs of the NSU community.
- b. If you have specific health concerns, you should consult with a health care professional.
- c. For additional care and support, faculty and staff may also call the Employee Assistance Program.

#### **2. If schools have closed and some daycare facilities have also closed, may employees bring their children to work?**

- a. Because of state rules limiting gatherings of people, out of a concern for both employees' and their families' well-being, employees are strictly forbidden from bringing minors to campus at this time.

#### **3. What are employees supposed to do if they don't have childcare arrangements while K-12 schools are closed?**

- a. Our interim, temporary telework policy will permit you to work even when children are in the home. For those employees who are unable to telework, a reasonable amount of EFML/PHEL may be used if you are the only parent who can provide childcare or until you can find alternate arrangements. If needed, employees may also use their personal leave to supplement time off, consistent with other times when school is unexpectedly closed.