



## Family Medical Leave Expansion Under the Families First Coronavirus Response Act

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### 1.0 POLICY

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave. This policy will be in effect from April 1, 2020, until December 31, 2020. Our existing FMLA leave policy still applies to all other reasons for leave outside of this policy.

### 2.0 DEFINITIONS

**2.1 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.

**2.2 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.

### 3.0 EMPLOYEE ELIGIBILITY

All employees who have been employed with Lee County for at least 30 days (March 1, 2020)

### 4.0 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-an emergency with respect to COVID-19 as declared by a federal, state or local authority.

- A. 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 is 18 years of age or older and incapable of self-care because of a mental or physical disability.
- B. "Childcare provider" means a provider who **receives compensation** for providing childcare services on a regular basis, including:
- Center-based childcare provider
  - Group home childcare provider
  - 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
  - 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.
- C. School means an elementary or secondary school.

## **5.0 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 leave will be available for as long as a federal, state or local COVID-19 state of emergency remains in effect, and in any event only through December 31, 2020. This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period. If an employee has already used regular FMLA leave, that individual is not entitled to any additional leave under this policy.

## **6.0 PAY DURING LEAVE**

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid compensatory time, vacation, or sick leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act (Personnel Policy F.12). After the first 10 days, leave will be paid at two thirds of the employee's regular rate of pay. Pay will not exceed \$200 per day and \$10,000 in total. Any unused portion of this pay will end either upon expiration of the federal, state, or local COVID-19 state of emergency or in any event by December 31, 2020.

## **7.0 EMPLOYEE STATUS AND BENEFITS DURING LEAVE**

While an employee is on leave, the county will continue providing the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make payments per instructions from the human resources department.

If the employee does not continue these payments, the County may discontinue coverage during the leave. If the County maintains coverage, the County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

## **8.0 PROCEDURE FOR REQUESTING LEAVE**

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

The notice the employee provides must include a brief statement as to the reason for leave, and if possible, the expected duration.

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

## **9.0 EMPLOYEE STATUS AFTER LEAVE**

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

## **10.0 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.