



FMLA Leave : Families First Coronavirus Response Act" (H.R. 6202) Reporting Procedure with potential illness or exposure to Covid-19

Origination Date: March 18, 2020

Effective Date: April 1, 2020

Policy Statement

The health and safety of all Research Foundation employees is a top priority. Each of us has a responsibility to protect our self and others with potential illness or exposure to COVID-19. Each employee must do their part to create and maintain a safe working environment. The Research Foundation is committed to keeping its employees within the research community up to date with the latest virus information and staying healthy tips. **Notifications and requests** for leave under this act must be sent to the Director of Human Resources as soon as practicable.

Reason for Policy/Purpose

The Families First Coronavirus Response Act (FFCRA) created a new category of leave under the Family and Medical Leave Act (FMLA)FMLA Leave. The FFCRA amends the FMLA to allow an employee who is unable to work (or telework) to take leave due to a positive COVID-19 diagnosis or exposure due to a "public health emergency." A public health emergency means an emergency declared by a federal, state, or local authority. Everyday preventative actions will help prevent the spread of COVID-19 and other flu or respiratory diseases.

Who Needs to Know This Policy?

The new FMLA provisions apply to employees who have been employed for at least 30 calendar days. (The usual FMLA requirements that the employee has been employed for a year, worked for at least 1,250 hours, and works in a location where there are 50 employees within a 75-mile radius do not apply.)

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POLICY:

The Research Foundation has established the following guidelines for reporting COVID-19 exposure or illness:

Employee suspected of, tested positive for, or diagnosed with COVID-19.

An employee that suspects her/she may have COVID-19 must contact the Human Resources Department as soon as practical. The following minimum guidelines are to be practiced:

- An employee is ill or has symptoms described by CDC as COVID-19 **stay home**.
- If symptoms are mild (such as low fever, cough, chills, muscle aches), the employee should contact a doctor and self-isolate at home.

An employee that has tested positive for or has been diagnosed with COVID-19 must contact the Human Resources Department immediately. The following minimum guidelines are to be practiced:

- The employee must stay at home.
- The employee must contact a doctor or medical professional and self-quarantine as directed.
- The employee must provide a doctor's note authorizing a return to work before the employee may return to the workplace.

An employee with COVID-19 generally can stop home isolation after the employee has had no fever for two-three full days without the use of fever-reducing medicine AND at least 7 - 10 days have passed since your symptoms first appeared.

Contact Tracing for Covid-19

A key strategy for preventing further spread of COVID-19. The Human Resources Department will need to learn who the employee may have recently been in contact with. The Human Resources Department will contact those employees they may have been exposed and may encourage them to quarantine themselves to prevent spreading the disease any further.

Exposure to someone who tested positive for COVID-19

If an employee may have or think they might have been exposed to someone with COVID-19, it is important to stay away from others. When the employee can be around others depends on different factors for different situations.

- Monitor personal health. If a temperature, shortness of breath, cough or respiratory issues, or flu like symptoms notify a doctor and stay home.
- If an employee is asymptomatic, follow the CDC guidelines and limit exposure to other employees and family members.
- Self-isolate so as not to infect other employees or household members of your household. Monitor yourself for symptoms like fever, cough and shortness of breath. If you develop any symptoms, call your healthcare provider for further instruction. Stay home.

Employers and Employees Covered

The paid sick leave provisions apply only to private employers with fewer than 500 employees and certain public employers.

Paid Sick Leave for COVID-19

The FFCRA adds a paid sick leave obligation to the regulations. Employers with fewer than 500 employees must immediately make available 80 hours of paid sick leave for full-time employees

(or the equivalent of the average number of hours over two weeks for part time employees) for the following reasons (which are slightly different than in the original bill):

- 1.The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- 2.The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
- 3.The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

Amount of Pay: Under the FMLA provisions, when leave is needed due to The Act includes a cap of \$511 per day and \$5,110 in the aggregate for a use described in paragraph (1), (2), or (3).

The leave job is protected: The FFCRA offers job protection - The employer must make reasonable efforts to restore the employee to the same or an equivalent position, and if the reasonable efforts fail, the employer must make efforts to contact the employee and reinstate the employee if an equivalent position becomes available within a one-year period beginning on the earlier of (a) the date on which the qualifying need related to a public health emergency concludes, or (b) the date that is 12 weeks after the date the employee's leave started.

Other provisions of the FFCA

The other provisions included in the FFCA provide information to address the following frequently asked questions:

Who pays for the sick time or leave?

Employers must pay the benefits, but they will receive a tax credit for doing so.

Is the paid sick leave in addition to current leave provided by the employer?

An employer may not require an employee to use other paid leave provided by the employer before the employee uses the paid sick leave available under the Act.

At what rate is the paid sick leave accrued?

The entire 80 hours of paid sick leave is available immediately. There is no accrual rate or period.

Is carryover required for unused emergency paid sick leave?

The paid sick provisions state that unused paid sick leave does not carry over from one year to the next.

Must an employer pay out unused emergency paid sick leave if the employee separates from its employment?

An employer is not required to pay unused paid sick leave if an employee separates from employment.

Procedure for Requesting Leave under the act:

The FMLA provisions require employees to provide the employer with "notice of leave as is practicable." The paid sick leave provisions state that after the first workday (or portion thereof) that an employee receives paid sick leave, an employer may require the employee to follow reasonable notice procedures in order to continue receiving the paid sick leave.

Policy Summary

The Families First Coronavirus Response Act" (H.R. 6202) Reporting Procedure for potential illness or exposure to Covid-19 policy serves as a mechanism to stop the spread of the virus

through close contact from person-to-person. The virus is thought to spread mainly from person-to-person.

- Between people who are in close contact with one another (within about 6 feet).
- Through respiratory droplets produced when an infected person coughs, sneezes, or talks.
- These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs.
- COVID-19 may be spread by people who are not showing symptoms.

The Research Foundation emphasizes the best way to prevent illness is to avoid being exposed to the virus. Expanded FMLA gives employees the ability to balance the demands of work and family. If symptoms like fever, cough or other symptoms described by CDC are present, stay home and contact your healthcare provider. Track symptoms. If an employee has trouble breathing, get medical care immediately. Report information to Human Resources as soon as is practical.

Forms

Notice of Eligibility and Rights and Responsibilities - Family and Medical Leave Act

Website Addresses for This Policy

<http://www.researchfoundation@odu.edu>

Contacts

For more information on this policy, please contact Hope Fowler, HR Director at 757-683-4293.

Definitions

Essential Functions – The fundamental job duties of the employment position.

Major Life Activity – Major life activities include, but are not limited to, the following: self-care, manual tasks, walking, seeing, hearing, breathing, standing, thinking, concentrating, reading, learning, sleeping, working, bending, communicating, reproducing, normal cell growth, immune system function, digestive function, bowel function, bladder function, neurological function, brain function, respiratory function, circulatory function, and endocrine function.

Reasonable Accommodation - Any change or adjustment to a job or work environment that does not cause an undue hardship on an employer's business operations and permits a qualified candidate or faculty member with a disability to participate in the job application process or to perform the essential functions of the job.

Undue Hardship - An accommodation would be considered an “undue hardship” if it is too difficult or too expensive to provide considering the employer’s size, financial resources, and the needs of the business.

Related Information

Appendices – Additional information on CDC guidelines

Who Approved This Policy?

Old Dominion University Research Foundation Board of Trustees

History/Revision Dates

Origination Date: March 18, 2020

Effective Date: April 1, 2020

Appendix A – Additional information on CDC guidelines

The Center for Disease Control makes the following recommendations:

- An employee is ill or has symptoms described by CDC as COVID-19 **stay home**.
- If symptoms are mild (such as low fever, cough, chills, muscle aches), the employee should contact a doctor and self-isolate at home.
- The employee should stay in a designated, closed-off room away from other healthy family members, and use a separate bathroom if available.
- The employee should maintain a distance of 6 feet from anyone.
- It is recommended to wear one around other people.
- Cover mouth and nose with a tissue when coughing and sneezing.
- Wash hands thoroughly and regularly.
- Get plenty of rest and drink clear fluids.
- Clean and disinfect living spaces.

Employee(s) with pre-existing medical condition.

An employee may be at a higher risk for severe symptoms from coronavirus if the employee has pre-existing conditions:

- Have chronic lung disease
- Have moderate to severe asthma

- Have an autoimmune disease
- Are undergoing cancer treatment
- Take immunosuppressants
- Have recently received a transplant

If the employee has any of the above risks, the employee should follow the standard guidelines provided by CDC to the general public, including:

- Stay home and limit your physical contact with other people. You should especially avoid crowds.
- Practice social distancing by staying at least 6 feet away from other people.
- Wash your hands often with soap and water, scrub vigorously for at least 15-20 seconds. Avoid touching your eyes, nose and mouth with unwashed hands.
- Clean and disinfect surfaces in your home that are touched often. (If you have asthma, avoid disinfectants that can cause an asthma attack.)
- Practice self-care (e.g., manage stress, eat healthy, get enough sleep)

Employees feeling anxious and scared about COVID-19

Here are some things an employee can do to improve their physical and mental health and cope with the negative emotions they may be feeling:

- Connect with family and friends via phone calls or video chats. Talk with people you trust about your concerns and how you're feeling. Stay connected.
- Take breaks from watching, reading or listening to news stories and social media.
- Make time to unwind. Take deep breaths, stretch or meditate. Do other relaxing activities you enjoy, such as puzzles, painting or reading a book.
- Get regular exercise. If you're able to and there's nice weather, take a walk outside while maintaining social distancing.
- Eat healthy, well-balanced meals.
- Avoid alcohol and drugs.
- Get plenty of sleep.
- Contact EAP services.

Guidelines for age 65 and older:

- Stay home and limit your contact with other people. Consider telework, if possible.
- Avoid crowds.
- Practice social distancing. (Stay at least 6 feet away from other people.)
- Wash your hands often with soap and water, scrub vigorously for at least 15-20 seconds. Avoid touching your eyes, nose and mouth with unwashed hands.

- Clean and disinfect surfaces in your home that are touched often.
- Learn more tips that can help older adults get through the COVID-19 outbreak.