
MEMORANDUM

To: TTUHSC President's Executive Council
From: Steve Sosland, Chief People Officer
Elizabeth Balderrama, Chair, Back-to-School Contingency Planning Task Force
Subject: Guidance for Leave Options for Team Members During COVID-19 Pandemic
Date: October 5, 2020

TTUHSC is committed to supporting our team members during this challenging time. As our team members are returning back to work on campus while children are also returning to school, Human Resources developed a task force to evaluate the various situations and scenarios that our team members may face during the COVID-19 pandemic regarding leave for their respective positions and work circumstances. From the task force's recommendations, this guidance was developed to assist supervisors in addressing leave requests.

Team member leave options relating to self-isolation:

TTUHSC benefits eligible faculty and staff are subject to the university's leave administration as set forth in [HSC Operating Policy \("OP"\) 70.01](#).

In the event a team member is required to self-isolate off campus in accordance with the university's [COVID-19 Exposure Protocol](#), supervisors will need to determine whether the team member can perform their work remotely during the self-isolation period dependent upon the nature of the team member's work and departmental needs. If "**yes**," the team member may work remotely under the conditions set forth by their supervisor in alignment with the university's policies, procedures and values. This includes maintaining a 40-hour work week and meeting the requirements of [HSC OP 70.06, Working Strategies](#). If "**no**", leave may be available to team members, with supervisor approval, as provided below:

1. An eligible team member¹ may take FFCRA (Families First Coronavirus Relief Act) leave. Emergency Family Medical Leave (EFML) and/or Emergency Paid Sick Leave (EPSL).
2. All team members may take accrued vacation or qualified sick leave.
3. Those team members who do not qualify for the FFCRA leave may utilize up to 80 hours of Non-Work Pandemic Leave² once all leave has been exhausted*.

*If self-isolation is due to work-related, direct patient care exposure, as determined by the Office of Institutional Health, team members may be eligible to use Non-Work Pandemic leave prior to exhaustion of other leave with approval of their immediate supervisor and their campus HR director.

Team member leave options relating to childcare needs:

As school districts across our campus communities are taking various approaches in their educational offerings, we understand that there will be circumstances that require flexibility in addressing educational and childcare needs of our team members. Below, we have provided nine specific child-related leave scenarios that may occur to guide our supervisors in addressing each situation. These options will apply only to the 2020/21 school year. The school year will pose many challenges and changes for our team members; however, we will continue to work together to find the best option and resolution.

In reviewing each scenario below, supervisors will first need to determine whether the team member can perform their work remotely during the impacted period dependent upon the nature of their work and departmental needs. If “**yes**,” the team member may work remotely under the conditions set forth by their supervisor in alignment with the university’s policies, procedures and values. This includes maintaining a 40-hour work week and meeting the requirements of [HSC OP 70.06, Working Strategies](#). If “**no**”, leave may be available to team members, with supervisor approval, as provided below.

1. A team member’s child’s school or childcare center implements “micro-closures” (closure of class, grade, school, district, childcare center; based on exposure or increase number of COVID-19 cases)
 - a. An eligible team member may under FFCRA apply for EMFL and/or 80 hours of EPSL.
 - b. Team member may take vacation leave.
 - c. An eligible or ineligible team member may take sick leave if the team member otherwise qualifies for sick leave (e.g., taking care of child who is sick).
 - d. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave once all leave has been exhausted².

2. A team member’s child’s school mandates virtual learning (all online only required for all students)
 - a. An eligible team member may under FFCRA apply for EMFL and/or 80 hours of EPSL.
 - b. Team member may take vacation leave.
 - c. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave once all leave has been exhausted².

3. A team member elects virtual learning option for their child (parent elected virtual option when face-to-face option is available)
 - a. Team member may take vacation leave.
4. A team member's child's school mandates a hybrid schedule (online and in person required for all students) with varying dismissal times.
 - a. While the child is attending school on the in-person days, the team member would be at work.
 - b. An eligible team member may under FFCRA apply for EMFL and/or 80 hours of EPSL on online days.
 - c. Team member may take vacation leave on the online days.
 - d. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave² to be taken for the online days.
5. A team member's child is exhibiting a non-COVID-19-related illness (Allergies, Common Cold)
 - a. Follow standard sick leave procedures.
6. A team member's child is exhibiting COVID-19 related symptoms with a negative or no test
 - a. Follow standard sick leave procedures.
 - b. An eligible team member may under FFCRA apply for EMFL and/or 80 hours of EPSL.
 - c. Team members not qualifying for the FFCRA leave may utilize up to 80 hours of Non-Work Pandemic Leave² once all leave has been exhausted in the event the child is subject to any isolation/quarantine required by the school or childcare center.
7. Positive COVID-19 test requiring isolation/quarantine
 - a. Follow standard sick leave procedures.
 - b. An eligible team member may under FFCRA apply for EMFL and/or 80 hours of EPSL.
 - c. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave² once all leave has been exhausted in the event the child is subject to any isolation/quarantine required by the school or childcare center.
8. Any other situation that would mandate isolation/quarantine as required by a team member's child's school or childcare center
 - a. An eligible team member may under FFCRA apply and qualify for EMFL and/or 80 hours of EPSL.

- b. An eligible or ineligible team member may take sick leave if the team member otherwise qualifies for sick leave (e.g., taking care of child who is sick).
 - c. Team member may take vacation leave.
 - d. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave² once all leave has been exhausted.
9. Childcare provider tests positive for COVID-19 and either the team member's child is subject to self-isolation/quarantine or the childcare center is temporarily closed
- a. An eligible team member may under FFCRA apply and qualify for EMFL and/or 80 hours of EPSL.
 - b. An eligible or ineligible team member may take sick leave if the team member otherwise qualifies for sick leave (e.g., taking care of child who is sick).
 - c. Team members may take vacation leave.
 - d. An ineligible team member may utilize up to 80 hours of Non-Work Pandemic Leave² once all leave has been exhausted.

In all situations relating to either self-isolation of team members or leave options for childcare needs, once all applicable leaves are exhausted, team members are subject to leave without pay.

Supervisors and team members will work collaboratively to determine the best options for the individual and the department in alignment with the guidance above and with the university's policies, procedures and values. Additionally, they will be expected to communicate frequently regarding any changes/updates that may be necessary during any leave or remote work circumstances. Team members should complete the necessary forms and provide appropriate notice and documentation detailing any changes/updates.

As circumstances change, this guidance is subject to modification.

¹ Families First Coronavirus Relief Act (FFCRA) allows for employees to apply for Emergency Family Medical Leave and Emergency Paid Sick Leave.

All employees, that are not considered a health care provider under the U.S. Dept. of Labor guidelines. In accordance with the U.S. Dept. of Labor, Family First Coronavirus Response Act Questions and Answers, #56, a "health care provider" includes:

- (1) Anyone who is a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for purposes of the FMLA; and
- (2) Any other person who is employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care. This includes employees who provide direct diagnostic, preventive, treatment, or other patient care services, such as nurses, nurse assistants, and

medical technicians. It also includes employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services. Finally, employees who do not provide direct health care services to a patient but are otherwise integrated into and necessary to the provision those services—for example, a laboratory technician who processes medical test results to aid in the diagnosis and treatment of a health condition—are health care providers. For further guidance on which positions are covered by the FFCRA, please contact your Campus HR Director.

- ² Once all applicable accrued leave has been exhausted, with the approval of a team member's supervisor, TTUHSC will provide team members who do not qualify for the FFCRA leave up to a total 80 hours of Non-Work Pandemic Leave for COVID-19 related leave requests. The Non-Work Pandemic Leave is a maximum of 80 hours for a rolling 12-month period beginning the first day it is used. Supervisors must consult with their campus HR director prior to approving any request for Non-Work Pandemic Leave. Once Non-Work Pandemic Leave has been exhausted, the team member will be subject to leave without pay.