

COVID-19 CSU Temporary Paid Administrative Leaves (TPL, CPAL, NTWL, LWPL) and FFCRA Side by Side Chart

Provisions	Temporary Paid Leave (TPL)	CSU Coronavirus Paid Administration Leave (CPAL)	Families First Coronavirus Response Act (FFCRA) as Implemented by CSU		Non-Telecommuting Workers Leave (NTWL) – Ended June 30, 2020 Lack of Work Paid Leave (LWPL) – Effective July 1, 2020
			Emergency Paid Sick Leave Act (EPSLA)	Emergency Family and Medical Leave Expansion Act (EFMLEA)	
Mandatory	No (CSU Policy)	No (CSU Policy)	Yes (Federal Law)		No (CSU Policy)
Effective Date	March 16, 2020	March 23, 2020	April 1, 2020		NTWL: May 1, 2020 LWPL: July 1, 2020
End Date	June 30, 2020 (soft transition)	December 31, 2020	December 31, 2020		NTWL: June 30, 2020 (or until such time as the employee is required to return to work, whichever occurs first). LWPL: TBA
Type of Leave	Paid Administrative Leave	Paid Administrative Leave	Paid Sick Leave	Unpaid/Paid Family and Medical Leave	NTWL: Paid Administrative Leave LWPL: Paid Leave of Absence
Eligibility	<p><u>Employees</u></p> <ul style="list-style-type: none"> All employees age 65 or older with a time base (includes exempt and non-exempt employees) All employees considered to have a chronic medical disease/condition that is broadly defined by the Center for Disease Control and prevention (CDC) as one that is expected to last 1 year or more, requires ongoing medical attention, and limits the activities of daily living. <p><u>Excluded Employees</u></p> <ul style="list-style-type: none"> Intermittent/hourly (positive pay) Special Consultants, students, retired annuitants Auxiliary/Foundation employees 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 	<p><u>Employees</u></p> <ul style="list-style-type: none"> All employees with a time base (Includes exempt and non-exempt employees) Academic students (Unit 11) Non-represented student assistants New employees hired after effective date are eligible <p><u>Excluded Employees</u></p> <ul style="list-style-type: none"> Intermittent/hourly (Positive pay) Special Consultants 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 Retired Annuitants in any classification Auxiliary/Foundation employees 	<p><u>Employees</u></p> <ul style="list-style-type: none"> All employees are eligible No waiting period New employees hired after effective date are eligible <p><u>Excluded Employees</u></p> <ul style="list-style-type: none"> <u>No excluded employees</u> <p>Health care workers and emergency responders are not eligible for FCCRA under certain conditions.</p>	<p><u>Employees</u></p> <ul style="list-style-type: none"> Employees who have been on the job for at least 30 days. New employees hired after effective date are eligible after 30 days <p><u>Excluded Employees</u></p> <ul style="list-style-type: none"> No excluded employees <p>Health care workers and emergency responders are not eligible for FFCRA under certain conditions.</p>	<p><u>Employees</u></p> <ul style="list-style-type: none"> Employee must have an appointment with a time base that would be eligible for benefits if their time base (exempt or non-exempt) and duration of appointment qualify for standard benefits, even if the employee does not currently subscribe to benefits through the CSU; and 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 (NTWL only) Employee must have exhausted all leave under CPAL and FFCRA (EPSLA) <p><u>Excluded Employees</u></p> <ul style="list-style-type: none"> 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.

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Total Time Available	Indefinite June 30, 2020 (soft transition)	32 days 256 hours (6 weeks plus two days) <u>Full Time</u> <ul style="list-style-type: none"> The hours may be used at any time during this period, including intermittently, either before or after the use of any accrued leave or other paid leave, at the request of the employee, in consultation with the supervisor, provided that such use shall not adversely affect the delivery of essential university services. Exempt employees may only use time in full day increments. Non-exempt employees may use time in less than full day increments. <u>Less than full time</u> <ul style="list-style-type: none"> The number of hours for employees who work less than full-time shall be prorated according to the percent or time base 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 shall use the following in place of such number: (See bottom of chart for further instructions on determining hours)* 	10 days 80 hours 2 weeks <u>Full Time</u> <ul style="list-style-type: none"> This benefit is in addition to any other existing paid leave programs, whether provided by law, CSU policy or CBA. An employer may not require an employee to use other paid leave before the employee uses the paid sick time under this bill. Exempt employees may only use time in full day increments. Non-exempt employees may use time in less than full day increments. <u>Less than full time</u> <ul style="list-style-type: none"> The number of hours for employees who work less than full-time shall be prorated according to the percent or time base of the appointment (hours normally scheduled to work, on average, over a two week period). 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 shall use the following in place of such number: (See bottom of chart for further instructions on determining hours)* 	60 days (10 unpaid/50 paid) 480 hours (80 unpaid/400 paid) 12 weeks (2 unpaid/10 paid) <u>Full Time</u> <ul style="list-style-type: none"> This benefit is in addition to any other existing paid leave programs, whether provided by law, CSU policy or CBA. The addition of this new eligible reason to take leave under FMLA does not extend the amount of time available. The limit of 12 weeks remains. Under FMLA, exempt employees may use time in less than full day increments. Non-exempt employees may use time in less than full day increments. <u>Less than full time</u> <ul style="list-style-type: none"> The number of hours for employees who work less than full-time shall be prorated according to the percent or time base of the appointment (hours normally scheduled to work, on average, over a two week period). 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 shall use the following in place of such number: (See bottom of chart for further instructions on determining hours)* 	NTWL: 38 days 304 hours 7 weeks plus 1 day LWPL: Until return to regular pay <u>Full Time</u> <ul style="list-style-type: none"> The policy allows employees to use this time paid under NTWL (only) before using FFCRA or other accrued leave balances which might be available. Before going on LWPL, FFCRA must be used. Under the Fair Labor Standards Act (FLSA), exempt employees are to use paid leave in full day increments. Non-exempt employees may use time in less than full day increments. <u>Less than full time</u> <ul style="list-style-type: none"> The number of hours (or days, if exempt) for employees who work less than full-time shall be prorated according to the percent or time base 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.

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			Emergency Paid Sick Leave Act (EPSLA)	Lack of Work Paid Leave (LWPL) – Effective July 1, 2020	Lack of Work Paid Leave (LWPL) – Effective July 1, 2020
Reason for leave	<p>Employee is unable to “work or telework” due to:</p> <ul style="list-style-type: none"> • Age 65 or older • 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 expected to last 1 year or more, requires ongoing medical attention, and limits the activities of daily living). 	<p>Employee is unable to “work or telework” due to –</p> <ul style="list-style-type: none"> • Isolation: When an employee is unable to work due to the employee’s own COVID-19-related illness or that of a family member for whom the employee would normally be able to use sick leave. • Quarantine: When an employee is unable to work because the employee has been directed by a healthcare provider not to come to the worksite for COVID- 19-related reasons. This includes when an employee is exhibiting signs of illness and has verified with their appropriate administrator that they not come to the worksite for COVID-related reasons. This further includes when an employee is exhibiting signs of illness and is aware of potential exposure and/or there has been a COVID-19 related diagnosis at the worksite. Under all these circumstances, it is appropriate for the employee to quarantine and utilize this leave if remote work is unavailable. • Remote Work Unavailable When an employee meets the criteria above for isolation or quarantine and the appropriate administrator determines remote work is not operationally feasible. • Dependent/Child School Closure: When an employee is unable to work due to a COVID-19-related school or daycare closure and the employee is required to be at home with a child(ren) or dependent(s), and it is not operationally feasible for the employee to work remotely or in conjunction with the childcare commitment. The employee must discuss the limitations of working remotely with the appropriate administrator. 	<p>Employee is unable to “work or telework” due to -</p> <ul style="list-style-type: none"> • Isolation: The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis or a similar condition specified by Secretary of HHS; • Self-Quarantine: The employee has been advised by health care provider to self-quarantine due to COVID-19; or is caring for an individual who has similarly been advised to self-quarantine; • Government required Isolation/Quarantine: When the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or is caring for an individual who is subject to such an order; • Dependent/Child School Closure: The employee is caring for their child because the school or place of care is closed or childcare provider is unavailable due to COVID-19 precautions. 	<p>Employee is unable to “work or telework” due to –</p> <ul style="list-style-type: none"> • Dependent/Child School Closure: The employee is caring for their child because the “school or place of care” is closed or childcare provider is unavailable due to COVID-19 Public Health Emergency. <p>The Emergency Family and Medical Leave Expansion Act under FFCRA utilizes the same 12-week leave entitlement as FMLA. If an employee has used any of their 12-week entitlement under FMLA, the entitlement under EFMLEA will be reduced by the amount already used. <u>However, the amount used will not count against their leave entitlement under the California Family Rights Act (CFRA).</u></p>	<ul style="list-style-type: none"> • 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 before using NTWL. CPAL and FFCRA must be used before being placed on LWPL

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Pay	<p>Employees on TLP will be paid at their “regular rate of pay” as defined by FLSA.</p> <ul style="list-style-type: none"> 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. TLP shall not be used to extend temporary appointments, contracts, or to pay wages in a collective bargaining agreement (CBA) that have expired. 	<p>Employees on CPAL will be paid at their “regular rate of pay” as defined by FLSA.</p> <ul style="list-style-type: none"> 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. CPAL shall not be used to extend temporary appointments, contracts, or to pay wages in a collective bargaining agreement (CBA) that have expired. 	<p>Regular rate of pay*, Employee’s own quarantine or isolation (subject to government requirements, advised by a health care provider or experiencing symptoms and seeking medical care)</p> <ul style="list-style-type: none"> Must relate to COVID-19 symptoms or exposure Caring for an “individual” in COVID-19 related quarantine/isolation Dependent/child school closure due to COVID-19 Experiencing a substantially similar health condition as specified by HHS <p><u>Pay Included:</u> “Regular rate of pay” as defined by FLSA.</p>	<p>Regular rate of pay”, Dependent/child school closure due to COVID-19.</p> <ul style="list-style-type: none"> Employee may use any other leave available including 10 days Emergency Paid Sick Leave for first 10 days <p><u>Pay Included:</u> “Regular rate of pay” as defined by FLSA.</p>	<p>Employees on NTWL or LWPL will be paid at their “regular rate of pay” as defined by FLSA.</p> <ul style="list-style-type: none"> 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 or LWPL 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	<p>Employees requesting paid leave under TLP must submit a leave request form to their appropriate administrator. The employee and the appropriate administrator must certify on the form that the need for leave is valid.</p>	<p>Employees requesting paid leave under CPAL must submit a Request for Paid Administrative Leave Form to their appropriate administrator. The employee must self-certify on the form that the need for leave is valid.</p>	<p><u>Reasonable Notice:</u> “After the first workday (or portion thereof) employee receives sick time under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.” Employees must submit a Request for FFCRA Leave Form to their appropriate administrator. The employee must self-certify on the form that the need for leave is valid.</p> <p><u>General:</u> Campus must post and keep posted in conspicuous places where notices to employees are customarily posted, a notice to be prepared or approved by the Secretary of Labor.</p>	<p><u>Notice:</u> In any case where the necessity for leave under FMLA for the purpose related to COVID- 19 is foreseeable, an employee shall provide the employer with notice of leave as is practicable. Section 110 (c). Employees must submit a Request for FFCRA Leave Form to their appropriate administrator. The employee must self-certify on the form that the need for leave is valid.</p>	<p>Employees requesting paid leave under NTWL must submit a leave request form to their appropriate administrator. The employee and the appropriate administrator must certify on the form that the need for leave is valid.</p> <p>LWPL does not require a form. Campuses may place employees on paid leave as necessary.</p>
Public Health Emergency	<p>An emergency with respect to COVID–19 declared by a Federal, State, or local authority.</p>	<p>An emergency with respect to COVID–19 declared by a Federal, State, or local authority.</p>	<p>An emergency with respect to COVID–19 declared by a Federal, State, or local authority.</p>	<p>An emergency with respect to COVID–19 declared by a Federal, State, or local authority.</p>	<p>An emergency with respect to COVID–19 declared by a Federal, State, or local authority.</p>

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			Emergency Paid Sick Leave Act (EPSLA)	Emergency Family and Medical Leave Expansion Act (EFMLEA)	
Individual	N/A	N/A	" . . . means an Employee's immediate family member, a person who regularly resides in the Employee's home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person if he or she were quarantined or self- quarantined. For this purpose, "individual" does not include persons with whom the Employee has no personal relationship." (pg. 91 of Regs)	" . . . means an Employee's immediate family member, a person who regularly resides in the Employee's home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person if he or she were quarantined or self-quarantined. For this purpose, "individual" does not include persons with whom the Employee has no personal relationship." (pg. 91 of Regs)	N/A
Family Member	N/A	An individual an employee would normally be able to use sick leave as described for in CSU policy or CBA.	No definition in Act.	Use FMLA definition	N/A
Child	N/A	As described in CSU policy and CBA	A Son or daughter as defined in FMLA.	A Son or daughter under 18 years of age as defined in FMLA or adult child incapable of caring for themselves.	N/A
Dependent	N/A	As described in CSU policy and CBA	N/A – Other terminology is used (Individual, son, daughter, child)	N/A – Other terminology is used (Individual, son, daughter, child)	N/A
Childcare Provider	N/A	No definition given	A "childcare provider" is someone who cares for the employee's child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.	A "childcare provider" is someone who cares for the employee's child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.	N/A
School	N/A	No definition given	An 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).	An 'elementary school' or 'secondary school' as such terms are defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).	N/A
Authority	The Chancellor and the Vice Chancellor of Human Resources shall have the authority to issue further guidance about this parameters and use of this paid leave.	The Chancellor and the Vice Chancellor of Human Resources shall have the authority to issue further guidance about this parameters and use of this paid leave.	Families First Coronavirus Response Act Signed by the President of the United States.	Families First Coronavirus Response Act Signed by the President of the United States.	The Chancellor and the Vice Chancellor of Human Resources shall have the authority to issue further guidance about this parameters and use of this paid leave.