

BOARD OF TRUSTEES
HUMBOLDT COUNTY SCHOOL DISTRICT

POLICY 3047
BUSINESS, NON-INSTRUCTIONAL

EMERGENCY PAID SICK LEAVE (EPSL)

1. Policy

This policy complies with the Families First Coronavirus Response Act to grant eligible employees protected leave for qualified reasons.

Public employers are covered under the Emergency Paid Sick Leave Act (EPSLA) and will comply with the requirements of the EPSLA and advise employees if they meet the eligibility requirement.

Employers are required to post and keep posted Form WH-1422: Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

This policy is effective at 12:01 a.m. on April 1, 2020 and will remain in effect until 12:00 p.m. on December 31, 2020. It does not apply retroactively.

2. Eligibility

All employees are eligible for EPSL, regardless of their seasonal, temporary, etc., status. There is no length of service requirement.

3. Reasons for Leave

EPSL leave may be granted for the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation 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 symptoms of COVID-19 and seeking medical diagnosis.
4. The employee is caring for an individual who is subject to an order of federal, state, or local quarantine or isolation related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
5. The employee is caring for a minor 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 situation specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.

4. Leave Allotment

Full-time employees will receive up to 80 hours of paid sick leave.

Part-time employees will receive the number of hours equal to the number of hours s/he works on average over two weeks. If a part-time, seasonal, casual, or temporary employee works varying hours to such an extent that the **employer** is unable to determine with certainty the number of hours the employee would have worked if leave had not been taken, the **employer** will look at the average number of hours the employee was scheduled over the past six months; or if the employee had not worked the past six months, the **employer** will use the reasonable expectation of the number of hours the employee would normally be scheduled to work.

5. Compensation During Leave

Employees will receive 100% of their regular rate of pay for reasons related to the employee's own quarantine, isolation, or symptoms of COVID-19 (items 1-3 above) up to a maximum of \$511 per day.

Employees will be compensated at 2/3 of their regular rate of pay for reasons related to the employee's need to care for an individual who is isolated or quarantined, or to care for a minor child due to a school/childcare closure, or the employee is experiencing any other substantially similar situation (items 4-6 above) up to a maximum of \$200 per day.

Employees may substitute accrued paid sick, personal or vacation leave for the pay not covered by the EPSLA, but employers are prohibited from requiring this substitution. When substituting accrued paid leave for the pay not covered by EPSL, the employee must comply with the **employer's** procedural requirements, terms, and conditions of the Sick Leave policy (Policy #) as appropriate; once accrued leave is depleted, the remainder of the leave period will then consist of unpaid leave for the pay not covered by EPSLA.

6. Intermittent Leave

Employees may be able to take EPSL intermittently under the following conditions:

- **Working at regular worksite:** Employees may take EPSL leave intermittently while working at his/her regular worksite. The qualifying reason is solely because s/he is caring for a minor 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. Leave may be taken in any increments agreed upon by the employer and employee. Intermittent leave may be taken in one day increments.
- **Working remotely:** Employees may take EPSL leave intermittently while teleworking if the employee is unable to work their telework schedule due to any qualified reason for EPSL. Leave may be taken in any increments agreed upon by the employer and employee. Intermittent leave may be taken one day increments.

Intermittent leave is not permitted for non-teleworking employees if the need for EPSL includes any of the other five qualifying reasons involving the employee's own quarantine, isolation, or symptoms of COVID-19 or the employee's need to care for an

individual who is isolated or quarantined, , or the employee is experiencing any other substantially similar situation. An employee who has begun EPSL for one or more of these five qualifying reasons must continue to take paid sick leave each day until the employee (1) exhausts the full amount of EPSL or (2) the qualifying reason for taking EPSL no longer exists.

7. Notice of Leave

Employees needing leave under this policy shall complete the Emergency Paid Sick Leave Application Form as soon as practicable and submit to the District HR secretary.

8. Intermittent Leave

Employees may be able to take EPSL intermittently under the following conditions:

- **Working at regular worksite:** Employees may take EPSL leave intermittently while working at his/her regular worksite. The qualifying reason is solely because s/he is caring for a minor 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. Leave may be taken in any increments agreed upon by the employer and employee. Intermittent leave may be taken in one day increments.
- **Working remotely:** Employees may take EPSL leave intermittently while teleworking if the employee is unable to work their telework schedule due to any qualified reason for EPSL. Leave may be taken in any increments agreed upon by the employer and employee. Intermittent leave may be taken one day increments.

Intermittent leave is not permitted for non-teleworking employees if the need for EPSL includes any of the other five qualifying reasons involving the employee's own quarantine, isolation, or symptoms of COVID-19 or the employee's need to care for an individual who is isolated or quarantined, , or the employee is experiencing any other substantially similar situation. An employee who has begun EPSL for one or more of these five qualifying reasons must continue to take paid sick leave each day until the employee (1) exhausts the full amount of EPSL or (2) the qualifying reason for taking EPSL no longer exists.

9. Notice of Leave

Employees needing leave under this policy shall complete the Emergency Paid Sick Leave Application Form as soon as practicable and submit to the District HR secretary.

10. Certification of Leave

Employees requesting leave under this policy are required to provide supporting documentation, such as:

- the employee's name,
- qualifying reason for requesting leave,
- documentation supporting the reason for leave (such as the source of any quarantine or isolation order),
- statement that the employee is unable to work, including telework, for that reason, and
- the date(s) for which leave is requested.

11. Continuation of EPSL Leave

After the first workday (or portion thereof) an employee receives emergency paid sick leave under this policy, **employer** may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

12. Anti-Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify the EEO Officer or alternative EEO Officer. The **employer** will promptly

investigate and deal appropriately with any allegation of retaliation. In the event retaliation is substantiated, disciplinary action up to and including termination may be taken.

13. Interaction with Sick Leave per the CBA

All provisions included in the CBA regarding Sick Leave not covered in this policy apply.

Related Forms:

Emergency Paid Sick Leave Application Form (Adopted 4/14/20)

Emergency Paid Sick Leave Application Form

Employee Name (printed): _____

Date: __

Emergency Paid Sick Leave (EPSL) under the Families First Coronavirus Response Act (FFCRA) may be requested for a time period between April 1, 2020 and December 31, 2020. This leave will not be deducted from your accrued sick leave bank.

Employees are required to provide as much notice of need for leave as practicable.

Full-time employees will be eligible for a **total** of 80 hours emergency paid sick leave regardless of how long they have worked for the **employer**. Part-time employees will receive ESPL based on the average of hours worked over a two-week period.

Employee Eligibility (please check one):

- ☐ 1. You are subject to a Federal, State or local isolation or quarantine order related to COVID-19 (capped at \$511 day/\$5,110 total)
- ☐ 2. You have been advised by a health care provider to self-quarantine due to COVID-19 concerns (capped at \$511 day/\$5,110 total)
- ☐ 3. You are experiencing symptoms of COVID-19 and seeking medical diagnosis (capped at \$511 day/\$5,110 total)
- ☐ 4. You are caring for an individual who is subject to an order of isolation or self-quarantine (2/3 salary, capped at \$200 day/\$2,000 total)
- ☐ 5. You are caring for a son or daughter if school or place of care is closed or childcare provider is not available due to COVID-19 precautions (2/3 salary, capped at \$200 day/\$2,000 total)
- ☐ 6. You are experiencing other substantially similar conditions specified by HHS (2/3 salary, capped at \$200 day/\$2,000 total)

If you marked box 4, 5 or 6 your salary will be paid at 2/3 your regular rate of pay. You may use accrued sick leave to make up to make up the difference between the 2/3 salary provided under the EPSLA and this provision and your full salary; however, you are not required to do so.

- ☐ I elect to use my accumulated sick leave to make up the additional 1/3 salary if I fall under the 2/3 salary limitation above.
- ☐ I do not elect to use my accumulated sick leave to make up the additional 1/3 salary if I fall under the 2/3 salary limitation above.

Dates I am requesting emergency paid sick leave be applied:

From__To _____

Employee Signature: _____

Department Head Acknowledgement: _____ HR

Approval of FFCRA Requirement Met: _____