

EMERGENCY COVID-19 SICK AND FAMILY LEAVE

AR 4161.8

Note: The following AR implements the federal Families First Coronavirus Response Act, which is in effect from April 1, 2020 through December 31, 2020, unless extended by Congress.

As a result of the 2020 COVID-19 pandemic, employees may have additional rights to sick leave and family leave under the provisions below.

I. Sick Leave for COVID-19 Qualifying Reasons

Employees are entitled to additional paid sick leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) above, or self-quarantine as described in (2) above;
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition as specified by the United States Department of Health and Human Services.

Duration of COVID-19 Sick Leave

A full-time employee is eligible for up to 80 hours of COVID-19 sick leave. A part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

Calculation of Sick Leave Rate of Pay

For leave reasons (1), (2), or (3), above: employees taking leave shall be paid at their regular rate of pay, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4), (5), or (6), above: employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

Procedure for Requesting Leave

Employees must notify their supervisor of the need and specific reason for leave under this policy. Employees should make the request for leave as soon as practically possible. Verbal notice will otherwise be accepted until written notice can be provided.

Employees are required to provide documentation to confirm the type of COVID-19 leave for which they are eligible.

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Interaction with Other Paid Leave

The employee may use COVID-19 paid sick leave under this policy before using any other accrued sick leave, family leave, annual leave, or donated leave. COVID-19 sick leave does not carry over to 2021. COVID-19 sick leave cannot be cashed out.

All other policies and procedures for use of sick leave remain applicable, except as specifically modified by this AR and the federal Families First Coronavirus Response Act.

(cf. 4161.1 – Sick Leave)

(cf. 4161.2 - Personal Leaves)

II. Family and Medical Leave Act Expansion to Care for Children due to COVID-19

The qualifying reasons for taking family and medical leave (“FMLA Leave”) have been expanded to provide leave for employees unable to work because they must care for a child whose school or place of childcare is closed (or child care provider is unavailable) for reasons related to COVID-19. This is a new qualifying reason for taking leave under the Family and Medical Leave Act. It is not an expansion of the total amount of leave availability under FMLA. Employees must have been employed for at least 30 days to be eligible for expanded FMLA leave.

(cf. 4161.4/4261.1/4361.4 – Family and Medical Leave))

Duration of Expanded Childcare FMLA Leave

Full-time employees are eligible for up to 12 weeks of leave at 40 hours a week, assuming the employees have FMLA Leave available. Part-time employees are eligible for leave for the number of hours they are normally scheduled to work over that period, again assuming leave is available. Employees are only entitled to 12 weeks of annual FMLA leave, regardless of the reason.

Rate of Pay for Expanded Childcare FMLA Leave

The first ten days of expanded childcare FMLA leave is unpaid. However, employees may take the COVID-19 paid sick leave during this time or substitute any accrued paid leave. Alternatively, the District may require that COVID-19 paid sick leave be used during the first 10 days of normally unpaid FMLA leave.

After the first ten days of expanded childcare FMLA leave, employees taking leave shall be paid at 2/3 their regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave under the Family and Medical Leave Act).

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Note: The above provisions for paid leave under FMLA are only applicable when leave is taken because the employee must care for a child whose school or place of care is closed due to COVID-19 related reasons. FMLA has not been expanded to provide for paid leave for other qualifying reasons, such as personal illness of the employee or family member.

Procedure for Requesting Leave

Employees must follow the existing procedures for taking and requesting family and medical leave. Employees are required to provide documentation to confirm eligibility for expanded childcare FMLA leave.

(cf. 0400 - Personnel)

Legal Reference:

Public Law No: 116-127 (03/18/2020)

Added 4/2020