

## **TEMPORARY EMERGENCY PAID SICK LEAVE POLICY**

**Effective April 1, 2020, through December 31, 2020**

All eligible employees shall be entitled to emergency paid sick leave in compliance with Division E of the 2020 Families First Coronavirus Response Act (“FFCRA”), known as the Emergency Paid Sick Leave Act, as follows:

### **A. Eligibility.**

All full-time and part-time employees, regardless of how long the employee has been employed, are eligible employees, except that an employee who is a health care provider or an emergency responder shall be excluded from the application of this policy pursuant to the FFCRA. An “emergency responder” is defined in 29 CFR Part 826, and each appointing authority shall determine in writing the positions that meet the definition and are excluded from the application of this policy. Copies of the written determinations shall be on file with Human Resources and the individual office or department and shall be available for review upon request.

### **B. Definitions.**

1. “Full-time employee” means an employee who is normally scheduled to work at least 40 hours each workweek or, if the employee does not have a normal weekly schedule, is scheduled to work, on average, at least 40 hours each workweek over the lesser of the previous six month period or the entire period of employment.
2. “Part-time employee” means an employee who does not meet the minimum hours worked requirements of a full-time employee.
3. “Son or daughter” 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 who is incapable of self-care because of a mental or physical disability.
4. “Subject to a quarantine or isolation order,” for purposes of Section C.1 below, means a quarantine, isolation, containment, shelter-in-place, or stay-at-home order issued by a federal, state, or local governmental authority that causes an employee to be unable to work or telework even though the County has work for the employee to perform but for the order.
5. “Telework” means work the County permits or allows an employee to perform while the employee is at home or at a location other than the employee’s normal workplace. An employee is able to telework if (a) there is work available for the employee to perform; (b) the employee is permitted to perform that work from the employee’s alternative location; and (c) there are no extenuating circumstances (such as serious COVID-19 symptoms) that prevent the employee from

performing the work. Telework may be performed during normal hours or at other times agreed by the County and the employee.

6. “Advised by a health care provider to self-quarantine,” for purposes of Section C.2 below, means a health care provider advises an employee to self-quarantine or isolate themselves from other persons based on a belief that the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.
7. “Symptoms of COVID-19,” for purposes of Section C.3 below, means fever, dry cough, shortness of breath, or any other COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention.
8. “Seeking a medical diagnosis,” for purposes of Section C.3 below, means taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19.
9. “Individual,” for purposes of Section C.4 below, means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person; “individual” does not include persons with whom the employee has no personal relationship.

#### **C. Use of Leave.**

All eligible employees shall be entitled to emergency paid sick leave if they are unable to work (or telework) due to any of the following reasons:

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 is seeking a medical diagnosis;
4. The employee has a bona fide need to care for an individual who has been ordered or advised to quarantine or isolate in accordance with Sections C.1 or C.2 above;
5. To care for the employee’s son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions; or
6. For similar conditions as determined by the Secretary of Health and Human Services.

**D. Length of Leave and Compensation.**

1. The length of leave shall be for the number of hours the employee would otherwise be normally scheduled to work. Full-time employees are entitled to up to two (2) weeks (not to exceed eighty (80) hours) of emergency paid sick leave. Part-time employees are entitled to the equivalent of the hours they work on average in a two-week period. For part-time employees who do not work a regular schedule, the two week equivalent will be based on an average number of hours worked in the previous six months or the entire length of employment, if less than six months. This sick leave will not be deducted from an employee's accrued sick leave balance.
2. Compensation for leave taken for reasons stated in Sections C.1, C.2, or C.3 shall be at 100% of the employee's regular rate of pay or the minimum wage in effect, whichever is greater, subject to the limits set forth in Section D.3. Compensation for leave taken for reasons stated in Sections C.4, C.5, or C.6 shall be at two-thirds of the employee's regular rate of pay or the minimum wage in effect, whichever is greater, subject to the limits set forth in Section D.3. The County and an employee may agree to supplement the two-thirds pay under this policy for reasons stated in Sections C.4, C.5, or C.6 with one-third pay from the employee's other available qualifying leave, so that the employee receives the full amount of the employee's normal pay.
3. In no event shall compensation exceed \$511 per day and \$5,110 in total for leave taken for reasons in Sections C.1, C.2, or C.3 as described above. In no event shall compensation exceed \$200 per day and \$2,000 in total for leave taken for reasons in Sections C.4, C.5, or C.6 as described above.
4. Employees who exhaust their two weeks of leave under this policy for reasons 1-3 as set forth in Section C and are unable to return to work due to that reason may apply for, or have such leave designated as, Family Medical Leave pursuant to the County's Family Medical Leave Act, provided the employee is otherwise eligible.
5. Employees taking emergency sick leave for reason number 5 in Section C that are unable to return to work after this period due to the unavailability of school or childcare for COVID-19 reasons may apply for emergency family and medical leave provided by the FFCRA as set forth in County policy.
6. Employees are entitled to a total of two weeks of emergency paid sick leave under this policy regardless of the reason(s) for the leave. After leave under this policy is exhausted, an employee may request other available leave, subject to the policies governing such leave.
7. An employee may not take emergency paid sick leave under this policy intermittently, except for leave granted pursuant to Section C.5 if authorized under the Emergency Family and Medical Leave Expansion Act Policy. Leave granted under Sections C.1, C.2, C.3, C.4, or C.6 shall be taken in consecutive days until

the employee no longer has a qualifying reason to take paid sick leave or until the leave is exhausted, whichever occurs first.

**E. Employee Notification.**

When an employee is unable to report to work due to illness or other acceptable sick leave reason under the FFCRA, they shall notify their supervisor as instructed by the Appointing Authority or designee. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absences where the employee has been granted a set period of leave.

Employees taking leave under this policy are expected to engage in conduct consistent with their need for such leave. If circumstances change, employees must notify their supervisor of the new facts so a determination can be made concerning the appropriate leave, if any, that is available to the employee.

**F. Documentation.**

An employee requesting leave under this policy is required to provide documentation containing the following information prior to taking leave under this policy: (1) employee's name; (2) date(s) or which leave is requested; (3) qualifying reason for the leave; (4) a statement that the employee is unable to work or telework because of the qualifying reason for leave; and (5) additional information supporting the qualifying reason, as follows: (i) under Section C.1, the name of the government entity or authority that issued the order; (ii) under Section C.2, the name of the health care provider who advised the employee to self-quarantine; (iii) under Section C.4, the name of the government entity or authority that issued the order or the name of the health care provider who advised the individual to self-quarantine, whichever is applicable; (iv) under Section C.5, the name of the son or daughter being cared for, the name of the school, place of care, or care provider that has closed or become unavailable, and a representation that no other suitable person will be caring for the son or daughter during the period of the leave.

The County will provide a form for the employee to provide the documentation required herein. Failure to obtain or submit the form shall not relieve the employee of the obligation to submit documentation required herein.

**G. Medical Information.**

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to Dawn Huston, Deputy County Administrator at 740-833-2122 or Dana Bushong, Human Resources Manager at 740-833-2129.

**H. Retaliation.**

An employee will not be retaliated against for exercising the employee's right to emergency sick leave in accordance with this policy.

**I. Expiration.**

This policy is temporary and is in effect from April 1, 2020 until December 31, 2020. Emergency paid sick leave accrued under this policy may not be carried over past December 31, 2020. Any unused emergency sick leave will not be paid out under any circumstances.