

TEMPORARY COVID-19 LEAVE POLICY

Effective January 1, 2021, through March 31, 2021

All eligible employees were 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 beginning April 1, 2020 through December 31, 2020. The FFCRA / Emergency Paid Sick Leave entitlement (“EPSL”) expired on December 31, 2020, and the County is not extending EPSL. Due to the continuation of the COVID-19 pandemic, the County desires to establish an alternative temporary COVID-19 policy in order to continue its efforts to mitigate the negative impacts of COVID-19 on those employees unable to work, or telework, due to COVID-19 in certain specific circumstances. The temporary COVID-19 leave granted pursuant to this policy shall be classified as administrative leave with pay, pursuant to section 124.388(A) of the Revised Code, where the health or safety of an employee could be adversely affected. The leave granted pursuant to this policy is solely within the discretion of the appointing authority and is not required by federal or state law or regulation.

A. Eligibility.

All full-time and part-time employees, regardless of how long the employee has been employed, are eligible employees, unless the employee is a member of a collective bargaining unit that is subject to a COVID-19 leave policy in a collective bargaining agreement or memorandum of understanding.

B. Use of Leave.

An eligible employee shall, subject to the limitations of this policy, be granted temporary COVID-19 leave if the employee is unable to work (or telework) due to any of the following reasons:

1. A state or local public health official issues an order, personal and specific to the employee, requiring the employee to quarantine or isolate due to contracting or being exposed to COVID-19;
2. The employee has been advised by the employee’s health care provider to self-quarantine based on a belief that the employee has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19; or
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;

If an eligible employee is in need of leave for any purpose not listed above in Section B. 1–3, regardless of whether the need for leave relates to COVID-19, then the employee’s request for leave shall be considered under the County’s standard leave policies or the collective bargaining unit covering such employee.

C. Length of Leave and Compensation.

1. The leave granted pursuant to this policy shall be for the number of hours the employee would otherwise be normally scheduled to work if they are unable to work or telework due to one or more of the reasons stated herein. Full-time employees shall be granted up to eighty (80) hours of paid administrative leave. Part-time employees shall be granted the equivalent of the hours they work on average in a two-week period during the same time 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. When used under this policy, this leave shall not be deducted from an employee's accrued sick leave balance and is only available when the employee is unable to work or telework due to the reasons listed above in Section B. 1-3.
2. If an employee is unable to work or telework and in need of leave for the reasons listed above in Section B. 1-3, then the following conditions shall apply:
 - a. If the employee previously used some but not all of the 80 hours of EPSL prior to December 31, 2020, the employee is entitled to a number of hours of paid administrative leave equal to the employee's unused number of hours of EPSL. If the employee is in need of additional leave beyond the number of hours granted herein, then the employee will be required to use their own applicable leave(s) after the leave granted herein is exhausted.
 - b. If the employee previously used all hours of EPSL prior to its expiration on December 31, 2020, then the employee will not be eligible for additional paid administrative leave and must use their own leave to cover any approved absence(s).
3. Employees who exhaust their two weeks of leave under this policy for reasons listed above in Section B. 1-3 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.
4. Paid administrative leave granted under this policy may not be carried over and does not count towards hours worked for the purposes of calculating overtime.
5. The employee's compensation for the paid administrative leave granted under this policy shall be equal to the employee's base rate of pay, pursuant to section 124.388(A) of the Revised Code.

D. Employee Notification.

When an employee is unable to report to work or telework due to illness or other acceptable sick leave reason as defined by the applicable collective bargaining agreement and / or county policy, 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.

E. 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, which may include, without limitation, the following: (i) the name of the government entity or authority that issued a quarantine or isolation order to the employee; (ii) the name of the health care provider who advised the employee to self-quarantine.

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.

F. 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 Ellen Wandell, Human Resources Manager at 740-833-2129.

G. Retaliation.

An employee will not be retaliated against for requesting or being granted leave in accordance with this policy.

H. Expiration.

This policy is temporary and is in effect from January 1, 2021 until March 31, 2021, unless extended by written order of the Delaware County Board of Commissioners or County Administrator. Leave available under this policy may not be carried over past the expiration of this policy, and any unused leave available under this policy will not be paid out under any circumstances.

I. 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. "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. The authority and ability to telework shall be determined in the sole discretion of the County.
4. "Symptoms of COVID-19" means any COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention.
5. "Seeking a medical diagnosis" means taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19.