



HR Services

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NMSU System Leave Guidelines for Influenza-like or Coronavirus Symptoms and working remotely (Telework for Faculty and Staff), March 19, 2020

The foremost concern of the NMSU administration is the health and welfare of our faculty, staff and students. During this time of heightened awareness regarding Coronavirus (COVID-19), it is important to be proactive and take precautions to contain the spread of illness. All system-wide decisions are being made with the health and safety of the community at the forefront, with the best-available guidance from our local and state public health authorities. The following abbreviated presentation of guidelines are provided for employee leave use during this time.

Feeling Sick

Employees who are sick should not be working in any capacity. They need to stay home and take care of themselves and reduce risk to the campus community during the period in which they are contagious, particularly if they have influenza-like symptoms (distinguished by a fever of 100°F or higher, and may include cough, sore throat, runny or stuffy nose, body ache, headache, chills, unusual fatigue, diarrhea or vomiting).

Additionally, supervisors have the discretion to invite employees who present a health risk to other employees, to return home. Supervisors may consult administration and/or HRS with questions related to this practice.

Telework – Work from Home

Employees with immune compromising illnesses or at risk as defined by the [Center for Disease Control](#) should immediately make plans, in consultation with their supervisor, to work from home due to the possible threat from coronavirus. Telework, in the current situation, is a management option that allows for a well employee to work at home away from exposure to communicable illness. Telework is not an employee right or benefit. Participation in telework is voluntary and no employee is required to participate as a condition of employment. See below for additional information on telework.

Employees Essential to On-site Operations

All department heads should review your department's essential and non-essential staff position designations. Should the University suspend operations, essential staff will need to understand if they can telework or if they are required to report to campus. In addition, non-essential staff will need to understand that they should not report to their work location during suspended operations.

Telework Job Duties

The expectation for a telework arrangement is that employees will effectively accomplish their regular job duties, regardless of work location.

1. While telework, employee will:
 - a. remain accessible during the telecommute work schedule;

- b. check in with the supervisor to discuss status and open issues;
 - c. be available for teleconferences, scheduled on an as-needed basis;
 - d. be available to come into the office if a business need arises;
 - e. request supervisor approval in advance of working any overtime hours (if employee is non-exempt); and
 - f. request supervisor approval to use vacation, sick, or other leave in the same manner as when working at employee's regular work location.
2. The telework arrangement may be evaluated on an ongoing basis to ensure that employee's work quality, efficiency, and productivity are not compromised by the telework arrangement described herein.
3. An appropriate level of communication between the teleworker and supervisor will be maintained in a manner and frequency that is appropriate for the job and the individuals involved.

Telework Timekeeping and Leave

Telework and non-telework employees are expected to report to work as scheduled unless otherwise notified. Regular leave policies and procedures should be followed for employees who are unable to report to work (annual and/or sick leave should be used).

Time not worked during an employee's normal schedule hours but where the employee is asked to be available to work as directed by their supervisor, is considered time worked.

Employees on should maintain accurate time records, and supervisors are accountable for management of those records. Under the federal Fair Labor Standards Act (FLSA), non-exempt employees will be compensated for overtime that has been approved in advance by the supervisor in accordance with the provisions of the act. Employees in exempt (salaried) positions are exempt from overtime regulations. Pursuant to established NMSU policies, employees must obtain supervisory approval before taking leave.

Employees that have not been provided work to be performed at home, must be available to work at any time during their regular schedule. Time not worked at the direction of the supervisor should be recorded as "Other Leave Taken" on the timesheet for non-exempt (hourly) employees. Regular leave policies and procedures regarding annual and sick leave should be followed for employees who are unable to report to work.

Administrative Guidance

Since telework arrangements may differ slightly based on departmental needs, supervisors may consult with their College or Unit's leadership and/or HRS for guidance related to this practice. The [Telework Arrangement Form](#) is provided to assist supervisors and employees to effectively work under a telework arrangement. Completed forms should be retained digitally in the department and originals sent to the HRS office via email to hrhelp@nmsu.edu.

Should the current health crisis warrant, NMSU may require all employees, except for employees needed to work on campus, to work from home. Employees should be proactive with department managers in preparing for these circumstances to ensure employees have the resources necessary to work remotely.

Taking Care of Family Members

With the Las Cruces Public Schools closed until April 6, employees needing to care for family members may either use their annual leave, telework as agreed to with their supervisor, or sick leave in the case of sick family members. If leave balances are exhausted, employees will be allowed to accrue a negative annual leave or sick leave balance of up to 5 days. As sick or annual leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of (5) days, a Personnel Action Form (PAF) will need to be completed in the employee's department to place them on leave without pay and another PAF completed when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

Sick Leave Reporting

If an employee is invited to remain home or leaves work due to illness or to care for a sick family member, they will be able to use sick leave accrued during the absence. If they have exhausted their accumulated sick leave, annual leave should be used. If both their sick leave and annual leave are exhausted, employees will be allowed to accrue a negative sick leave balance up to 5 days. As sick leave is earned, the negative balance will be repaid from the employee's accrual. After a negative accrual of three (5) days, a Personnel Action Form (PAF) will need to be completed in the employee's department to place them on leave without pay and another PAF completed when the employee returns to work. Employees will not be granted leave in addition to the amounts they normally earn.

If an employee does not accrue leave, they will be placed on leave without pay. The department will need to prepare a PAF to place the employee on leave without pay and another PAF when the employee returns to work. FMLA eligibility requirements remain the same. For more information on FMLA procedures, visit the related [NMSU Benefits](#) page.

Annual Leave Reporting

Regular leave policies and procedures should be followed for employees who choose or are unable to report to work. Non-exempt employees that have not been provided work to be performed at home, must be available to work at any time. Time not worked at the direction of the supervisor should be recorded as "Other Leave Taken" on the timesheet. Should an employee decide to take time off, with the superiors' approval, they must use annual leave.

Student assistants, Graduate Assistants, Temporary Employees

Student Regular (hourly) - All student regular employment categories are restricted to 20 hours average per week during the academic year and 40 hours per week during the summer and academic break periods. Therefore, students wishing to work during the Spring Break or during the telework period may do so, up to 40 hours at the direction of their supervisor.

Students and temp employees that are planning to work during the telework period need to be available to work during their regular scheduled hours when called or perform work at home as directed by their supervisor. Time not worked during their normal schedule hours but where the student is asked to be available to work as directed by their supervisor, should be recorded on the timesheet as time worked. When the student does not work or is not asked to be available to work, no hours are to be recorded.

Graduate Assistants - Graduate assistants are entitled to fall and spring breaks as well as the same holidays of faculty and staff. Employment during the academic year is limited to 20 hours per week. Graduate assistants that are planning to work during the telework period need to be available to work

during their regular scheduled hours when called or perform work at home as directed by their supervisor.

Safety

Employees are expected to maintain their remote workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a remote office location and in conjunction with his or her regular work duties are normally covered by the NMSU workers' compensation policy ([ARP 8.72](#)). Telework employees are responsible for immediately notifying their supervisor of such injuries.

Equipment and Data Security

Supervisors and employees should discuss any equipment or technology access the employee will need to telework. In the event of equipment failure or service interruption, the employee must notify their employer immediately to discuss alternate assignments or other options. Refer to [ARP 15.11, Acceptable Use of ICT Equipment and Resources](#). Employees must maintain the security and confidentiality of University records and comply with all software licensing agreements. Data security is vital. Sensitive data should not be placed on a personal computer or device but instead should be accessed via secure remote access technology and [VPN system](#).

Travel

If employees have traveled out of state or country (excluding typical trips to El Paso) in the last 14 days they should register their travel on the University [travel reporting portal](#). **And if an employee will be travelling internationally or out of state via commercial carrier for personal travel, they will need to self-isolate for 14 day after return and inform their supervisor to manage their work.**

Duration of Telework Assignment

The telework agreement during the current pandemic is intended to be temporary and should not exceed the time necessary to ensure the health and welfare of employees, students and campus communities. NMSU will continue to monitor guidance from health officials and the need for remote work arrangements. NMSU may require employees to return to regular, in-office work at any time.

These guidelines will be in effect from March 13, 2020 until otherwise determined. For additional information, please visit the NMSU Health and Wellness website on Coronavirus (COVID-19) at <https://wellness.nmsu.edu/coronavirus-2019-ncov/> . Questions regarding these guidelines and rights provided under Family Medical Leave Act (FMLA) should be sent to benefits@nmsu.edu or HRhelp@nmsu.edu .