

FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE**Definitions**

- *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.
- *Childcare provider* means someone who cares for a child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.
- *Place of care* is physical location in which care is provided for children. The physical location does not have to be solely dedicated to such care. Examples include daycare facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

Purpose

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing District leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted as consistent with the US Department of Labor's rules.

Emergency Paid Sick Leave

Emergency paid sick leave is in addition to any form of paid or unpaid leave provided by the District, law, or applicable collective bargaining agreement. District employees unable to work or telework due to one of the following reasons are eligible for emergency paid sick 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 due to concerns related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to either number 1 or 2 above;

RECOMMENDED

Descriptor Code: DDBE

5. The employee is caring for their child(ren) if the school or place of care of the child has been closed, or the childcare provider of such child(ren) is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and Labor.

Full-time employees are eligible for up to 80 hours of paid leave. Part-time employees are only eligible for the number of hours of leave that the employee normally works on average over a two-week period.

An employee may, but is not required to, use emergency paid sick leave before using any other accrued paid leave for any qualifying reason under the FFCRA. Employees may also use existing paid leave concurrently with the emergency paid sick leave.

Rate of Pay for Emergency Paid Sick Leave

The District shall compensate employees taking emergency paid sick leave for reasons (1), (2), or (3) as outlined above at their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate. Employees taking leave for reasons (4), (5), or (6) as outlined above shall be compensated at 2/3rds of their regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Employees whose pay is subject to the limitations above may supplement emergency paid sick leave with any available existing leave in order to receive the full amount of their regular salary.

Expanded Family and Medical Leave

District employees employed for at least 30 days who are unable to work or telework due to a bona fide need to take care of their child(ren) 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, shall be entitled to up to 10 weeks of expanded family and medical leave in addition to emergency paid sick leave provided under FFCRA. Employees may substitute paid emergency sick leave provided under FFCRA or any accrued leave available under the District's existing policies for the first ten unpaid days of this leave.

After the first two workweeks (usually 10 workdays) of expanded family and medical leave, employees **may elect** to take their remaining expanded family and medical leave at the same time as any accrued paid leave available under the District's existing leave policies. Employees required to take leave concurrently shall be paid the full amount to which they are entitled under the District's existing paid leave policy for the period of leave taken. The District shall compensate employees at least 2/3rds of their regular rate of pay for the hours they would be scheduled to work. Pay shall not exceed \$200 per workday and \$10,000 in the aggregate for up to ten weeks of expanded family and medical leave. Employees may supplement their 2/3rds pay with any existing leave available to receive the full amount of the employee's regular salary.

RECOMMENDED

Descriptor Code: DDBE

Expanded family and medical leave supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12-week cap on FMLA previously provided. Employees who used FMLA during the defined annual period will have the time used subtracted from their overall eligibility.

Leave Requests

The District shall collaborate with employees to achieve maximum flexibility and meet mutual needs when employees request leave under FFRCA. The Board **allows employees to receive** intermittent emergency paid sick and/or expanded family and medical leave. For employees working on site, intermittent leave is only permitted when employee is taking leave to care for their child(ren) whose school or place of care is closed, or whose childcare provider is unavailable, because of reasons related to COVID-19.

Leave may be taken in one-hour, or full day increments.

An employee shall provide notice (DDAE-E) to the **principal** of the need and specific reason for leave under this policy as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. The District may require medical certification to verify the qualifying reason for the leave. Responses to leave requests shall be made in accordance with federal law.

Employee Benefits During Leave

The District shall continue the employee's health benefits and to deduct applicable premiums from payroll while the employee is on leave. The District shall also continue making payroll deductions if the employee contributes to a life insurance or disability plan or other benefits. The employee must continue to make premium payments per District instructions during any unpaid portions of leave to maintain benefits.

Return to Work

Employees will be expected to return to work at the end of the 80 hours of paid sick leave time, unless the employee has communicated to the **principal** that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA or use of the employees sick or vacation leave.

The District shall reinstate an employee returning from paid sick leave or expanded family and medical leave to the same or equivalent position, subject to the district's reassignment policies, negotiated agreement, and practices. If the position the employee held prior to taking leave no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee may not be returned to employment in accordance with policy, law, and, when applicable, the negotiated agreement. However, for the period of one year after qualifying leave under this policy ends, the District shall make reasonable efforts to contact the employee if an equivalent position becomes available.

RECOMMENDED

Descriptor Code: DDBE

If an individual has exhausted all leave under this policy and is still unable to return to work, the building principal shall review the situation on a case-by-case basis to determine what rights and protections might exist.

Carryover

The District shall not provide emergency paid sick leave or expanded family and medical leave to its employees beyond December 31, 2020. After that, employees may only take leave under the districts existing leave policies. Any unused paid sick leave will not carry over to the next year or be paid out to the employee.

Prohibitions

The District shall not discharge, discipline, or discriminate against any employee who takes leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Complementing NDSBA Templates (may contain items not adopted by the Board)

- DDA, Sick Leave
- DDA-AR, Sick Leave Requests
- DDAA, Family and Medical Leave
- DDAA-AR, Family and Medical Leave Act Regulations
- DDAA-E1, Family and Medical Leave Act Law
- DDAA-E2, FMLA Poster and Forms
- DDBA, Vacation Leave
- DDBE-E, Families First Coronavirus Response Act Leave Request Form

End of Maple Valley School District Policy DDBE..... Adopted:

[09/20]