To be prepared for all circumstances and office staffing needs, supervisors should evaluate their department and be prepared for this leave to be implemented with little or no notice.

**FFCRA provides two types of leave to employees who qualify under these categories:**

1. Emergency Paid Sick Leave (EPSL): Two weeks (or 80 hours) for employees who (1) test positive for COVID-19, (2) are taking care of someone in their household who has tested positive, (3) are ordered to self-isolate by a healthcare provider, or (4) who have school-age children whose school has closed.
2. Emergency Family Medical Leave Expansion (EFMLA): Ten additional weeks for employees whose child’s school has closed.
   * ***PLEASE NOTE: The University is interpreting “school closure” to be consistent with the general guidance provided by the Department of Labor. As DOL guidance changes, the University may be required to change its interpretation of school closure. A school is considered “closed” for any period of time the school is requiring a virtual or hybrid model. Parents who have withdrawn students from enrollment do not qualify for leave based on a school closure.***

**Step 1 – Determine who is eligible:**

An employee who is eligible for the above leave may be able to telecommute temporarily while taking FFCRA based on two factors:

1. Is the employee’s position one that allows telecommuting without adjusting the essential duties, job expectations, or interrupting the work flow of others? (Email correspondence and phone calls cannot be the only tasks performed while telecommuting.)
2. Is the employee capable of performing their job expectations at home (i.e. has internet access, work ethic required to work independently, etc.)?

If the answer to either one of these questions is no, the employee should not be allowed to temporarily telecommute while taking EPSL or EFMLA.

If an employee is able to perform part of his/her job expectations, but not all, the supervisor should call Human Resources to discuss how to proceed but should use the following guidelines to aid in the decision.

**Step 2 - Guidelines for Telecommuting under EPSL or EFMLA:**

1. Supervisors should facilitate a conversation with employees to determine who will be impacted by a school closure or school plan that results in a hybrid schedule or virtual option. Supervisors should be mindful that childcare centers and K-12 plans remain fluid and can expect they may change multiple times during the semester, which will likely result in continued work adjustments during the Fall semester.
2. If an employee can telecommute while under EPSL or EFMLA, they should be allowed to do so as long as certain conditions and expectations are met as defined in the telecommuting agreement and these guidelines.
3. It is important for supervisors to determine the needs of the office and/or department as well as how the employee’s job impacts other departments.
4. EPSL and EFMLA can be taken intermittently as determined by the needs of the employee and supervisor. For example, an employee whose child’s school is closed may need to telecommute on Mondays and Tuesdays, but the employee can work in the office Wednesday through Friday.
5. When telecommuting, employees must forward their office line to a cell phone and (1) answer the phone as if in the office, (2) minimize background noise, i.e. television, children, pets, etc. and (3) have a professional voice mail greeting on personal cell phone.
6. An employee who is approved to telecommute due to EPSL or EFMLA will have four options:
   1. Take full leave benefits under the FFCRA
   2. Work 6 hours per day via telecommuting and take 2 hours of FFCRA leave
   3. Work 4 hours per day via telecommuting and take 4 hours of FFCRA leave
   4. Work 2 hours per day via telecommuting and take 6 hours of FFCRA leave
7. Since EPSL and EFMLA for childcare needs is paid at 2/3 of the employee’s salary for reasons associated with school closures, employees may supplement personal leave to receive 100% pay but may not supplement hours worked. See examples as referenced in the link in #6.
8. Supervisors and employees should communicate with one another and be realistic and honest about the hours an employee can actually work while telecommuting with a school-age child attending school at home. It may not be realistic that an employee is actually able to telecommute a full 8-hour work day between the hours of 8 am and 5 pm WHILE meeting the personal and educational demands of a child. In this case, an employee may need to use EFMLA for part of the work day combined with hours worked for telecommuting. EPSL and EFMLA can only be used in two-hour increments and you may view examples under FAQs: <https://www.muw.edu/hr/employees/wellness/ffcra>
9. Supervisors are encouraged to be flexible. However, it may not be possible for an employee to alter a work schedule in such a way that it hinders workflow to other departments. In the case an employee’s modified schedule does not work for the overall good of the department as determined by the supervisor, the employee will need to take FFCRA leave.
10. Telecommuting can be rescinded at any time if it is determined the employee is not effectively or productively telecommuting.
11. Any employee who is on EPSL or EFMLA and also telecommuting is expected to remain at their residence or otherwise take personal leave. Telecommuting will only be approved for the employee to work from their personal residence. All requests for telecommuting from a location other than a personal residence, must be requested in writing to the supervisor and approved by all parties who approved the telecommuting agreement prior to changing locations.
12. Supervisors need to be mindful of contacting non-exempt employees only during the employee’s scheduled work time per the telecommuting agreement. Supervisors are encouraged to use email to contact employees with the expectation that the employee will respond during their scheduled hours.
13. Employees will take accrued personal and medical leave, as applicable per state law, when unable to work for reasons unrelated to FFCRA leave, i.e. personal errands, vacation, medical appointments, etc.
14. Employees should not bring children to work as a solution to childcare needs. It is understandable that on occasion, children might need to come to work to await an appointment or various other reasons for a short time frame; however, children should not be at work on regular basis as a means of childcare or to attend virtual school.

**Step 3 – Applying for FFCRA and Documentation:**

1. Employees requesting to telecommute and/or take leave to coordinate with a child’s hybrid or virtual school schedule MUST apply for EPSL and/or EFMLA by completing this form: <https://www.muw.edu/images/admin/admin/hr/covid19/FFCRA_Leave_Request_Form.pdf>
2. Documentation of the child’s school “closure” and schedule MUST be provided in order to be approved for EFMLA. Acceptable documentation includes: A letter from the school or an email from an official school email account confirming your child’s hybrid and/or virtual schedule.
3. If approved for FFCRA leave, the employee will need to complete the FFCRA monthly leave form IN ADDITION to their regular monthly leave form. <https://www.muw.edu/images/admin/admin/hr/covid19/FFCRA_Leave_Form.xlsx>
4. Employees MUST update their telecommuting agreement prior to telecommuting. The agreement should be reviewed and approved by the supervisor, Supervising President’s Cabinet Member, and stay on file with Human Resources. <https://www.muw.edu/images/admin/covid19/Temporary_Telecommute_Agreement.docx>
5. Employees approved to telecommute will need to submit a planned work schedule to the supervisor for approval. It is requested that employees give as much notice as possible but work schedules should be submitted no later than Thursday of the week prior. This schedule should be kept on file as documentation for FFCRA leave used for audit purposes.
6. Employees will also be required to provide the supervisor with a log of work performed on a weekly basis.