

To: Montgomery College Employees

From: Ms. Krista Leitch Walker, Interim Chief Human Resources Officer

Subject: Time Guidance and Leave Reporting During Extended Remote Operations Due to COVID-19 Conditions - Memo 2 of 2

Date: April 15, 2020

This memo provides information in addition to that provided in our April 2 memo, covering the new leave guidance and reporting provided by the federal Families First Coronavirus Response Act (FFCRA). This information supersedes that provided in our March 17 time guidance memo. The College appreciates your continued patience and understanding as the rapidly evolving circumstances have required a timely response from the College.

Please carefully read this entire memo, which covers:

- I. New COVID-19 related paid emergency sick leave; and**
- II. The expansion of Family and Medical Leave for COVID-19 related circumstances.**

For non-COVID-related circumstances, the College's standard leave procedures will apply as usual. College employees will accrue and be able to use the various types of leave afforded to them for the usual reasons via the usual approval process. See [Policy and Procedure 35003](#) for regular use of leave.

**I. COVID-Related Paid Emergency Sick Leave
Effective April 1, 2020 through December 31, 2020**

For COVID-related circumstances, the FFCRA provides College employees with up to two weeks of paid sick leave if an employee is unable to work or telework for any of the following six specific COVID-related reasons:

1. Employee is quarantined by the government because of COVID-19;
2. Employee has been directed to self-quarantine by health care provider because of COVID-19;
3. Employee has symptoms of COVID-19 and is seeking diagnosis;
4. Employee is caring for an individual who is under a government- or self-quarantine because of COVID-19;
5. Employee must care for a child because the child's school is closed due to COVID-19 or childcare is unavailable because of COVID-19; or
6. Employee is experiencing a "substantially similar" condition as defined by the federal Department of Health and Human Services in conjunction with the Department of Labor.

Every employee is eligible for this leave; there is no distinction for status (temporary, permanent, budgeted, etc.), nor length of service (e.g., an employee hired yesterday is eligible).

While the FFCRA provides two different caps on the amount of the compensation provided under this provision, the College will not be imposing these caps. Any qualifying sick leave an employee takes under the FFCRA will be paid at the employee's regular rate of compensation. This leave is in addition to all other leave allowances or accruals from the College.

The following table outlines the amount of COVID-19 emergency sick leave allotted for each type of employee at the College.

Employee Type	Amount of COVID-19 Emergency Sick Leave
Full-time Regular and Full-time Temporary (FT Faculty, Department Chairs, Staff, Administrators, Student Workers)	80 hours (e.g., average of 40 hours worked each week x 2 weeks = 80 hours of leave)
Part-time Regular and Part-time Temporary (Staff, WDCE instructors, Student Workers)	Average number of hours scheduled to work within a two-week period (e.g., average of 20 hours worked each week x 2 weeks = 40 hours leave)
Part-time Credit Faculty	Average number of hours worked within a two-week period based on standard PT faculty workload formula of number of ESH x 2.25 hours per week (e.g., 9 ESH x 2.25 = 20.25 hours worked each week x 2 weeks = 40.5 hours leave)

Any unused COVID-19 emergency sick leave will not roll over to the next year (2021), nor will it be paid out upon separation from the College.

Employees may request this leave by completing the appropriate form found on [COVID-19 Employee Assistance](#) webpage. Employees granted this leave who complete timesheets should use the new leave code **ESL – Emergency Sick Leave** – for the appropriate number of hours. Supervisors will be notified of the approved amount of leave (but not the specific reason).

View instructions on [how and where to report](#) ESL – Emergency Sick Leave – leave on timesheets.

Employees or supervisors who have questions regarding this should email: LeaveRequest@montgomerycollege.edu for guidance and assistance.

I. COVID-Related Family and Medical Leave Expansion
Effective April 1, 2020 through December 31, 2020

Additionally, the FFCRA expanded the Family and Medical Leave Act (FMLA) to add the following two qualifying events to existing FMLA coverage: care for a child 18 or younger if (1) the school or place of care has closed due for COVID-19 related reasons, or (2) the child care provider is unavailable due to COVID-19 related reasons.

In these circumstances, the first 10 days of FMLA leave (2 weeks) may be unpaid, although the employee (not the College, as in regular FMLA uses) may choose to use other paid leave concurrently. After ten days, the College is required to provide paid FMLA leave for up to ten weeks at a rate of at least 2/3 of the employee's regular rate of compensation, capped at \$10,000 in the aggregate.

Note that the FMLA expansion does not add to the total of 12 weeks of existing FMLA leave, so if an employee has already used some or all of his/her FMLA leave, then s/he is not entitled to more (unlike the paid sick leave above).

Any employee who has worked for the College at least 30 days is eligible for COVID-related FMLA leave; there is no distinction for status (temporary, permanent, budgeted, etc.).

Employees may request this leave by completing the appropriate form on the [COVID-19 Employee Assistance](#) webpage. Employees granted this leave who complete time sheets should use the new leave code **FMLA - FFCRA 2/3 Pay** for the appropriate number of hours. Supervisors will be notified of the approved amount of leave.

View instructions on [how and where to report](#) FMLA – FFCRA 2/3 Pay – leave on timesheets.

Employees or supervisors who have questions regarding this should email: LeaveRequest@montgomerycollege.edu for guidance and assistance.