

POLICY: HR05 – Leave Addendum

FMLA Leave Expansion and Emergency Paid Sick Leave (Coronavirus)

APPROVAL DATE: 04/21/2020

REVISION DATE:

Purpose

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. Policy HR05-Leave, including sections regarding Family and Medical Leave still apply to all other reasons for leave outside of this policy.

This Leave Addendum will be in effect from April 1, 2020, until December 31, 2020.

Scope: Applies to all District employees.

Expanded FMLA Leave

Eligibility: All full- and part-time employees, who have been employed by the District for at least 30 days and are unable to work (or telework) for the reason below.

Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

- “Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:
 - under 18 years of age; or
 - 18 years of age or older and incapable of self-care because of a mental or physical disability.
- “Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:
 - a center-based childcare provider
 - a group home childcare provider
 - a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
 - other licensed provider of childcare services for compensation
 - a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.
- “School” means an elementary or secondary school.



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Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken six (6) weeks of FMLA leave, that employee would be eligible for another six (6) weeks of FMLA leave under this policy.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 10 days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

Employee Status and Benefits During Leave

During this leave, the District will continue to pay its portion of the employee's health insurance premiums. The employee is responsible for arranging payment of their portion of the health insurance premiums while on FMLA leave, if applicable. Failure to do so may result in cancellation of the employee's health insurance benefits.

Procedure for Requesting Leave

All employees requesting this leave must provide written notice, where possible, of the need for leave to Human Resources as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, Human Resources will complete and provide the employee with any required notices.

The notice the employee provides should include at a minimum:

1. The employee's name;
2. The date or dates for which leave is requested;
3. A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason;
4. Name and age of the child (or children) to be cared for;
5. Name of the school that has closed or place of care that is unavailable; and
6. Representation that no other person will be providing care for the child during the period for which the employee is receiving family medical leave and, with respect to the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.

On a basis that does not discriminate against employees on this leave, the District may require an employee to report periodically on the employee's status and intent to return to work.



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Emergency Paid Sick Leave

Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for their child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- under 18 years of age; or
- 18 years of age or older and incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.



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Interaction with Other Paid Leave

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must provide written notice to their manager or the HR Director of the need and specific reason for leave under this policy. Verbal notification will be accepted until practicable to provide written notice.

The written notice the employee provides should include at a minimum:

1. The employee's name;
2. The date or dates for which leave is requested;
3. A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason;
4. A statement that the employee is unable to work, including by means of telework, for such reason;
5. Name of governmental entity ordering quarantine and/or health care professional advising self-quarantine (if applicable); and
6. Name of person employee caring for (if applicable).

If the sick leave is needed to care for child due to closure of school and/or loss of childcare employee should provide the following information in writing:

1. Name and age of the child (or children) to be cared for;
2. Name of the school that has closed or place of care that is unavailable; and
3. Representation that no other person will be providing care for the child during the period for which the employee is receiving family medical leave and, with respect to the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.

Once emergency paid sick leave has begun, the employee and their manager must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

Carryover

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.



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Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

The Executive Director will establish administrative procedures necessary to implement this policy. In accordance with the administrative procedures, any appeal of an administrative action under this policy will first be made in writing to the Executive Director. Any subsequent appeal of Executive Director action and/or decision will be made in writing to the Board of Trustees.

The District will make a good faith effort to implement this policy in a fair and consistent manner.



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