

Texas Tech University System Interim Regulation 09.01

Families First Coronavirus Response Act Paid Leave Policy

Approved: April 1, 2020

Last Modified: September 16, 2020

Next Scheduled Review: December 31, 2020

1. Purpose and Duration of Interim Regulation

- a. *Purpose.* The Texas Tech University System (“System”) and its component universities (each a “University”) are committed to the health and safety of their employees. The Families First Coronavirus Response Act (“FFCRA”) was enacted in response to the COVID-19 outbreak in order to provide paid sick leave to certain persons affected by the pandemic. The FFCRA mandates emergency paid leave under the FFCRA’s included Emergency Paid Sick Leave Act (“EPSLA”) and Emergency Family and Medical Leave Expansion Act (“EFMLA”). The purpose of this interim regulation is to establish a System-wide policy and procedure for administering FFCRA requirements in compliance with applicable law and regulations, including but not limited to Department of Labor guidelines.
- b. *Duration of Interim Regulation.* This interim regulation is effective April 1, 2020, and expires on December 31, 2020, unless the FFCRA is otherwise terminated, extended, amended, or no longer applicable with regard to the mandates contained in the act.

2. General Provisions

- a. *Applicability.* This interim regulation applies to all System and University employees except for “health care providers” (as defined by the U.S. Department of Labor in the attached [Exhibit](#)¹) which are exempted from EPSL and EFML (“applicable employees”). While not required by law, a University, in its sole discretion, may extend EPSL or EFML to certain group(s) of its respective “health care providers.”
- b. *Implementation and Order of Precedence.* This interim regulation shall be implemented by each University’s human resources department, and each University may adopt or amend its operating policy/procedure(s) to expressly incorporate this regulation by reference. In the event of any conflict among employee leave policies, the following order of precedence shall be utilized to determine which policy controls: (1) applicable federal law, (2) applicable state

¹ In accordance with the U.S. Dept. of Labor, Family First Coronavirus Response Act Questions and Answers, #56, a “health care provider” includes:

(1) Anyone who is a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for purposes of the FMLA; and

(2) Any other person who is employed to provide diagnostic services, preventive services, treatment services, or other services that are integrated with and necessary to the provision of patient care and, if not provided, would adversely impact patient care. This includes employees who provide direct diagnostic, preventive, treatment, or other patient care services, such as nurses, nurse assistants, and medical technicians. It also includes employees who directly assist or are supervised by a direct provider of diagnostic, preventive, treatment, or other patient care services. Finally, employees who do not provide direct health care services to a patient but are otherwise integrated into and necessary to the provision those services—for example, a laboratory technician who processes medical test results to aid in the diagnosis and treatment of a health condition—are health care providers.

- law, (3) Regents' Rules, (4) this interim regulation, and (5) University operating policies/procedures.
- c. *Subsequent Release of FAQ Document.* As soon as practicable and in coordination with the Universities, an FAQ document will be developed and released to provide further uniform guidance to each University for implementing the policies required by this interim regulation.
 - d. *Other Employee Leave Policies.* Except as expressly set forth in this interim regulation, all other University leave policies remain in full force and effect.
 - e. *Other Employment Policies.* Pursuant to [System Regulation 07.07](#), Employee Conduct, Coaching, Corrective Action, and Termination, University employment is at-will unless otherwise modified by official University operating policy or contract, and nothing in this regulation changes the at-will status of an employee.
 - f. *Right to Change Policy.* System reserves the right to interpret, change, amend, or rescind this policy, in whole or in part, at any time, without prior notice or consent of employees. Without limiting the foregoing, this interim regulation will also be interpreted pursuant to any current or subsequent federal legislation, regulation, or guidance, including, but not limited to, U.S. Department of Labor regulations and guidance.

3. Emergency Paid Sick Leave Act

- a. *Policy.* The EPSLA requires each University to provide up to 80 hours of Emergency Paid Sick Leave ("EPSL") to University's applicable employees who are unable to work or telework due to an EPSL Qualifying Reason.
- b. *EPSL Maximum Hours Eligibility.* Upon the first day of employment, University's:
 - i. Full-time applicable employees are eligible for up to eighty (80) hours of EPSL; and
 - ii. Part-time applicable employees are granted a number of hours of EPSL equivalent to their FTE, or an average number of hours worked over a two-week period.
- c. *EPSL Qualifying Reasons.* University's applicable employees qualify for EPSL if any one of the following "EPSL Qualifying Reasons" apply:
 - i. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
 - ii. Employee has been advised by a healthcare provider to self-quarantine due to COVID-19;
 - iii. Employee is experiencing COVID-19 symptoms and seeking a medical diagnosis;
 - iv. Employee is caring for an individual subject to an order described in (i) or self-quarantine as described in (ii);
 - v. Employee is caring for a child of any age whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or

- vi. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

4. Emergency Family and Medical Leave Expansion Act

- a. *Policy.* The EFMLA expands the Family and Medical Leave Act of 1993 (“FMLA”) to require each University to provide up to 12 weeks of job and benefit-protected Emergency Family and Medical Leave (“EFML”) to an EFML Eligible Employee unable to work or telework due to an EFML Qualifying Reason. The first 10 workdays of EFML may be unpaid, but the EFML Eligible Employee may elect to be paid by substituting EPSL or other accrued University paid leave (such as sick leave or vacation leave) during these 10 otherwise unpaid workdays. Although an employee may elect to use available EPSL or other accrued University paid leave, in no event will an employee be required to use accrued vacation leave for the purpose of EFML.
- b. *Eligibility.* A full-time or part-time applicable employee that has worked at least 30 calendar days prior to the first day of EFML use is an “EFML Eligible Employee.”
- c. *EFML Qualifying Reason.* When an emergency has been declared by a federal, state, or local authority due to COVID-19, an EFML Eligible Employee is eligible for EFML due to school closure or unavailability of childcare (the “EFML Qualifying Reason”).

5. Procedures for Utilizing EPSL or EFML

- a. *Employee Responsibilities.*
 - i. *Supervisor Notification.* All University employees are required to notify their supervisor of any event(s) that require an extended absence from work. Employees seeking leave for a qualifying reason under EPSLA or EFMLA must inform their supervisor as soon as practical when the need for leave is foreseeable and follow their normal departmental call-in procedures.
 - ii. *Human Resources Notification.* University employees, or supervisors upon the request of employee, shall notify the University’s human resources department by the following means to submit an application for EPSL and/or EFML:

Employing University:	HR Email:	HR Phone:
Angelo State University	hr@angelo.edu	325-942-2168
Texas Tech University and TTU System Administration	hr.leaveadministration@ttu.edu	806-742-3650
Texas Tech University Health Sciences Center El Paso	ELPHRleaveadmin@ttuhsc.edu	915-215-4145

- iii. *Additional Requirement for Intermittent Leave.* Any University employee using intermittent leave must follow departmental call-in procedures when taking leave, including but not limited to EPSL and EFML.

- b. *University Responsibilities.*
 - i. *Supervisor Referral to HR.* If an employee notifies a supervisor of a condition or reports an absence that may qualify under the EPSLA or EFMLA, it is the supervisor’s

responsibility to refer the employee to the University’s human resources department to determine eligibility for such leave.

- ii. *Eligibility Notification.* When an employee requests leave under this interim regulation, the employee will be informed whether they are eligible for leave under the EPSLA or EFMLA. If the employee is eligible for such leave, the employee will be given a written notice that includes details on any additional information they will be required to provide. If the employee is not eligible for leave under the EPSLA or EFMLA, the employee will be provided a written notice indicating the reason for ineligibility.

6. Forms

- a. *ASU Employees.* All forms for ASU employees requesting leave under EPSLA or EMFLA are available in RamPort, <http://ramport.angelo.edu>. If you are unable to access the online portal, please contact the Office of Human Resources at 325-942-2168 for assistance.
- b. *TTU & System Administration Employees.* All forms for TTU and System Administration employees requesting leave under EPSLA or EMFLA are available on the TTU Human Resources FFCRA website, <https://www.depts.ttu.edu/hr/FFCRA.php>.
- c. *TTUHSC El Paso Employees.* All forms for TTUHSC employees requesting leave under EPSLA or EMFLA are available <https://ttuhsc.edu/coronavirus/students-and-employees/hr-resources.aspx>

7. Other Resources

- a. Additional resources for employees relating to COVID-19 may be available on their University’s emergency and human resources department websites:

University:	Websites:
System Administration	https://www.texastech.edu/offices/risk-management/coronavirus.php http://www.depts.ttu.edu/hr/
Angelo State University	https://www.angelo.edu/emergency-notifications/coronavirus-updates.php https://www.angelo.edu/dept/human_resources/
Texas Tech University	https://www.depts.ttu.edu/communications/emergency/coronavirus/ http://www.depts.ttu.edu/hr/
TTUHSC	https://www.ttuhsce.edu/coronavirus/ https://www.ttuhsce.edu/human-resources
TTUHSC El Paso	https://ttuhsc.edu/coronavirus/ https://elpaso.ttuhsce.edu/hr/

- b. The following governmental resources and guidance relating to FFCRA, EPSLA, and EFMLA are available to University employees and departments:

[Families First Coronavirus Response Act](#)
[U.S. Department of Labor Fact Sheet: FFCRA Employer Paid Leave Requirements](#)
[U.S. Department of Labor Fact Sheet: FFCRA Employee Paid Leave Rights](#)
[U.S. Department of Labor: FFCRA Employee Rights Poster & Posting/Notice FAQs](#)
[U.S. Department of Labor: FFCRA Q&A](#)
[U.S. Department of Labor: COVID-19 and the FLSA Q&A](#)
[U.S. Department of Labor: COVID-19 and the FMLA Q&A](#)

Contact Office: System Office of General Counsel

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