



Date: May 1, 2020 **Code:** TECHNICAL LETTER
HR/Leaves 2020-04

To: Associate Vice Presidents, Human Resources **Reference:** HR 2020-05
Associate Vice Presidents, Faculty Affairs HR 2020-04
HR/Leaves 2020-03
HR/Leaves 2020-02

CC: Benefits Officers
Payroll Managers

From: Tammy Kenber  Associate Vice Chancellor for Human Resources
Beth Ryan  Sr. Director, Benefits and Payroll Data Operations

Subject: Income Protection for Non-Telecommuting Workers – Effective May 1, 2020

The purpose of this technical letter is to provide campuses with instructions regarding the administration of the new CSU Non-Telecommuting Workers Leave (NTWL) announced in HR 2020-05. The purpose of NTWL is to provide additional paid leave of up to 304 hours for workers who are not assigned to work on site, who cannot work remotely based on their duties, and who have exhausted the time available to them under COVID Temporary Paid Administrative Leave (CPAL). These hours can be used as early as May 1, 2020, and expire on June 30, 2020, or until such time as the employee is required to return to work, whichever occurs first. Note, this leave is subject to management approval/discretion and once the stay-at-home directives are lifted by the Governor and/or local government officials or employees are scheduled to return to work on site, these hours expire and will no longer be available.

This leave does not supersede leave provisions under CPAL, the Families First Coronavirus Response Act (FFCRA), or the paid leave provisions announced by the Chancellor on March 17, 2020 providing leave for employees who have underlying chronic medical conditions and/or who are 65 years or older and who are unable to work remotely. Additionally, it does not supersede the COVID-19 emergency pay provisions announced in a memorandum by the Vice Chancellor of Human Resources on March 25, 2020 and accompanied by HR 2020-02.

Action Items

This Technical Letter should be reviewed by staff personnel responsible for administering and/or explaining CSU leaves.

Affected Employee Groups/Units

All employees eligible to participate in the Non-Telecommuting Workers Leave.

Details

The intent of this new policy is to keep benefits eligible employees who have exhausted the hours available to them under CPAL whole through June 30, 2020, at such time FFCRA and/or accrued leave balances could be used, if necessary.

Eligibility

In order to be eligible for this leave:

- (1) Employee must have an appointment with a timebase that would be eligible for benefits if their timebase (exempt or non-exempt) and duration of appointment qualify for standard benefits in the CSU Benefits Eligibility Administrative Guide, even if the employee does not currently subscribe to benefits through the CSU; and
- (2) Employee must be unable to work remotely (either full-time, part-time, or intermittently) and on-site work is unavailable due to altered campus business operations; and
- (3) Employee must have exhausted all leave available under CPAL.

This leave excludes non-benefits-eligible employees (including employees eligible for ACA health/FlexCash), hourly/intermittent (positive pay) employees, non-benefits eligible academic student employees (Unit 11), non-represented student assistants, special consultants, retired annuitants, auxiliary/foundation employees, and temporary faculty employed solely to teach summer session, extension, and/or intersession, with no appointments during the regular terms (e.g. fall and spring semester; or fall, winter, and spring quarters) within the academic year.

There is no waiting period to become eligible for this leave allotment, and new employees hired after the effective date are also eligible.

Total Time Available (38 days/304 hours)

Full-Time – Eligible full-time employees are granted an allotment of up to 38 days (304 hours). This time may be used at any time from May 1, 2020 through June 30, 2020 or until such time the employee is required to return to work, whichever occurs first. The policy allows employees to use this time paid under NTWL before using FFCRA or other accrued leave balances which might be available. Under the Fair Labor Standards Act (FLSA), exempt employees are to use paid leave in full day increments while non-exempt employees may use time in less than full day increments.

Less than Full Time – The number of hours (or days, if exempt) for employees who work less than full-time shall be prorated according to the percent or timebase of the appointment (hours normally scheduled to work). In the case of an employee whose schedule varies from week to week to such an extent that the campus is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave, the campus may use a six-month average to calculate the average daily hours. If this calculation cannot be made because the employee has not been employed for at least six months, use the number of hours that the employee is expected to work.

Reasons for Leave

Employees may take this leave for the following reasons:

- Employee must be unable to work remotely (either full-time, part-time, or intermittently) and on-site work is unavailable due to altered campus business operations; and
- Employee must have exhausted all leave available under CPAL.

Pay

Employees on NTWL will be paid at their “regular rate of pay” as defined by FLSA. This includes pay the employee is receiving currently which could include base pay, shift differential, stipends, allowances, etc. Campuses should continue to pay wages as prior to the COVID-19 emergency declaration. NTWL shall not be used to extend temporary appointments, contracts, or to pay wages in a collective bargaining agreement (CBA) that have expired.

Reasonable Notification and Documentation

Employees requesting paid leave under NTWL must submit a leave request form (Attachment A) to their appropriate administrator. The employee and the appropriate administrator must certify on the form that the need for leave is valid.

Common Management Systems (CMS) Processing Instructions

CMS has developed new processes to track the various types of COVID-19 related paid leaves in both Absence Management and Time and Labor.

Absence Management

CMS has leveraged the "Organ Donor" leave code (ODP AT ORGAN) for reporting CPAL, FFCRA (CSIC/CFML), and NTWL. Campuses are directed to begin reporting NTWL paid leave in Absence Management effective May 1, 2020 through June 30, 2020. The following notation is to be included in the Comments section:

- 'CPAL' for CSU COVID-19 Paid Administrative Leave
- 'CSIC' for FFCRA Sick Leave
- 'CFML' for FFCRA Family Medical Leave
- **'NTWL' for Non-Telecommuting Workers Leave**

The 'Organ Donor' label was changed to 'PAL/FFCRA' in the MP released on April 17, 2020. All past Organ Donor labels will be updated.

Reports have been developed to track usage for all COVID-19 related paid leave programs.

Questions regarding this Technical Letter may be directed to the CO Human Resources Management Team at hradmin@calstate.edu or (562) 951-4411. For your convenience, this memorandum is also available on the CSYou website at: <https://csyou.calstate.edu/Policies/HRPolicies/Forms/Default.aspx>.

Attachment

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REQUEST FOR CSU TEMPORARY PAID LEAVES (TLP, CPAL, & NTWL) Coronavirus Pandemic (COVID-19)

Employee Name:		Employee ID:	
Job Title:	Division/Department:		
Classification:	Full-Time: <input type="checkbox"/>	Part-Time: <input type="checkbox"/>	Exempt: <input type="checkbox"/> Non-Exempt: <input type="checkbox"/>
Supervisor Name:	Supervisor email/Ext.		
Date Requested:	Date of Requested Extension (if applicable):		
CSU Temporary Leaves (employee to select)	<input type="checkbox"/> TLP	<input type="checkbox"/> CPAL	<input type="checkbox"/> NTWL

The CSU has implemented three temporary paid leave programs to ensure salary continuation for eligible employees. To access these programs, employees must select the applicable leave type (TLP, CPAL or NTWL), complete and submit the signed request form to their campus Human Resources department prior to the start of the applicable leave.

Coronavirus Temporary Leave Program (TLP): In accordance with Chancellor White’s March 17, 2020 message to employees of the need to telecommute as a safeguard against the coronavirus, he acknowledged special considerations are to be given to employees age 65 or older and/or who have a chronic medical condition(s). This section should be completed by employees who are unable to telecommute and who are age 65 or older and/or who have a chronic medical disease/condition.

I am unable to work because I have been directed by my appropriate administrator not to come to the worksite and it is not operationally feasible for me to work remotely and I meet the following Special Consideration(s):

PERMISSIBLE USE OF LEAVE

Select at least One (1)	Qualifying Reasons to Use Coronavirus Pandemic (COVID-19) Temporary Leave Program (TLP)
	I am age 65 or older.
	I Have a Chronic Medical Condition [A chronic medical disease/condition is broadly defined by the CENTER FOR DISEASE CONTROL and PREVENTION (CDC) as one that is typically expected to last 1 year or more, requires ongoing medical attention, and limits the activities of daily living.].

Coronavirus Paid Administrative Leave Program (CPAL): In accordance with HR Letter 2020-04, most employees (exempt and non-exempt) including student employees are eligible to receive a one-time allotment of up to 32 days (256 hours) of paid administrative leave from March 23, 2020, through December 31, 2020, that can only be used due to COVID-19 related absences, subject to the following conditions:

- All hours must be used by close of business on December 31, 2020 at which time any remaining allotted hours will expire.
- The hours may be used at any time during this designated period including intermittently, in consultation with the appropriate administrator, provided that such use shall not adversely affect the delivery of essential university services.
- The number of hours of paid administrative leave for employees who work less than full-time shall be prorated according to the employee’s percent or timebase of their appointment.

PERMISSIBLE USE OF LEAVE

Select at least One (1)	Qualifying Reasons to Use Coronavirus Pandemic (COVID-19) Temporary Paid Administrative Leave (CPAL)
	I am unable to work due to my own COVID-19-related illness.
	I am unable to work or work remotely due to my family member’s COVID-19 related illness. (For purposes of this paid leave, family member includes those I would normally be able to use sick leave for.)
	I am unable to work because I have been directed by my healthcare provider not to come to the worksite for COVID-19-related reasons.
	I am unable to work because I have been directed by my appropriate administrator not to come to the worksite and it is not operationally feasible for me to work remotely.
	I am unable to work due to a COVID-19-related school or daycare closure and I am required to be at home with a child or dependent, and it is not operationally feasible for me to work remotely or in conjunction with the childcare commitment.

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Non-Telecommuting Workers Leave (NTWL): In accordance with HR Letter 2020-05, NTWL provides an additional paid leave of up to 38 days (304 hours) beginning May 1, 2020, through June 30, 2020, subject to the following conditions:

- You are not assigned to work on site.
- You cannot work remotely based on your duties.
- You have exhausted the hours available to you under COVID Temporary Paid Administrative Leave (CPAL).
- You have a timebase (exempt or non-exempt) and duration of appointment that qualifies for standard benefits as specified in the CSU Benefits Eligibility Administrative Guide, even if you do not currently subscribe to benefits through the CSU.
- All hours expire on June 30, 2020, or until such time the employee is required to return to work, whichever occurs first.

PERMISSIBLE USE OF LEAVE

Select at least One (1)	Qualifying Reasons to Use Coronavirus Pandemic (COVID-19) CSU Non-Telecommuting Workers Leave (NTWL)
	I am unable to work remotely (either full-time, part-time, or intermittently) and on-site work is unavailable due to altered campus business operations.
	I have exhausted all leave available under CPAL.

SIGNED AND AGREED BY:

To the best of my knowledge and belief, I certify that the facts stated within are accurate and in full compliance with CSU policies for TLP, CPAL or NTWL requirements. I understand I may be asked to substantiate the reason for the leave in accordance with current Bargaining Unit Contracts and/or CSU Policies. Please indicate your choice of temporary paid leave below:

- Temporary Paid Administrative Leave (TLP)
- Coronavirus Temporary Paid Administrative Leave (CPAL)
- CSU Non-Telecommuting Workers Leave (NTWL)

Request for Dates of Coronavirus Pandemic (COVID-19) Leave

Type of Leave (TLP, CPAL, NTWL)	Month	Dates Requested (Additional detail may be attached to this form. Exempt employees must use time in full day increments if not covered under FML.)	Total Number of Hours Requested	Total Number of Hours Used Prior to this Request	Total Number of Hours Remaining in Allotment
		Total Hours			

Employee Name: _____ Signature: _____ Date: _____

CAMPUS APPROVAL

I approve the use of the temporary paid leave(s) as indicated above.

Appropriate Administrator Name: _____ Signature: _____ Date: _____

HR/Academic Personnel Designee Name: _____ Signature: _____ Date: _____

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**Request for Dates of CSU Temporary Leaves (TLP, CPAL & NTWL)
 Detail by Month**

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total

Month: _____				Pay Period _____		
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				Total