

## **EMERGENCY PAID SICK LEAVE**

Pursuant to the Families First Coronavirus Response Act (FFCRA), certain employees are entitled to paid leave for certain coronavirus related absences between April 1, 2020 and December 31, 2020. The Emergency Paid Sick Leave (EPL) provisions of FFCRA are a temporary addition to the Fair Labor Standards Act. As such, all School policies pertaining to the FLSA shall apply unless otherwise specified herein or permitted or required by applicable law.

Posters regarding employee EPL rights shall be posted in each building in a conspicuous place, which is expected to be the same location as other workplace notices are posted.

All employees are qualified for EPL if they are unable to work due to one or more of the qualifying reasons specified below.

The qualifying reasons for EPL are as follows:

- (1) The employee is subject to a federal, state or local quarantine or isolation order. This does NOT include when the School is closed because of such an order.
- (2) The employee has been advised by a health care provider to self-quarantine based on a belief that that the employee has COVID-19, the employee may have COVID-19, or the employee is particularly vulnerable to COVID-19.
- (3) The employee is experiencing COVID-19 symptoms (fever, dry cough, shortness of breath, or any other COVID-19 symptoms identified by the CDC) and seeking medical diagnosis. This leave is “limited to time the Employee is unable to work because the Employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19.”
- (4) The employee is caring for a person in categories (1) or (2). If an employee is caring for an individual that is subject to a quarantine order or is self-quarantined on the advice of a health care provider, that individual must be an “immediate family member, a person who regularly resides in the Employee’s home, or a similar person with whom the Employee has a relationship that creates an expectation that the Employee would care for the person” who is depending on the employee for care.
- (5) The employee is caring for his or her child if the child’s school or daycare is closed, or the child care provider is unavailable due to Coronavirus precautions. “Child” includes both children under age 18 and an adult child with a disability who is incapable of self-care. The employee is only qualified for leave if there is no other suitable person available to care for the child during the period of leave.
- (6) The employee is experiencing any other substantially similar condition specified by U.S. Health and Human Services (HHS).

Employees must provide the School with notice of a need for leave as soon as practicable and provide all information requested by the School in a timely manner in order for the School to make a determination regarding the need for and qualification for leave.

Employees experiencing a qualified reason for leave are qualified for up to two weeks of paid or partially paid time off. Full-time employees (normally scheduled to work 40 hours or more per

week) are entitled to 80 hours of EPL. All other employees are entitled to the equivalent of two weeks of EPL calculated on the basis of the number of hours that the employee works on average over a two-week period. If the employee's work schedule is variable, the average number of hours that the employee was scheduled to work per day over the 6-month period (including overtime) immediately prior to leave will be used, calculated as the equivalent to 14 times the average number of hours the employee was scheduled to work on a daily basis over the past 6 months. If the employee has not been employed for 6 months, the number of hours agreed to at the time of hiring that the employee would work on average each calendar day will be used. If there was no such agreement, the daily average for the entire period of employment will be used.

Once the employee has exhausted EPL, no additional EPL shall be available to the employee even in the event of the occurrence of another qualifying reason. EPL used by an employee with a previous or another employer will count towards the employee's total entitlement to EPL. Employees are expected to truthfully report to the School any and all EPL utilized with another employer and failure to do so will be considered insubordination.

When an employee qualifies for EPL, EPL will be used before any other sick/personal days or other available paid time off (except as used to receive full pay as specified below).

Employees absent due to qualifying reasons (1), (2), or (3) above will be paid at the employee's regular rate of pay up to \$511/day or \$5,110 total. Employee absent due to qualifying reasons (4) or (5) will be paid at 2/3 the employee's regular rate of pay up to \$200/day or \$2,000 total. An employee may elect to use available sick/personal days or other available paid time off concurrently with EPL to make up the difference to receive full pay.

The School shall not discharge, discipline, retaliate, or discriminate against any employee who takes or seeks EPL leave or who files a complaint or participates in an investigation or proceeding related to EPL rights. Complaints pursuant to this provision should be handled in the same manner as EEO complaints.