

**Office of the Chancellor  
Pennsylvania's State System of Higher Education  
Procedures and Standards for University Operations**

**Procedure/Standard Number 2021-49  
2021 Emergency Paid Sick Leave for Non-represented Employees**

Approved by: \_\_\_\_\_



Chancellor

Date: 1-15-2021  
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**Key Words, Categories:**

Human resources; sick leave

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**I. Introduction:**

On March 6, 2020, pursuant to Section 7301(c) of Pennsylvania's Emergency Management Services Code, 35 Pa.C.S. § 7301(c), Governor Wolf issued a Proclamation of Disaster Emergency (Proclamation) related to the COVID-19 outbreak. On March 13, 2020, President Trump declared a national emergency in response to the COVID-19 outbreak. On March 18, 2020, the Families First Coronavirus Response Act (FFCRA), Pub.L. No.116-127, 134 Stat. 178 (2020), which provides emergency paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA) for certain employees impacted by COVID-19, was signed into law. Both EPSLA and EFMLEA expired on December 31, 2020. This establishes a System-wide novel COVID-19 Emergency Paid Sick Leave (hereinafter referred to as "EPSL") in response to the ongoing impact of the COVID-19 pandemic.

**II. Procedure/Standards**

The State System is committed to continuing to support employees who are impacted by the COVID-19 pandemic while also continuing to support the operational needs of the universities to provide services to their students. Thus, the State System will provide up to ten (10) days of emergency paid sick leave (EPSL) to eligible employees beginning January 1, 2021 through either December 31, 2021 or the expiration of the Proclamation, whichever is sooner, if the federal government fails to extend or amend EPSLA to provide additional leave entitlements in 2021. If, subsequent to the publication of this Policy, any federal or state legislation is passed that provides for an additional COVID-19-related paid leave entitlement during 2021, EPSL under this policy ends on the effective date of that new legislation. The EPSL authorized by this policy is not available for qualifying events related to childcare as was available under the FFCRA.

**A. Eligibility**

- (1) EPSL is available to an eligible employee if the employee is unable to work or telework due to the qualifying events as outlined below, and the employee is able to provide documentation, as soon as practicable, to establish the qualifying event.

- (2) EPSL is not available if the employee's worksite is closed and the employee is unable to work or telework.
- (3) All permanent and temporary employees are eligible employees for EPSL, except as otherwise provided for in this policy. Student employees, employees categorized as "Others" and Emergency Annuitant Rehires are not eligible for EPSL under any circumstance.
- (4) EPSL is available to an otherwise eligible employee on their first day of employment with the State System.
- (5) Use by an employee of EPSL in 2020 does not disqualify the employee from use of EPSL available pursuant to this policy if the employee is otherwise eligible due to a qualifying event in 2021.
- (6) Benefit eligibility varies for full-time and part-time employees.
  - i. Full-time employees, defined as those who work 37.5 or 40 hours per week, are eligible for up to ten (10) days (75/80 hours) of EPSL.
  - ii. Part-time employees, defined as those who work less than 37.5 or 40 hours per week, are eligible for up to ten (10) days of EPSL. Part-time employees are entitled to leave for their average number of normally worked hours in a two-week period. If the normal scheduled hours are unknown, or vary in a two-week period, the number of hours of leave to which a part-time employee is entitled shall be determined based on a six (6)-month average of daily hours. If the employee has been employed for less than six (6) months, the number of hours shall be determined based on the average daily hours from the date of hire through the last workday prior to the first day of EPSL.

B. Qualifying Events

EPSL Leave is capped at ten (10) days total regardless of whether the employee has one (1) or more qualifying events.

- (1) Employee is subject to a Federal, State, or local quarantine or isolation order, issued by a governmental entity, related to COVID-19.
  - i. Employee shall receive up to ten (10) days of EPSL.
  - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
  - iii. Leave under section II.B.(1) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the

end of their workshift, leave may be used to cover the hours remaining in the work shift.

- (2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
  - i. Employee shall receive up to ten (10) days of EPSL.
  - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
  - iii. Leave under section II.B.(2) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their workshift, leave may be used to cover the hours remaining in the work shift.
  - iv. Employees who are determined by their employer to be emergency responders or health care providers are eligible for EPSL if they have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) Employee is experiencing symptoms of COVID-19 and is affirmatively seeking a medical diagnosis.
  - i. Employee shall receive up to ten (10) days of EPSL.
  - ii. Employee shall receive their regular hourly rate of pay, up to \$511 per day or \$5,110 in total.
  - iii. Employees who are determined by their employer to be emergency responders or health care providers are eligible for EPSL if they are experiencing symptoms of COVID-19 and are seeking a medical diagnosis.
- (4) Employee is caring for an individual who is subject to an order as described in II.B.(1) or advised to self-quarantine as described in II.B.(2), above.
  - i. Employee shall receive up to ten (10) days of EPSL.
  - ii. Employee shall receive 66.67% of their regular hourly rate of pay, up to \$200 per day or \$2,000 in total.
  - iii. Leave under section II.B.(4) must be used in full consecutive workdays until the qualifying event no longer exists; except when an employee is required to leave the worksite prior to the end of their workshift, leave may be used to cover the hours remaining in the work shift.

C. Forfeiture and Expiration of Leave

- (1) Employees are not entitled to reimbursement for any unused EPSL upon their termination, resignation, retirement, or other separation from employment.
- (2) EPSL does not carryover from one year to the next and expires on December 31, 2021 or the date the emergency Proclamation expires, whichever is sooner.
- (3) If, subsequent to the publication of this policy, any federal or state legislation is passed that provides for an additional COVID-19-related paid leave entitlement during 2021, EPSL under this policy ends on the effective date of that new legislation.

D. Paid and Unpaid Absences. Employees on an approved paid or unpaid absence on January 1, 2021 may be eligible to utilize EPSL beginning on January 1, 2021 provided the employee is on leave due to a Qualifying Event under Section II.B.(1) through Section II.B.(4) and is otherwise available for work.

In addition to the EPSL provided above, the State System shall also provide up to ten (10) days of administrative leave beginning January 1, 2021 through either December 31, 2021 or the expiration of the Proclamation of Disaster Emergency (whichever occurs first), to employees who have exhausted all EPSL entitlements provided herein, as well as all earned and anticipated annual, sick, and personal leave entitlements. Eligibility for said administrative leave shall be the same as that outlined above for EPSL leave as identified in criteria (1)-(4) above.

E. **Effective Date:**

This Procedure/Standard is effective January 1, 2021.