Pandemic Illness Leave

Personnel- Holidays and Leave

Interim EWU Policy 403-06

Effective: March 26, 2020

Authority: University President

Proponent: Vice President for Business & Finance

Summary: This policy provides additional leave options for an employee in the case of a pandemic illness. It is adopted as a result of the Governor of the State of Washington’s proclamation 20-05, issued February 29, 2020, declaring a state of emergency.

History: This is a new policy. It was approved on an emergency basis by the University President on March 18, 2020. Additional provisions were added and approved on an emergency basis by the University President on March 26, 2020. It will remain in effect for the remainder of the Governor’s proclamation but, in any event, this policy will expire as of September 15, 2020, unless it is adopted as a permanent policy by the Board of Trustees.

1. SCOPE

This policy applies in the event of a pandemic illness or other public health crisis when a state of emergency is declared by the Governor of the State of Washington. This policy is developed in response to the national emergency involving novel coronavirus disease 2019 (COVID-19).

2. AVAILABLE LEAVE

In the case of a pandemic illness, in addition to leave provided under applicable collective bargaining agreements and university policies, the following provisions apply:

2-1. Sick Leave

All employees who have accrued sick leave are able to use such accrued leave when:

- The employee is unable to work due to physical illness or when the employee is seeking medical diagnosis and care;
- To allow the employee to provide care for a family member as defined in RCW 49.46.210 who is experiencing physical illness or who needs medical care;
- Until the expiration of the governor’s proclamation 20-25, when the employee is unable to work due to a governor’s proclamation restricting work or travel and is unable to telework; or;
- When the university is closed by order of a public official for any health-related reason or when an employee’s child’s school or place of care has been closed for such a reason for the duration of the closure on either a full or intermittent basis.

Under current public health guidance, if an employee has symptoms of fever and cough or shortness of breath, and has not had any known exposure to COVID-19 or tested positive for COVID-19, the employee is strongly encouraged to stay home for seventy-two (72) hours after the fever is gone and symptoms have improved.

2-2. Leave Without Pay

The university will grant leave without pay to an employee who requests the ability to self-quarantine to protect themselves, a relative, or household member due to COVID-19 for up to 14 days. The university will also grant leave without pay to an employee at the request of the employee when the university is closed by order of a public official for any health-related reason or when an employee’s child’s school or place of care has been closed for such a reason for the duration of the closure on either a full or intermittent basis. The university may require written verification, including verification submitted electronically, before or during the period of leave without pay confirming the circumstances warranting the leave. Written verification may include a signed declaration from the employee or any other information requested by the university. Requests for leave without pay are governed by EWU Policy 403-04 (Leave Without Pay). For those circumstances identified in this policy, the university will not require employees to reduce all paid or compensatory leave balances to 32 hours or less before granting a request for leave without pay.

2-3. Shared Leave

In addition to the circumstances identified in EWU Policy 403-02 (Shared Leave), an employee may qualify for shared leave if the employee, a relative or household member, is isolated or quarantined as recommended, requested, or ordered by a public health official or health care provider as a result of suspended or confirmed infection with or exposure to COVID-19.

2-4. Federal COVID-19 Paid Sick Leave

Effective April 1, 2020, in addition to any sick leave accrued under a collective bargaining agreement or other university policy, employees are entitled to paid sick leave if the employee is unable to work or telework because:

a. The employee is subject to a federal, state, or local isolation or quarantine order due to COVID-19;
b. A health care provider has advised the employee to self-quarantine due to COVID-19 concerns;
c. The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis;
d. The employee is caring for an individual who is subject to federal, state, or local isolation or quarantine order due to COVID-19 or has been advised by a health care provider to self-quarantine due to COVID-19 concerns;
e. The employee needs to care for a minor child because the child’s school or place of care has closed or the child care provider for the minor child is unavailable due to COVID-19; or,
f. The employee is experiencing any other substantially similar condition specified by the United States Secretary of Health and Human Services.

Employees are entitled to leave for the duration of the qualifying condition up to 80 hours for full time employees and up to the average number of hours a part-time employee works over a two week period. However, the amount of paid sick leave cannot exceed $511 per day or $5110 in the aggregate when the qualifying condition is an employee who is experiencing symptoms and/or is in quarantine. If the qualifying condition is to care for another individual who is in quarantine status and/or due to a school or child care closure, paid sick leave is at 2/3 of the employee’s regular rate of pay and may not exceed $200 per day or $2000 in the aggregate. The total number of hours of paid COVID-19 sick leave available is 80 regardless of the number of qualifying conditions. COVID-19 sick leave may not be cashed out.

If an employee qualifies for COVID-19 sick leave and wishes to receive this leave, the employee must contact Human Resources as soon as possible and provide necessary documentation of the qualifying condition.

2-5. COVID-19 FMLA for School or Child Care Closure

Effective April 1, 2020, if an employee is unable to work or telework because they need to care for a minor child because the child’s school or place of care has closed due to COVID-19 and/or a qualifying child care provider for a minor child is unavailable due to COVID-19, the employee is entitled to receive up to 12 weeks of Family Medical Leave Act (FMLA) leave for the qualifying condition. A qualifying child care provider is a provider who receives compensation for providing child care services on a regular basis.

If an employee qualifies for COVID-19 FMLA, the employee may request COVID-19 FMLA by contacting Human Resources and providing any necessary documentation of the qualifying condition.

For COVID-19 FMLA, the first 10 days of the 12-week period is unpaid. An employee may choose to use other available leave during this period, including paid COVID-19 sick leave or regularly accrued vacation leave, sick leave, personal holiday, or compensatory leave. After the initial 10 days, EWU will provide the qualifying employee with up to 10 weeks of paid FMLA leave at a rate of 2/3 of the employee’s regular rate of pay except that the amount of leave paid shall not exceed $200 per day or $10,000 in the aggregate.