



Emergency Paid Sick Leave

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1.0 POLICY

On March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was enacted into law. This act provides emergency paid sick leave for employees who have been advised to self-isolate or self-quarantine, are seeking diagnosis of COVID-19 symptoms, or are caring for a family member with COVID-19. This leave also covers employees who have children under the age of 18 if childcare providers and schools are closed. This leave will go into effect on April 1, 2020. If an employee has taken any leave under the County's Personal Leave Pandemic Policy and the employee's circumstances change that makes them eligible to take leave under this emergency paid sick leave, the employees' leave status will automatically be tracked under this emergency paid sick leave. The employee must notify his or her Department Director that he/she intends to utilize the emergency paid sick leave. Employees must receive verification of approval of eligible qualifying circumstance before emergency paid sick leave will be applied. This paid sick leave is effective beginning April 1, 2020 and ends by December 31, 2020.

2.0 DEFINITIONS

- 2.1 Emergency Paid Sick Leave:** A pay continuation privilege granted to benefited and non-benefited employees during periods of issues associated with a pandemic event.
- 2.2 Emergency Responder:** an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well individuals whose work is necessary to maintain the operation of the facility.
- 2.3 Health Care Provider:** an employee who is anyone that is employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity.

2.4 Immediate Family: For the purpose of this policy, immediate family is defined as spouse, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandmother-in-law, grandfather-in-law, grandson, granddaughter, stepmother, stepfather, stepchild, sister-in-law, and brother-in law.

[Special Note: At the Department Director's discretion, immediate or other family may be construed to include others where the degree of closeness of the relationship to the employee warrants consideration as immediate or other family. Department Directors are encouraged to consult with the Human Resources Director or the County Manager in such cases.]

2.5 Benefited Employee: An employee assigned to a permanently budgeted position designated as full-time (FT) or part-time (PT). Employees assigned to full-time (FT) positions will accrue benefits in the manner described in this policy. Employees assigned to part-time (PT) positions (working at least 20 or more hours a week) will earn emergency paid sick time for a pandemic event on a prorated basis.

2.6 Non-Benefited Employee: An employee assigned to a budgeted position in temporary salaries designated as part-time (PT). Employees assigned to part-time do not accrue benefits in the manner described in this policy. Employees assigned to part-time (PT) positions will earn emergency paid sick leave for a pandemic event on a prorated basis.

2.7 Paid Hours: Paid hours for the purpose of this policy is vacation, sick, compensatory time, emergency paid sick leave and regular hours.

3.0 PROCEDURE / RULE

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 because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis.
4. The employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons.
5. The employee is caring for his or her 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-

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

4.0 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.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

5.0 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.

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.

6.0 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.

7.0 PROCEDURE FOR REQUESTING EMERGENCY PAID SICK LEAVE

Employees must notify their Department Director or the HR Director of the need and specific reason for leave under this policy. A form will be provided to all employees on the company intranet and/or in a manner accessible to all. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his or her 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.

8.0 EXEMPTIONS OF CERTAIN EMPLOYEES

Employees who are healthcare providers or emergency responders are exempt from this Emergency FMLA Leave in order to ensure the safety of the citizens of Lee County. After we notate which employees will be exempt, those employees will be notified by their Department Director of their classification status.

Employees who are healthcare providers or emergency responders are exempt from the emergency paid sick leave if they are requesting leave for any of the following:

1. The employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons.
2. The employee is caring for his or her 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.

If a healthcare provider or emergency responder is requesting emergency paid sick leave for the other three qualifying reasons, they must notify their Department Director who will in turn notify HR and the County Manager.