

LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

THIS POLICY SHALL BE IN EFFECT UNTIL DECEMBER 31, 2020 OR UNTIL THE EXPIRATION OF SUCH LEAVE UNDER FEDERAL LAW

Under the Families First Coronavirus Response Act (FFCRA) employees of the school district are provided with additional paid and unpaid leave. This policy sets out the scope of that leave. As new regulations or guidance are issued by the Department of Labor regarding this leave, the District will comply with such guidance.

The leave described in this policy shall only apply to a District employee who is scheduled to work, but is unable to due to a qualifying COVID-19 condition. In the case that the District employee has been directed or approved to work remotely and can fully perform their job duties remotely, this leave will only apply if the employee cannot work remotely due to a qualifying COVID-19 condition.

The leave provided under this policy is non-cumulative and expires on December 31, 2020, unless extended by Federal Authorities. Employees entitled to leave under this policy do not have a property interest in such leave and the leave provided under this policy will not be paid out to the employee upon separation from the District, retirement, or at the end of their contract term.

COVID-19 Conditions

The following are COVID-19 conditions that may qualify an eligible employee for leave pursuant to this policy:

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 related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)¹;
5. The employee is caring for a son or daughter² whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19³;

6. Or the employee is experiencing any other substantially-similar condition specified by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Leave provided for qualifying individuals experiencing these conditions is described below.

Emergency Paid Sick Leave Act (EPSLA)

All District employees, regardless of length of employment, are eligible for limited paid leave under the Emergency Paid Sick Leave Act (EPSLA). An employee who is scheduled to work, but unable to work (or to work remotely if directed or approved) due to any qualifying condition listed above may request such leave. The employee will be required to apply for the Emergency Paid Sick Leave.

The amount of paid leave available to the qualified employee shall be determined based on whether the employee has full or part-time employment with the District. For the purpose of this policy, a full-time employee is defined as an employee that works 40 hours per week. The following leave amounts are available:

- Full-Time Employees: 80 leave hours
- Part-Time Employees: A number of hours equal to the number of hours averaged over a two-week period.

Part-time employees who wish to take Emergency Paid Sick Leave should consult with Human Resources to determine the number of hours to which they are entitled.

Payments for Emergency Paid Sick Leave are capped as follows:

- For employees with COVID-19 related Conditions 1, 2, or 3: 100% of the employee's regular rate up to \$511 a day (\$5,110 total).
- For employees with COVID-19 related Conditions 4, 5, or 6: 2/3 of the employee's pay rate based on the hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$10,000 in aggregate. The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

¹An employee seeking leave for this purpose must have a genuine need to care for the individual, such as a relationship that creates an expectation that the employee would care for the person (i.e. immediate family member, roommate, or similar person).

²This definition encompasses the employee's own child, including biological, adopted or foster children as well as stepchildren, legal wards, or a child for whom the employee stands in *loco parentis*.

³An employee requesting leave based on this condition must certify that no other suitable person is available to care for the children for whom care is necessary and that no other person will be providing care for the children during the period for which the employee requests leave for this condition. This condition includes caring for a son or daughter over the age of 18 who is incapable of self-care due to physical or mental disability

This leave shall be, with one exception, in addition to any other leave (including FMLA leave) made available by the District, provided that utilization of Emergency Paid Sick leave for purpose of caring for a son or daughter whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 (COVID-19 Condition 5) shall count towards the leave provided in the EFMLEA section below. Employees are not required to use other accrued paid leave prior to using Emergency Paid Sick Leave.

Unless teleworking, employees who being taking paid sick leave related to COVID-19 conditions 1-4 or 6 above must continue to take paid sick leave until either (1) the full amount of paid sick leave is used or (2) the employee no longer has a qualifying condition for taking paid sick leave.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

A District employee who has been employed for at least 30 calendar days is entitled to Emergency FMLA leave under the Emergency Families and Medical Leave Expansion Act. An employee who is scheduled to work, but unable to work (or work remotely if directed or approved) because they are required to care for a son or daughter whose school or place of care is closed related to COVID-19 (COVID-19 Condition 5 above), is entitled to partially-paid leave of twelve weeks, subject to the following conditions:

- The first two-weeks of Emergency FMLA leave shall be unpaid. However, the employee, at their discretion, may use accrued leave or Emergency Paid Sick Leave to supplement this leave up to 100% of the employee's regular rate.
- For subsequent days, the employee shall receive 2/3 of the employee's regular/usual rate of pay based on the number of hours the employee would otherwise be normally scheduled to work. Paid leave under this provision shall not exceed \$200 per day and/or \$10,000 in aggregate. The employee may supplement this leave with accrued leave up to 100% of the employee's regular rate.

The employee will be required to apply for the Emergency FMLA Leave.

Emergency FMLA leave runs concurrently with any FMLA leave available to a qualified employee. Therefore, an employee who has exhausted FMLA leave is not entitled to additional leave under the EFMLEA. Likewise, an employee who has used a portion of their FMLA leave will only be eligible for Emergency FMLA leave on a prorated basis. Employees are not required to use other accrued paid leave prior to using EFMLEA leave.

Compliance with Federal Regulations and Guidance

It is the District's intention to comply with all federal law, regulations and guidance related to Emergency Paid Sick Leave and Emergency FMLA leave. In the event that the District's policy conflicts with federal law, regulations or guidance, the District will comply with federal law, regulations, and guidance.