



Emergency Leave under the

Families First Coronavirus Response Act (“FFCRA”)

The Families First Coronavirus Response Act provides paid sick leave and expanded leave benefits under the Family and Medical Leave Act for eligible employees for reasons related to the COVID-19 pandemic. Consequently, the School has adopted the following leave policy to describe the paid leave benefits available to School employees pursuant to the FFCRA.

Please note that emergency paid sick leave and emergency family leave is available to employees beginning on April 1, 2020. Employees will have access to such benefits through December 31, 2020.

Types of Leave Available:

Emergency Paid Sick Leave (“EPSL”)

Eligibility: All employees are eligible for EPSL.

Reasons for Leave and Paid Benefits:

Eligible full-time employees may take up to 80 hours of EPSL (for part-time employees, the average number of hours worked during a two-week period) if the employee is unable to work (or telework) for the following reasons:

- a. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- b. Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
- c. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

For the above-referenced reasons, the employee is paid at either his/her regular rate of pay or the applicable minimum wage, whichever is higher. This paid leave benefit is capped at \$511 per day, or \$5,110 in total.

Eligible full-time employees may take up to 80 hours of EPSL (for part-time employees, the average number of hours worked during a two-week period) if the employee is unable to work (or telework) for the following reasons:

- a. Employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19, or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- b. Employee is caring for a child (under 18 years of age) whose school or childcare provider is closed or unavailable due to COVID-19 precautions, or
- c. Employee is experiencing a substantially similar condition to COVID-19 as specified by the Secretary of Health and Human Services.

For the above-referenced reasons, the employee is paid at either his/her regular rate of pay or the applicable minimum wage, whichever is higher. This paid leave benefit is capped at \$200 per day, or \$2,000 in total.

For the purposes of this policy only, the term “child” refers to an employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee is standing *in loco parentis*. “Child” also refers to an employee’s adult son or daughter who (1) has a mental or physical disability; and (2) is incapable of self-care because of that disability.

Expanded Family and Medical Leave (“EFML”)

Eligibility: Employees who have been employed with the School for at least 30 calendar days.

Reasons for Taking EFML/Payment Amounts: Eligible full-time employees may take up to twelve weeks of EFML if the employee is unable to work (or telework) due to a need for leave to care for a child whose school or childcare provider is closed or unavailable due to COVID-19 precautions. Part-time employees are entitled to EFML for these reasons in an amount proportionate to the average number of hours worked during a two-week period, or, if a part-time employee’s schedule varies, a six-month average of the hours worked by the employee.

The first 10 days will be unpaid; however, employees may elect to use EPSL or other available School-provided paid leave during this time. Thereafter, employees are eligible to take up to ten weeks of paid leave at two-thirds the employee’s regular rate of pay or two-thirds the applicable minimum wage, whichever is higher. This paid leave benefit is capped at \$200 per day, or \$10,000 over the ten-week period.

For the purposes of this policy only, the term “child” as used herein refers to an employee’s biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee is standing *in loco parentis*. “Child” also refers to an employee’s adult son or daughter who (a) has a mental or physical disability; and (b) is incapable of self-care because of that disability.

Benefits

During EPSL/EFMLA, the School will continue the employee’s participation in the School’s health and dental insurance plans and will continue to make its usual contributions to the premium costs of the plans, provided that the employee pays her or his share of the cost. The employee may continue to participate in any existing School benefit program, to the extent the employee is eligible, and in accordance with the applicable plan documents. If the employee fails to return to work at the School at the conclusion of an EFMLA leave, the employee may be required to reimburse the School for any insurance payments made on his or her behalf during any unpaid portion of an EFMLA leave.

Interaction between EPSL and EFML

Employees may take both EPSL and EFML to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Employees eligible for both EPSL and EMFL may only take a total of twelve (12) weeks of paid leave under this Policy. If an employee takes EPSL to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, the employee may choose to use EPSL or other available School-provided accrued and unused paid leave during the first 10 days of EFML, which would otherwise be unpaid. EPSL used during the first 10 days of EFML will run concurrently with EFML.

If an employee takes EPSL to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, the employee has exhausted his or her EPSL and may not thereafter take EPSL for another qualifying reason.

Interaction with Leave Taken Pursuant to the Family and Medical Leave Act (“FMLA”)

Employees may take a combined total of twelve (12) workweeks of FMLA or EFML during a 12-month period. Therefore, the total amount of EFML available to an employee shall be reduced by the amount of FMLA leave already taken by the employee during the preceding 12 months.

Interaction with Other Leave

Employees may choose, but are not required to, supplement EPSL and EFML with other available School-provided paid leave to receive up to 100% of their normal salary or wages while taking EPSL or EFML. In addition, employees may choose to take any other School-provided paid leave available to them during the first ten (10) days of EFML in lieu of taking unpaid leave, which would run concurrently with EFML.

Intermittent Leave

Employees who are teleworking may request to take EPSL or EFML on an intermittent basis. Leave may be taken in partial-day increments, subject to the approval of the Director of Human Resources. The Director of Human Resources must approve employees' modified work schedule prior to them taking intermittent EPSL or EFML leave.

Employees who are working on-site may only request to take EPSL or EFML on an intermittent basis to care for a child whose school is closed or whose childcare is unavailable because of COVID-19 related reasons. Such employees must take intermittent EPSL or EFML leave in full-day increments. The Director of Human Resources must approve employees' modified work schedule prior to them taking intermittent EPSL/EFML leave.

Requests for Leave: Employee Responsibilities

When leave is foreseeable, employees are expected to request leave under this Policy to the School as soon as is practicable. Requests for leave must include the following information:

- a. The employee's name;
- b. The date or dates for which leave is requested;
- c. A statement of the COVID-19 related reason for the employee's leave; and
- d. A statement that the employee is unable to work, including telework, for this reason.

After the first workday of EPSL, employees must comply with the School's regular absence notification procedures to continue to receive EPSL.

Employees must provide sufficient information for the School to determine if the leave may qualify for EPSL or EFML, as well as the anticipated timing and duration of the leave. In the case of a leave request based on a quarantine or self-

isolation order or advice from a health care provider to self-quarantine, employees should provide the source of the quarantine order or the name of the health care professional advising self-quarantine, and, if the person subject to quarantine or self-isolation is not the employee, that person's name and relationship to the employee.

In the case of a leave request based on a school closing or child care provider unavailability, employees should provide the name and age of the child (or children) to be cared for, the name of the school that has closed or place of care that is unavailable, and a representation that no other person will be providing care for the child during the period for which the employee is receiving EPSL or EFML and, with respect to the employee's inability to work or telework because of a need to provide care for a child older than 14 years old during the workday, a statement that special circumstances exist requiring the employee to provide care.

If an employee develops a medical condition while on EPSL or EFML that may qualify as a serious health condition under the FMLA, the employee is expected to comply with the employee's responsibilities set forth in the School's FMLA policy and as directed by law, including providing the School a medical certification of the serious health condition.

The School's Responsibilities

The School will inform an employee requesting leave whether the employee is eligible for EPSL or EFML.

The School will inform an employee if leave will be designated as EPSL and EFML and the amount of leave counted against the employee's leave entitlement under them. If the School determines that the leave does not qualify as EPSL or EFML leave, the School will notify the employee.

Returning from Leave

Upon returning from EPSL or EFML, the employee will be returned to the same position that she or he left when the leave began or to a position that is in the School's judgment equivalent in pay, benefits and other terms and conditions of employment, in accordance with applicable law. The employee will be reinstated without loss of employment rights or benefits that she or he would have had absent the leave, except to the extent such benefits were used or paid during the leave.

Being on EPSL or EFML does not entitle an employee to any position, benefit, or right other than that to which the employee would have been entitled had the

employee not taken leave. Notwithstanding the foregoing, an employee may be terminated under the same circumstances for which the employee would have been terminated had the employee not been on leave (such as a reduction in the workforce, abolishment of a job position, end of a duration-limited contract or project, or based on work performance or conduct).

If the employee is returning from taking leave for the reasons listed below, the employee may be required to provide a medical certification of her or his ability to return to work. Employee:

- a. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- b. Has been advised by a health care provider to self-quarantine related to COVID-19;
- c. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or
- d. Needs to care for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or who has been advised by a health care provider to self-quarantine related to COVID-19.

Termination of Employment

If the employee decides not to return to the School from EPSL or EFML, the employee is requested to inform the School of that decision as soon as possible. The School may then end the leave and employment will terminate.

If the employee fails to return to work at the end of an approved leave without notice, the School may discharge the employee.