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OSBA Policy Update: Policy GCBDAAGDBDAA - COVID-19 Related Leave

1 message

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Fri, Jan 8, 2021 at 8:10 AM

Dear Policy Update subscribers,

The Families First Coronavirus Response Act ("FFCRA") was not renewed in 2021. Policy GCBDAAGDBDAA - COVID-19 Related Leave and GCBDAAGDBDAA-AR(1) (Highly Recommended) and GCBDAAGDBDAA-AR(2) Form (Optional) created to inform about FFCRA are no longer needed. If the board adopted this policy and implemented its ARs, rescinding of same is now recommended.

Review updated OFLA language adopted by BOLI in 2020 and update other policy and ARs as recommended in the November 2020 *Policy Update* issue. If staff receives FMLA/OFLA benefits, review GCBDAAGDBDAA-AR(1), AR(2) and AR(4), and update, or if staff receive OFLA only benefits, review and update similar AR codes that represent OFLA only benefits; both are available via the *Policy Update* subscription in the OSBA portal.

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(he/him/his)

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OSBA Model Sample Policy

Code: GCBDAAGDBDAAR(1)

Revised/Reviewed: 11-16-20

COVID-19 Related Leave *

Emergency Paid Sick Leave Act

The district shall provide paid sick time to employees who are unable to work due to the effects of coronavirus disease 2019 (COVID-19). Full-time employees are entitled to 80 hours of paid sick time, which is available immediately for use if the employee:

1. Is subject to a governmental quarantine or isolation order;
2. Has been advised by a health-care provider to self-quarantine;
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Is caring for an individual who is subject to quarantine or isolation by governmental order or health care provider advisement;
5. Is caring for their son or daughter whose school or child-care provider is closed; or
6. Is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

Paid sick time may be used before other paid leave that may be available to the employee. A part-time employee is entitled to such paid sick time for the average number of hours the part-time employee works during an average two-week period. Paid sick time shall not carry over from one year to the next.

The district shall pay the regular rate of pay up to \$511 per day, and \$5,110 in the aggregate, for paid sick time used by an employee who experiences symptoms of COVID-19, or is required or advised to self-quarantine due to concerns related to COVID-19.

The district shall pay two-thirds of the regular rate of pay up to \$200 per day, and \$2,000 in aggregate, for paid sick time used by an employee:

1. To care for an individual subject to quarantine or isolation by governmental order or health care provider advisement;
2. To care for their child because the child's school or child-care provider is closed due to COVID-19 related reasons; or
3. Who is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

OSBA Model Sample Policy

Code: GCBDAAGDBDAAR(2)

Revised/Reviewed: 1/18/20

COVID-19 Related Leave *

Employee's Name: _____ Date: _____

Dates for which the leave is requested: _____

Qualifying reason for leave:

- ☐ Is subject to governmental-quarantined or isolation order.
- ☐ Has been advised by health-care provider to self-quarantine.
- ☐ Is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- ☐ Is caring for an individual who is subject to a quarantine or isolation by governmental order or health care provider advisement.
- ☐ Is caring for their son or daughter whose school or child-care provider is closed.
- ☐ Is experiencing a substantially similar condition related to COVID-19 as specified by the Secretary of Health and Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

The employee is unable to work, including telework due to: _____

Documentation supporting the qualifying reason for requesting leave: _____

For quarantine or isolation orders, provide the name of the health care provider who advised the self-quarantine:

Name of health care provider

Contact information

For emergency Family Medical Leave Act (FMLA) leave and paid sick leave taken for COVID-19 related school or child care closings, provide documentation to support the need for leave, i.e., notice posted on government, school or day care website, published in a newspaper, or an email from an official of the school, place of care, or child care provider.

Emergency Family and Medical Leave Expansion Act

A district employee may take public health emergency leave to care for the employee's child during a COVID-19 public health emergency.

The district is not required to pay an employee for the first 10 days of such public health emergency leave. However, an employee may use accrued paid leave during such time. After the 10 days, the district must pay not less than two-thirds of an employee's regular rate of pay for the number of hours per week the employee normally works. The maximum amount of compensation for such leave is \$200 per day and \$10,000 in aggregate.

The district shall restore the employee's former position following the use of public health emergency leave unless, the district:

1. Has fewer than 25 employees;
2. Has made reasonable efforts to retain the employee's position but such position no longer exists due to economic or operating conditions caused by the public health emergency; and
3. Has made reasonable efforts to restore the employee to an equivalent position.

Temporary BOLI Rule affecting Oregon Family Leave Act (OFLA)

The temporary BOLI rule extends OFLA's sick child leave to include the absence to care for an employee's child whose school or place of care has been closed in conjunction with a statewide public health emergency declared by a public health official.

The leave is protected but unpaid, and in most circumstances will run concurrently with leave taken under the Families First Coronavirus Response Act. An employee may elect to use any accrued paid leave time.