



## **Temporary Guidance Regarding Faculty, Staff and Graduate Assistant Workplace Assignments, Telework and Absences Due to COVID-19–Related Events**

**March 12, 2020**

The USM wishes to promote employee, student, and community health and safety by encouraging social distancing, including self-isolation, during the presence of COVID-19 in the institution community or State of Maryland. In support of that goal, USM recommends that institutions and regional centers consider implementing the following temporary guidance.

### **I. TELEWORK AND ALTERNATIVE WORK LOCATIONS OR ASSIGNMENTS**

USM institutions and regional centers may permit or require any graduate assistant, postdoctoral fellow, researcher, regular faculty or staff member, contingent 1 or contingent 2 employee, student employee, adjunct faculty member, hourly faculty member or any other employee to telework if their duties can be accomplished via telework or they may assign an alternate work location or schedule. Expanded use of telework during this time period is intended to reduce the number of people physically present at any location so that those who do need to be on campus can practice social distancing.

Certain common restrictions on teleworking may be waived. For example, a restriction on teleworking from home when caring for children or dependent adults will be waived if the employee believes they can safely telework while providing any necessary care.

Employees who are not on previously approved leave of any type and (1) are in positions that are not appropriate for telework or (2) are unable to safely telework due to the necessity to care for a child or dependent adult, may be assigned temporarily to an alternative work location or schedule, directed to use sick leave, if appropriate, or placed on administrative leave.

Graduate assistants, adjunct faculty and student employees who (1) do not earn sick leave; (2) are in positions that are not appropriate for telework; or (3) are unable to safely telework due to the necessity to care for a child or dependent adult, may be assigned temporarily to an alternative work location or schedule or granted an excused absence without any loss of pay.

#### **A. Temporary Suspension of Operations or Closure of Certain Buildings**

The institution may temporarily suspend certain operations or close certain campus buildings or locations due to COVID-19 related circumstances. In that case, employees who support the suspended operation or normally are assigned to work in the closed building, may be (1) directed to report as usual; (2) directed to telework; (3) directed to work an alternative schedule or at an alternative location; or (4) placed on administrative leave.

A nonexempt employee who is directed to report as usual to their regular campus location will be paid as usual. In addition, those employees should be given the choice of receiving compensatory time or a cash equivalent payment in the amount of administrative leave granted to other employees who

support that operation or work in the building or location. Any legal requirements regarding overtime eligibility under the Fair Labor Standards Act shall apply. ([see May 14, 2020 update to this guidance](#))

**II. SICK AND ADVANCED SICK LEAVE, FAMILY AND MEDICAL LEAVE, AND EXCUSED ABSENCE**

To provide a measure of economic security to employees who cannot perform their duties because of circumstances resulting from COVID-19 illness or efforts to prevent the spread of COVID-19, BOR VII – 7.45 Policy on Sick and Safe Leave for Nonexempt and Exempt Staff Employees, BOR II – 2.30 Policy on Sick and Safe Leave for Faculty Members, and BOR VII – 1.40 Policy on Contingent Status Employment for Nonexempt and Exempt Staff Employees and relevant institution policies will remain in force, but temporarily may be applied as follows, until the institution determines circumstances resulting from the spread of COVID-19 have passed:

In addition to existing uses set forth in policy, sick leave and advanced sick leave (ASL) may be used for the following purposes related to COVID-19:

- Employee’s or family member’s COVID-19 illness
- Employee’s need to self-isolate or be quarantined if not ill or injured, if employee is not able to telework from home
- Employee’s need to supervise a dependent child or dependent adult family member who needs supervision due to self-isolation, quarantine, or COVID-19-related school or daycare closure
- Employee is sent home from the workplace due to concerning symptoms or suspected COVID-19 exposure based on established standards, if employee is not able to telework from home

**A. Regular Faculty and Staff**

Once all other accrued leave is exhausted, up to 60 days of ASL in a calendar year (prorated by FTE) may be provided to all Regular Faculty and Staff, regardless of years of service. Institutions may relax written verification requirements as necessary to accommodate practical limitations resulting from COVID-19 circumstances. Upon return to work, employees should be required to repay ASL at the rate of one half the rate that sick and safe leave and annual leave are earned.

**B. Contingent 1 and Contingent 2 Staff, Hourly Faculty, and Student Employees**

Contingent 1 and Contingent 2 staff, Hourly Faculty, and Student Employees who accrue sick leave may be permitted to use accrued sick leave for the purposes set forth above, in addition to the uses set forth in relevant policies. Any restriction based on the total number of hours used within a particular time period may be temporarily suspended. Although advanced sick leave is not currently available to those employees, once such an employee has exhausted any available accrued leave, they may be provided up to 12 additional days of sick leave (prorated by FTE) for the purposes set forth above, if they need to be absent due to a circumstance related to COVID-19 and cannot telework for any reason. Advanced sick leave should be limited to the amount of days necessary to equal a total of 20 days (prorated by FTE), both accrued and advanced, during any single fiscal year.

C. Graduate Assistants and Adjunct Faculty

Graduate assistants and adjunct faculty who are unable to perform their duties, either in person or via telework, due to the circumstances stated above or because they have been asked to leave the premises, may be granted an excused absence without any loss of pay.

D. Family and Medical Leave

Family and medical leave should be applied as appropriate under existing policies. Institutions may relax written verification requirements as necessary to accommodate practical limitations resulting from COVID-19 circumstances.

**III. STANDARD FOR DIRECTING EMPLOYEES, GRADUATE ASSISTANTS OR OTHERS TO LEAVE CAMPUS**

Any graduate assistant or employee may be asked to leave the premises in the following circumstances: they (1) are experiencing measurable coughing, shortness of breath, or fever (2) are known to have been exposed to a person reasonably believed to have been exposed to COVID-19. Alternatively, such individuals may be directed to telework, assigned an alternative work location or schedule, or placed on sick leave, ASL, administrative leave or excused absence with pay.

**IV. CONFIDENTIALITY AND NONDISCLOSURE**

All employees and others in the campus community should be treated with sensitivity and respect regarding these measures and any other issues or actions related to COVID-19. The identities of persons directed to leave campus or suspected of possible COVID-19 exposure or infection should be protected to the extent reasonably practicable under the circumstances. All institutions should take measures to ensure that no member of a particular group is discriminated against or ostracized due to circumstances related to COVID-19.