

5.4.17 State of Emergency Leave

Approved: April 16, 2020

Policy: The Piedmont Community College Board of Trustees approves state of emergency leave in accordance with recommendations issued by the Office of State Human Resources.

Purpose/Definitions:

Purpose

To allow the College to apply an exception or addition to normal leave policies in times when a state of emergency has been declared. Such exceptions or additions must be authorized or recommended by the Office of State Human Resources.

Definitions

Pandemic – An outbreak of a disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population. (Pandemic. (n.d.). In *Merriam-Webster.com dictionary*. Retrieved from <https://www.merriam-webster.com/dictionary/pandemic>)

State of Emergency – A declaration made by the governor, local mayor, governing body of a municipality, county, chair of the board of county commissioners or the General Assembly. Declarations generally include a description of the geographical area covered and can include lists of prohibitions and restrictions on certain activities to promote public safety. (2020, March 15). Retrieved from <https://www.ncdps.gov/blog/2018/12/14/what-does-state-emergency-actually-mean>

Approval Authority/Monitoring Authority: Piedmont Community College’s Board of Trustees has approval authority. The Vice President, Administrative Services/CFO has monitoring authority.

Procedure:

Section 1: Effective Dates

- a. The effective dates of any exception or addition to other leave policies will align with declarations made by the Governor and the State Office of Human Resources.

- i. For the COVID-19 Pandemic in 2020, state of emergency leave became effective March 10, 2020. Such leave will remain available to employees until either further notice is received from the Office of State Human Resources or when the State of Emergency declaration is lifted, whichever comes first.

Section 2 Additions to Leave

a. COVID-19

- i. Up to ten (10) days of paid “state of emergency leave” is approved for all employees who request leave due to having symptoms potentially related to COVID-19 (fever, cough, shortness of breath), subject to the availability of funds.
- ii. Employees should request COVID-19 leave in the usual manner of requesting annual leave, making a notation in the “other” section: “COVID-19 symptoms.”
- iii. COVID-19 state of emergency leave must be accounted for by Payroll.
- iv. COVID-19 state of emergency leave is available to both regular full-time and temporary full-time employees, and permanent part-time employees.
- v. Employees are not required to obtain medical certification or a return to work note in association with this leave. However, an agency may take appropriate action if there is objective evidence that an employee fraudulently requested, used, or otherwise abused this leave.

Section 3 Exceptions

a. COVID-19

- i. In order to maintain continuity of operations, the 11-month maximum limitation for temporary employees is waived until further notice if their continued employment is required due to the state of emergency for COVID-19.

Section 4: State of Emergency Leave Provisions (See **Appendix A—Leave Comparison Chart (State of Emergency)** for a visual description of the options for this leave))

- a. State of Emergency Leave provision #1
 - i. The Office of State Human Resources (OSHR) adopted State of Emergency Leave Provision #1 on March 13, 2020. It gives agencies the discretion to grant up to 80 hours of paid leave.
 - ii. An employee can take Emergency Leave if the employee is experiencing symptoms potentially related to COVID-19.
- b. State of Emergency Leave provision #2
 - i. OSHR adopted State of Emergency Leave Provision #2 on March 17, 2020. It gives agencies the discretion to grant up to 96 hours of paid leave, from March 16- March 31, 2020.
 - ii. An employee can take State of Emergency Leave #2 for the following reasons:
 - 1. The employee is a “high risk” individual who cannot telework.
 - 2. The employee is caring for a “high risk” individual who cannot telework.
 - 3. The employee cannot telework because their position and duties cannot be performed remotely and reasonable alternative remote work is not feasible or productive.
 - 4. The employee cannot work because they have childcare or eldercare needs due to COVID-19 related facility closures.
 - 5. The employee is sick due to symptoms consistent with COVID-19.
 - 6. The employee is caring for a dependent with symptoms consistent with COVID-19.
- c. State of Emergency Leave provision #3
 - i. OSHR adopted State of Emergency Leave Provision #3 on March 25, 2020. It gives agencies the discretion to grant up to 96 hours of paid leave, effective 1 April - 30 April, 2020. It gives agencies the discretion to grant up to 176 hours of paid leave.

- ii. An employee can take State of Emergency Leave #3 for the following reasons:
 - 1. The employee is a “high risk” individual who cannot telework.
 - 2. The employee is caring for a “high risk” individual who cannot telework.
 - 3. The employee cannot telework because their position and duties cannot be performed remotely and reasonable alternative remote work is not feasible or productive.
 - 4. The employee cannot work because they have childcare or eldercare needs due to COVID-19 related facility closures.
 - 5. The employee is sick due to symptoms consistent with COVID-19.
 - 6. The employee is caring for a dependent with symptoms consistent with COVID-19.

Legal Citation: NCGS §126-6.3; NC Exec. Order No. 116, (March 10, 2020),
<https://governor.nc.gov/documents/executive-order-no-116>;

History: Approved April 16, 2020

Appendix A—Leave Comparison Chart (State of Emergency)

| Employee Situation | OSHR State of Emergency Leave or Communicable Disease Leave |
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| <p>The employee is subject to governmental quarantine or isolation order related to COVID-19.</p> | <p>YES for quarantine, LIKELY YES for isolation. (CDEP¹, LP #1 , #2, #3).</p> <p>Paid leave given under CDEP until the quarantine ends at the regular rate of pay, no per day cap.</p> <p>If employee shows symptoms, LP #1, #2, or #3 could be used for an isolation order. Up to 80 hrs under LP #1, up to 96 hrs under LP #2, up to 168 hrs under LP #3. All at the regular rate of pay, no per day cap.</p> |
| <p>A health care provider has advised the employee to self-quarantine due to concerns related to COVID-19.</p> | <p>NO, UNLESS the employee began showing symptoms while in self-quarantine.</p> <p>If the employee shows symptoms, LP #1, #2, or #3 could be used. Up to 80 hrs under LP #1, up to 96 hrs under LP #2, up to 168 hrs under LP #3. All at the regular rate of pay, no per day cap.</p> |
| <p>The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.</p> | <p>YES (LP #1, #2, or #3)</p> <p>Up to 80 hrs under LP #1, up to 96 hrs under LP #2, up to 168 hrs under LP #3. All at the regular rate of pay, no per day cap.</p> |

| Employee Situation | OSHR State of Emergency Leave or Communicable Disease Leave |
|--|--|
| <p>The employee is caring for an individual subject to a governmental quarantine or isolation order related to COVID-19.</p> | <p>YES, BUT ONLY IF:</p> <p>(1) the employee is caring for a “high risk” individual in quarantine or isolation (LP #2 or #3);</p> <p>OR</p> <p>(2) the employee is caring for a dependent⁴ who is in isolation (but not quarantine). (LP #2 or #3)</p> <p>Up to 96 hrs under LP #2, up to 168 hrs under LP #3, both at the regular rate of pay, no per day cap.</p> |
| <p>The employee is caring for an individual whose health care provider has advised to self-quarantine due to concerns related to COVID-19.</p> | <p>YES, BUT ONLY IF the employee is caring for a “high risk” individual. (LP #2 or #3)</p> <p>Up to 96 hrs under LP #2, up to 168 hrs under LP #3, both at the regular rate of pay, no per day cap.</p> |
| <p>The employee is caring for a child due to a school or childcare facility being closed or unavailable.</p> | <p>YES (LP #2 or #3)</p> <p>Up to 96 hrs under LP #2, up to 168 hrs under LP #3, both at the regular rate of pay, no per day cap.</p> |
| <p>The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.</p> | <p>UNKNOWN</p> |

| Employee Situation | OSHR State of Emergency Leave or Communicable Disease Leave |
|---|--|
| The employee is a “high risk” individual who cannot telework. | <p style="text-align: center;">YES (LP #2 or #3)</p> <p style="text-align: center;">Up to 96 hrs under LP #2, up to 168 hrs under LP #3, both at the regular rate of pay, no per day cap.</p> |
| The employee cannot telework because their position duties cannot be performed remotely and reasonable alternative remote work is not feasible or productive. | <p style="text-align: center;">YES (LP #2 or #3)</p> <p style="text-align: center;">Up to 96 hrs under LP #2, up to 168 hrs under LP #3, both at the regular rate of pay, no per day cap.</p> |

¹ CDEP stands for the existing OSHR Communicable Disease Emergency Policy.

Note: Employee refers to “non-essential” employees in this case. Spouses do not appear to be included.