

MANSFIELD UNIVERSITY OF PENNSYLVANIA

FREQUENTLY ASKED QUESTIONS: LEAVE USAGE BEGINNING APRIL 11, 2020

Questions Related to Post April 10th Implementation

- 1) **To whom does the “Post April 10th leave process” apply?**
 - All non-APSCUF bargaining units. It also applies to non-represented employees.
- 2) **Does this apply to student workers?**
 - No, the post April 10th leave process does not apply to student workers.
- 3) **How does the Governor’s order regarding life-sustaining work apply to our campus?**
 - Under Governor Wolf’s order, personnel at our postsecondary institutions who are providing life-sustaining services including, but not limited to, administration, food preparation and distribution, housing, security, information technology, building maintenance, and operations (e.g., payroll) can continue to be deemed essential employees and are permitted to continue their work, provided they adhere to social distancing guidelines.
- 4) **Does anything change with the Governor’s state-wide stay at home order?**
 - No, the order applies to the entire Commonwealth.
- 5) **Based on technology limitations an employee is not able to telecommute. What applies after April 10th?**
 - The guidance on the post April 10th leave process and the use of leave or leave without pay (LWOP) would apply.
- 6) **Are employees responsible for the employee health care contribution if they use LWOP?**
 - Yes. If employees are on LWOP for more the one (1) full pay period, they will receive a bill from either the PEBTF or the State System for the required employee contribution/payment.
- 7) **Will employees earn leave or seniority while on LWOP?**
 - No, employees do not earn leave or seniority credit while on LWOP for a full pay period. Employees on an intermittent LWOP may earn leave and seniority credit based upon provisions in each specific collective bargaining agreement.
- 8) **How does LWOP impact retirement service credit?**
 - For employees on leave without pay, retirement service credit will not be earned as retirement contributions will not occur. Permanent, full time employees on paid status earn 1950 regular hours during a normal pay calendar year (January 1-December 31). A full year of retirement leave service credit is 1650 hours in a pay calendar year. Any unpaid hours will be deducted from the 1950 regular hours earned.
- 9) **Who is eligible for Unemployment Compensation?**
 - Employees who are **NOT** working or **NOT** telecommuting and employees whose work schedule results in reduced earnings are eligible to apply for full or partial unemployment compensation while in an LWOP status.
 - Employees who choose not to use, or are not eligible for, any paid leave, may be eligible for unemployment compensation.
 - All unemployment determinations are made by the Unemployment Office. Employees are encouraged to inquire with that office for specific determinations.
 - Employee benefits will continue while collecting unemployment compensation.
 - Employees may contact uchelp@pa.gov.
 - Additional information is located at: <https://www.uc.pa.gov/COVID-19/Pages/UC-COVID19-FAQs.aspx>.
- 10) **Do employees have to use accrued or anticipated leave prior to entering LWOP status?**
 - No. Employees may choose to use accrued leave, anticipated leave, or LWOP in any sequence that best fits their personal needs.

- The use of LWOP differs for employee groups depending upon their designation. Employees who are NOT working or NOT telecommuting, must enter an LWOP status for at least one full pay period. Employees who are working reduced hours, may enter an LWOP status on an intermittent basis.

11) What type of leave should employees enter in Employee Self-Service (ESS)?

- Employees who are utilizing accrued or anticipated leave, when there is no work available or when working reduced hours, must use one of the following leave codes: **Annual COVID, Compensatory COVID, Sick COVID, or Personal COVID**. Current leave balances will be adjusted accordingly. This is not an additional leave entitlement.
- Employees who are entering a LWOP status, when there is no work available or when working reduced hours, must enter leave code **Unpaid COVID**.
- If the leave is unrelated to a reduced schedule, lack of work, or COVID-19 illness, use the normal absence codes for the requested leave.

12) What if unemployment compensation determines an employee is not eligible for benefits? Can unpaid absences be changed to paid leave?

- Requests to use paid leave on a retroactive basis will be considered with proof of the unemployment compensation denial.

13) Does applying for unemployment compensation forfeit an employee's position with the State System?

- Receiving unemployment compensation will have no impact on an employee's continued employment status once the Governor's State of Emergency due to COVID-19 is lifted and offices are reopened.

14) Can an employee apply for unemployment compensation in advance of starting leave without pay (LWOP) with benefits so there is no gap in income?

- According to the Department of Labor and Industry, Office of Unemployment Compensation, an employee should file for unemployment compensation the first week of reduced income. An employee should not apply in anticipation of beginning LWOP, because the claim may be denied or delayed.

15) If the unemployment compensation approval process is prolonged – 3 or 4 weeks – can an employee switch back to paid leave, if necessary?

- According to Department of Labor and Industry, Office of Unemployment Compensation, if an employee has established a claim, the paid leave wages must be reported, which will reduce the amount of unemployment compensation benefits that may be received in that week. If those wages exceed the partial benefits credit, the employee will not be eligible for unemployment compensation for that week.

16) What date should an employee use for an unemployment compensation application - the date when administrative leave due to COVID-19 ended (April 10) or the date the employee receives their last paycheck?

- According to the Department of Labor and Industry, Office of Unemployment Compensation, the employee should file for unemployment compensation the first week their income was reduced, i.e., the date the Administrative Leave ended. The employee must report any wages received.

17) The unemployment compensation application asks for a reason, but this isn't technically a layoff so what should employees use as the reason?

- Employees should select "lack of work." Do not select "other." It may delay the processing of the claim.

18) Will an employee receive holiday pay while in LWOP status?

- Any employee currently on leave without pay, with benefits (LWOP) must use leave the afternoon before and the morning after the holiday in order to receive holiday pay. Any employee currently receiving unemployment benefits must claim all compensation for unemployment purposes.
- Employees currently in a non-working status who are using paid leave will receive holiday pay as long as leave has been approved, at a minimum, for the afternoon before and the morning after the holiday.
- Employees on a normal work schedule, on or off campus, will receive holiday pay without any additional action necessary.

Questions Related to Shifts and Work

- 1) **If an employee has reduced hours due to a campus rotating shift schedule, can the employee use paid leave to make up the remainder of their normal hours worked?**
 - Yes.
- 2) **If an employee has reduced hours due to a campus rotating shift schedule, and the employee is on a leave without pay with benefits, can the employee apply for unemployment compensation based on the reduced hours?**
 - Yes. The eligibility for unemployment compensation and the amount the employee may receive will be determined by the unemployment compensation law.
 - Campuses must schedule employees so that LWOP is used in full pay period increments if no work is available per the Commonwealth guidance located [here](#).

Questions Related to Leave, Unemployment, and FFCRA

- 1) **Can an employee without work and without any paid leave make a request to the sick leave bank or make a request for leave donation rather than go directly to leave without pay?**
 - No.
- 2) **Will employees be able to anticipate leave as part of this program?**
 - Yes. Employees may use leave to which they will become entitled through the end of the leave calendar year. The system is set up to allow employees to anticipate leave through the end of the current leave calendar year.
- 3) **Should a doctor's note be required for sick leave for employees who are unable to work or telecommute?**
 - No. The rules associated with sick leave use, including the rule requiring employees to provide a doctor's note for any sick absence of three (3) or more consecutive workdays, have been temporarily suspended for absences due to COVID-19 for employees who cannot telework. This temporary suspension is only in effect during the COVID-19 emergency.
- 4) **Can accrued paid leave be used in partial days if work is available?**
 - Yes, for employees who are working, partial days of paid leave may be approved.
- 5) **Can accrued paid leave be used in partial days if work is not available?**
 - No. Employees must use paid leave in full day increments. Leave without pay may be used in increments equal to at least one full pay period. You may begin leave without pay in the middle of a pay period provided the leave without pay extends through the end of the next pay period.
- 6) **If there is work available and an employee elects to use leave, may they use unpaid leave?**
 - Employees who are teleworking or working and have a qualifying event due to COVID-19 can elect to use paid or unpaid leave.
 - Employees who elect to use unpaid leave are encouraged to review their pay statements and consider the impact on their net pay. All payroll deductions, including health care and voluntary payroll deductions, will be taken each pay period. Employees who would like to stop any payroll deductions should contact their human resources office.
- 7) **If an employee is working or telecommuting on a reduced schedule, can they use both paid and unpaid leave for the time not worked?**
 - Yes. Employees who are working a reduced schedule due to COVID-19 must use paid or unpaid leave for time not worked.
 - Employees who elect to use unpaid leave are encouraged to review their pay statements and consider the impact on their net pay. All payroll deductions, including health care and voluntary payroll deductions will be taken each pay period. Employees who would like to stop any deductions should contact the human resources office.
- 8) **Can employees move between a work status and a paid leave/unpaid leave status?**
 - Yes, work may be assigned as it is available. Please refer to the Commonwealth's guidance located [here](#).

- 9) If an employee is on LWOP, can the employee file for unemployment compensation despite the fact that they are not furloughed?**
- Yes. The eligibility for unemployment compensation and the amount the employee may receive will be determined by the unemployment compensation law.
 - Employee benefits will continue if on LWOP while collecting unemployment compensation.
- 10) If there is no work for an employee, are they eligible for coverage under the FFCRA?**
- No, the employee only qualifies for coverage if there is work available that they are unable to perform.
- 11) If there is part-time work for an employee, are they eligible for coverage under the FFCRA?**
- They would only qualify on the days for which the employer has work for the employee. The remainder of the days would fall under either paid leave or leave without pay with benefits. This only applies to childcare leave, other types may not be taken intermittently. Please refer to the earlier guidance on leave without pay.
- 12) Can an employee apply for FFCRA if there is work available for the employee and the employee does not want to use accrued leave?**
- The employee may be eligible for paid leave under the FFCRA if the employee meets one of the qualifying event reasons.
- 13) Will employees require a doctor's note for FFCRA?**
- Yes, if the qualifying event is for anything other than childcare. Please refer to guidance on the FFCRA. Please refer to [this link](#) for more detailed FAQs related to FFCRA.

Questions for Employees Who Are Not Working or Not Telecommuting

- 1. Can I use my accrued and/or anticipated annual leave or my accrued and/or anticipated personal leave if there is no work available for me due to COVID-19?**
- Yes. Beginning April 11, 2020, employees who are not required to be on campus and who cannot telecommute must use their own leave for their absence. Employees who are reporting to work or who are telecommuting should continue to do so and are not required to use leave except when not working.
 - Employees may use their accrued or anticipated annual or personal leave to which they may become entitled in the 2020 leave calendar year.
 - For new employees, the rules that normally prohibit employees with less than one (1) year of service from anticipating annual leave during their first year of employment are temporarily suspended for absences due to COVID-19. Therefore, employees with less than one (1) year of employment may anticipate annual or personal leave to which they would become entitled in the 2020 leave calendar year.
- 2. Can my supervisor deny the use of accrued or anticipated annual or personal leave related to lack of work during COVID-19?**
- No
- 3. Can I use accrued compensatory leave (aka "Comp Leave") if there is no work available for me due to COVID-19?**
- Yes. Beginning April 11, 2020, employees who are not required to be on campus and who cannot telecommute must use their own leave for their absence. Employees who are reporting to work or telecommuting should continue to do so and are not required to use leave except when not working.
 - Employees may use their accrued compensatory leave; however, compensatory leave cannot be anticipated.
- 4. Can my supervisor deny the use of compensatory leave related to lack of work during COVID-19?**
- No

5. **Can I use my accrued and/or anticipated sick leave if there is no work available for me due to COVID-19?**
 - Yes. Beginning April 11, 2020, employees who are not required to be on campus and who cannot telecommute must use their own leave for their absence. Employees who are reporting to work or telecommuting should continue to do so and are not required to use leave except when not working.
 - Normally, the use of sick leave is only appropriate when you are sick or injured. However, the rules associated with sick leave use have been temporarily suspended for absences due to COVID-19. This temporary suspension is only in effect during the COVID-19 emergency.
 - Employees may use accrued and anticipated sick leave to which they would become entitled in the 2020 leave calendar year.
 - For new employees, the rules that normally prohibit employees with less than one (1) year of service from anticipating sick leave during their first year of employment are temporarily suspended for absences due to COVID-19. Therefore, employees with less than one (1) year of employment may anticipate sick leave to which they would become entitled in the 2020 leave calendar year.
6. **If I use sick leave because I am sick or injured for any reason including sickness due to COVID-19, do I still need a note from my doctor?**
 - No. The rules associated with sick leave use, including the rule requiring employees to provide a doctor's note for any sick absence of three (3) or more consecutive workdays, have been temporarily suspended for absences due to COVID-19. This temporary suspension is only in effect during the COVID-19 emergency.
7. **Can my supervisor deny the use of sick leave related to lack of work during COVID-19?**
 - No
8. **Can I use approved leave without pay (LWOP) instead of using all my paid leave during this time?**
 - Yes. Approved LWOP may be used with supervisory approval. However, LWOP must be used in increments equal to at least one full pay period. You may begin LWOP in the middle of a pay period provided the LWOP extends through the end of the next pay period.
9. **Can I use a combination of LWOP and paid leave during this time?**
 - Yes. However, LWOP must be used in increments equal to at least one full pay period.
10. **Am I still responsible to pay the employee health care contribution if I use LWOP?**
 - Yes. If you are on LWOP for more than one (1) full pay period, you will receive a bill from the Pennsylvania Employee Benefits Trust Fund (PEBTF) or the State System for the required employee contribution/payment.
11. **Will I earn leave or seniority while on unpaid leave?**
 - No, you do not earn leave or seniority credit while on unpaid leave.
12. **If work is not available, can I apply for FFCRA leave?**
 - No, you only qualify to utilize FFCRA leave if there is work available that you are unable to perform.
13. **Are employees who are unable to work or telework and are on a leave without pay, with benefits, eligible to use existing tuition waiver benefits provided through the applicable CBA/MOU or policy?**
 - Since many CBA/MOU and policies define an "eligible employee" as, in part, an employee in an active pay status, the "active pay status" provision is temporarily waived for any employee not in an active pay status due to the COVID-19 pandemic, for the duration of the COVID-19 pandemic.