

**BOARD OF TRUSTEES
ST. MARY'S COLLEGE OF MARYLAND
OPEN SESSION**

AGENDA

April 3, 2020
12:30 p.m.

Calvert Hall / Video-Conference

- I.** Call to Order **Lex Birney**

- II.** Action Items
 - A.** Chair of the Board of Trustees **Lex Birney**
 - Action Item 1920-22:** Approval of Temporary Revision to the Family and Medical Leave Act (FMLA) Policy
 - B.** Office of the President **President Jordan**
 - Action Item 1920-23:** Approval of Mechanism for Room and Board Reimbursement

- III.** Motion to Adjourn **Lex Birney**

**BOARD OF TRUSTEES
ST. MARY'S COLLEGE OF MARYLAND
CHAIR, BOARD OF TRUSTEES**

ACTION ITEM 1920-22

**APPROVAL OF A TEMPORARY REVISION TO THE FAMILY AND
MEDICAL LEAVE (FML) POLICY**

RECOMMENDED ACTION

The Board Chair recommends approval of the *Families First Coronavirus Response Family Medical Leave and Sick Leave Policy* to include, as a temporary addendum, in the St. Mary's College of Maryland Employee Handbook ("Handbook"). The temporary policy is in effect with respect to FML and paid sick leave taken under the Families First Coronavirus Response Act (FFCRA) between April 1, 2020 and December 31, 2020 (the "Effective Period"). Existing Family Medical Leave (FML) and sick leave policies continue to apply except to the extent specifically modified by the temporary policy.

The purpose of this policy is to detail additions to the College's FML and sick leave policies. *The Families First Coronavirus Response Family Medical Leave and Sick Leave Policy* provides employees with twelve (12) weeks of job-protected leave for specific COVID-19 related child care reasons and up to eighty (80) hours of paid sick leave benefits for specific COVID-19 healthcare related reasons.

The twelve (12) weeks of FML is not an additional twelve (12) weeks of leave. Rather, it is the inclusion of the closure of a school or care facility as a justifiable reason for the job-protected leave under the traditional FML twelve (12) weeks.

RATIONALE

The Families First Coronavirus Response Act, H.R. 6201 (FFCRA or the "Act") mandates paid emergency (FML) in limited circumstances, as well as paid sick leave for people affected by COVID-19. The purpose of this policy is to detail temporary additions to the College's FML and sick leave policies. The policy is needed to comply with the FFCRA required provisions governing FML and paid sick leave.

ST MARY'S

COLLEGE of MARYLAND

The Public Honors College

Families First Coronavirus Response Family Medical Leave and Sick Leave Policy

Effective April 1, 2020

1.0 Purpose

The Families First Coronavirus Response Act, H.R. 6201 (FFCRA or the “Act”) mandates paid emergency Family Medical Leave (FML) in limited circumstances, as well as paid sick leave for people affected by COVID-19. The purpose of this policy is to detail additions to the College’s FML and sick leave policies.

2.0 Overview

St. Mary’s College, (hereinafter the “College”) has established this policy governing the FML and sick leave used by eligible employees of the College. This is a temporary policy that addresses substantive requirements, which indicates it is in effect with respect to FML and sick taken under the Act between April 1, 2020 and December 31, 2020 (the “Effective Period”). Existing FML and sick leave policies continue to apply except to the extent specifically modified by the temporary policy.

3.0 Emergency Family Medical Leave

The College’s Family Medical Leave Policy will continue as written but during the Effective Period will also include the following provisions for eligible employees:

1. Twelve (12) weeks of job-protected leave for the following reasons:
 - a. Closure of school or child care service for the employee's minor child or a son/daughter age 18 or older who has a mental or physical disability and who is therefore incapable of self-care.
 - i. The first ten (10) days will be unpaid unless the employee chooses to utilize paid sick, annual or personal leave.
 - ii. The following ten (10) weeks employees will receive two-thirds of their regular pay, capped at two-hundred dollars (\$200) a day, ten-thousand dollars (\$10,000) in total.
2. Emergency Family Medical Leave is available to College employees who have been employed with the College for at least thirty (30) days.

4.0 Emergency Paid Sick Leave

The College's sick leave policies will continue as written during the Effective Period but will also include the following provisions for eligible employees:

1. Under this policy the College will provide up to eighty (80) hours of paid sick leave benefits if an employee:
 - a. Has been ordered by the government to quarantine or isolate because of COVID-19.
 - b. Has been advised by a health care provider to self-quarantine because of COVID-19.
 - c. Has symptoms of COVID-19 and is seeking a medical diagnosis.
 - d. Is caring for someone who is subject to a government quarantine or isolation order or has been advised by a health care provider to quarantine or self-isolate.
 - Employees taking leave for this reason may be compensated at two-thirds their regular pay, or minimum wage, whichever is greater.
 - e. Needs to care for a minor child or a son/daughter age 18 or older who has a mental or physical disability and who is therefore incapable of self-care whose school or child care service is closed due to COVID-19 precautions.
 - Employees taking leave for this reason may be compensated at two-thirds their regular pay, or minimum wage, whichever is greater.
 - f. Is experiencing substantially similar conditions as specified by the secretary of health and human services, in consultation with the secretaries of labor and treasury.
 - Employees taking leave for this reason may be compensated at two-thirds their regular pay, or minimum wage, whichever is greater.

3.1 Employee Rights

1. Under this policy employees:
 - a. are not required to use other paid leave before using the paid sick time mandated through the FFCRA.
 - b. are not required to locate a replacement to cover scheduled work hours.
 - c. are protected from retaliation when taking leave in accordance with the Act.
 - d. are protected against retaliation when filing a complaint or participating in a proceeding related to the act.
 - e. may use the FML and paid sick leave concurrently when the need for leave is for the purpose of caring for a child because the child's school or place of care is closed, or childcare provider is unavailable, due to COVID-19.
 - f. have the same job restoration rights as under traditional FML.

3.2 Availability and Limitations

1. Emergency Paid sick leave benefits will be available:
 - a. immediately, regardless of the employee's length of service.
 - b. to full-time employees, those scheduled to work forty (40) or more hours weekly as defined by the FFCRA.
 - c. to part-time employees based on the number of hours they would normally work during a two -week period.
2. Paid sick leave is limited to:
 - a. five-hundred and eleven dollars (\$511) per day and five-thousand and ten dollars (\$5,110) total for an employee's own care.
 - b. two-hundred dollars (\$200) per day and two-thousand (\$2,000) total when caring for another.

3.3 Disclaimer

This Policy is not a complete statement of the College's rights or remedies under the FFCRA or any other applicable law or College policy, and nothing in this Policy waives any of those rights or remedies. The College reserves the right to change this Policy at any time. The College will post the most up-to-date version of the Policy on the College web site and may, at its discretion, provide employees with additional notice of significant changes.

**BOARD OF TRUSTEES
ST. MARY'S COLLEGE OF MARYLAND
OFFICE OF THE PRESIDENT**

ACTION ITEM 1920-23

APPROVAL OF MECHANISM FOR ROOM AND BOARD REIMBURSEMENT

RECOMMENDED ACTION

The president recommends approval to reimburse students and their families for room and board charges *pro rata* as a result of the COVID-19 pandemic and the transition to remote instruction.

RATIONALE

Providing refunds *pro rata* to all currently enrolled students rather than refunds only to seniors and credits to all returning students keeps the College aligned with University System of Maryland (USM), four campuses of which are SMCM's major in-state competitors.