

**COVID-19 Related Leave Guidance for Chief Human Resources Officers
March 20, 2020 – Original Issuance**

This guidance summarizes, to date, the questions we have received from the Human Resources Leadership Collaborative (HRLC) related to policy and represented staff. For academic appointees refer to the attached guidance provided by Academic Personnel. Please note, this remains a very fluid situation, and the guidance below may be updated at any time.

1. **“Stay at Home” order recently issued by the Governor**
The Governor’s order exempts employees performing essential services including those which involve services provided by state and local governmental and other public agencies. Those employees performing essential services as determined by the University should continue to come to work.
2. **Employees 65 and older**
CDPH guidance recommends that individuals 65 and over as well as individuals with chronic serious medical conditions should self-isolate at home. That recommendation does not apply to employees who perform essential services. Individuals who are not identified as performing essential services who are age 65 or older or with chronic health conditions may use the paid administrative leave, consistent with location approval requirements. Essential employees with chronic health conditions who ask for accommodation should be directed to the location’s Disability Manager.
3. **Healthcare Workers**
Health care workers who are asymptomatic and have been exposed to a COVID-19 positive patient can continue to work during this period of emergency, according to the governor’s executive order.
4. **Student Workers**
Student workers, including Casual Restricted employees, are eligible for paid administrative leave. For information on the eligibility of Work-Study awards for paid administrative leave, student workers should contact their campus Career Center or Financial Aid Office.
5. **Use of Paid Administrative Leave for Employees Performing Essential Services**
The Executive Order is effective March 1, 2020 through December 31, 2020. All leave must be taken during that time period for one of the approved COVID-19 related reasons.
6. **Paid Administrative Leave and Shift Differential**
Employee’s administrative leave hours would be eligible for shift differential pay, consistent with policy or applicable collective bargaining agreement provisions. For example, for policy-covered employees, Section III.E.1 of PPSM 30 (Compensation) provides, “The shift differential will be included in payments for all types of paid leave, provided that the employee would have been expected to work that shift were the employee not on paid leave.”
7. **Paid Administrative Leave and Holiday Pay**
If an employee’s administrative leave takes place during a holiday, the employee would receive holiday pay instead of paid administrative leave for that day. For example, if an employee is on COVID-19 administrative leave around Cesar Chavez Day, the employee would receive administrative pay on March 26 and 30 but holiday pay on March 27 if they were eligible for the holiday pay. For policy-covered employees refer to Section III.H.1.a. of the AFW policy, which states that full-time exempt employees are eligible for holiday pay if they are on pay status during the week in which the holiday occurs. Eligibility language for full-time non-exempt

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employees requires the employee to be on pay status on scheduled workdays immediately preceding and following the holiday. Part-time exempt employees will receive holiday pay for the number of hours in proportion to the percentage of their appointment. Part-time non-exempt employees on pay status 50 percent time or more of a month or quadriweekly cycle (excluding holiday hours) will receive holiday pay in proportion to the percentage of time they are on pay status. Refer to the applicable collective bargaining agreement for represented employees.

8. Paid Administrative Leave Impact on Retirement

Paid administrative leave (similar to sick and vacation paid leave) is treated the same as regular pay for UCRP or Savings Choice purposes. All retirement benefits (including UCRP service credit, HAPC; and employee and employer contributions to the DC Plan) are earned the same as if it was regular salary.

9. Approval of Use of Paid Administrative Leave

Approval processes are determined by each campus or location.

10. Emergency Leave Programs

For those locations with Emergency Leave Bank programs, only vacation time, not sick leave, may be donated.

11. Employment Paid as Flat-rate or “By Agreement”

Employees who are paid a by-agreement flat-rate amount for their work are eligible for COVID-19-related Paid Administrative Leave under the criteria and provisions listed above with the following conditions:

- Any terms of an employment agreement that address the contingent nature of pay shall remain intact. This includes stipulations regarding cancellation of agreements, such as for lack of enrollment.
- If pay is contingent on work to be rendered and the appointee is unable to provide that work due to COVID-19-related criteria covered under President Napolitano’s Executive Order, then Paid Administrative Leave may be provided for work not finished based on a daily or hourly rate not to exceed 128 hours (16 days) and not to exceed the pay amount established in the terms of the employment agreement. Locations should calculate an hourly or daily rate based on the dollar amount and duration of the employment agreement.

12. Per Diem and Variable Hour Employees

On a one time and non-precedent setting basis, the University will determine the pro rata entitlement to Paid Administrative Leave for per diem and variable hour employees covered by other appointment types pursuant to a formula based on the actual time worked in accordance with the table below reflecting a two (2) month period.

Pay Cycles	Pay Period Covering:
Bi-Weekly	January 12, 2020 through January 25, 2020 January 26, 2020 through February 8, 2020 February 9, 2020 through February 22, 2020 February 23, 2020 through March 7, 2020
Monthly	January 1, 2020 through January 31, 2020 February 1, 2020 through February 29, 2020