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# COUNTY ADVISORY BULLETIN

**CAB**

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## **UPDATED SAMPLE TEMPORARY EMERGENCY PAID SICK LEAVE POLICY**

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April 2, 2020

### **I. TEMPORARY EMERGENCY PAID SICK LEAVE POLICY**

All eligible employees shall be entitled to emergency paid sick leave in compliance with the 2020 Families First Coronavirus Response Act as follows:

#### **A. Definitions**

As used in this policy, the following terms and phrases shall be defined as follows:

1. "Emergency responder": An emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to police officers, fire fighters, emergency medical services personnel, emergency medical technicians, paramedics, emergency management personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. For the purpose of this Policy, the following are "emergency responders" for the County: full-time and part-time employees in the \_\_\_\_\_ following \_\_\_\_\_ positions: \_\_\_\_\_, or other positions designated by the State of Ohio or appointing authority, consistent with this definition.

2. "Health care provider:" A health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, postsecondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

## **B. Use of Leave.**

All full-time and part-time employees may use emergency paid sick leave if they are unable to work (or telework) before using other accrued paid leave for the following reasons:

1. The employee is subject to a federal, state, or local quarantine, or isolation order related to COVID-19 and is unable telework;
2. The employee has been advised by a health-care professional to self-quarantine because of COVID-19 and is unable to telework
3. The employee is experiencing symptoms of COVID-19 and is currently seeking a medical diagnosis or awaiting the results of a COVID-19;
4. The employee is unable to work (or telework) due to a bona fide need to care for an individual who has been ordered or advised to quarantine or isolate. The "individual" for purposes of this reason for leave is an immediate family member, roommate, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she has been ordered or advised to quarantine or isolate.
5. The employee is unable to work (or telework) due to a need to care for a child whose school or place of child care has closed reasons related to COVID-19. The child must be under the age of 18, or over the age of 18 and incapable of self-care because of a mental or physical disability.
6. For similar conditions as determined by the Secretary of Health and Human Services.

## **C. Intermittent Leave**

Employees may take leave intermittently or on a reduced schedule basis for reason #5 as described in Section B of this policy, subject to the employer's approval. Employees may not take leave intermittently or on a reduced schedule basis for reasons #1-4 or #6 as described in Section B of this policy.

**D. Length of Leave and Compensation.**

1. Employees taking leave for reasons #1-3 as set forth above are entitled to two weeks of emergency sick leave at full pay. Part-time employees are entitled to the equivalent of the hours they work on average in a two-week period. This sick leave will not be deducted from an employee's accrued sick leave balance.
2. Employees taking leave for reasons #4-6 as set forth above will receive two-thirds of their regular rate of pay or two-thirds of minimum wage, whichever is greater. Part-time employees are entitled to the equivalent of hours they work on average in a two-week period. For part-time employees who do not work a regular schedule, the two-week equivalent will be based on an average number of hours worked in the previous six months.
3. Full-time employees are entitled to eighty (80) hours of pay at their regular rate (up to \$511 per day and \$5,110 in total) for leave taken for reasons #1, #2, and #3 as described above and two-thirds of their regular rate of pay if emergency sick leave is used for reasons #4, #5, and #6 as described above (up to \$200 per day and \$2,000 in total).
4. Employees who exhaust their two weeks of leave under this policy for reasons 1-3 as set forth in section A and are unable to return to work due to that reason may apply for Family Medical Leave pursuant to the County's Family Medical Leave Act provided the employee is otherwise eligible.
5. Employees taking emergency sick leave for reason #5 in Section B and are unable to return to work after this period due to the unavailability of school or childcare for COVID-19 reasons may apply for EFMLA leave provided by the FFCRA as set forth in County policy.
6. Employees are entitled to a total of two weeks of emergency sick leave under this policy regardless of the reason(s) for the leave.

**E. Employee Notification and Documentation.**

When an employee is unable to report to work due to illness or other acceptable sick leave reason under the FFCRA, they shall notify their supervisor after their leave has commenced as instructed by the Appointing Authority or Agency Head. An employee taking leave, or their representative, must complete a leave request form provided by the County and provide the requested documentation of the need for leave. An employee taking leave must follow the County's policies for regular reporting of absences. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absences where the employee has been granted a set period of leave.

Employees taking leave under this policy are expected to engage in conduct consistent with their need for such leave. If circumstances change, employees must notify their supervisor of the new facts so a determination can be made concerning the appropriate leave, if any, that is available to the employee.

The County reserves the right to require documentation verifying that the need for requested leave meets the conditions set forth in this policy, including medical documentation if applicable.

**F. Exemptions.**

An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this policy pursuant to the FFCRA. Each appointing authority shall explicitly designate those health care providers or emergency responders who are exempt from this policy and notify the exempted employees.

**G. Medical Information.**

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the [Designee Position Title, Phone Number].

**H. Retaliation.**

An employee will not be retaliated against for exercising her right to emergency sick leave in accordance with this policy.

**I. Expiration.**

This policy is temporary and is in effect from April 1, 2020 until December 31, 2020. Emergency paid sick leave accrued under this policy may not be carried over past December 31, 2020. Any unused emergency sick leave will not be paid out under any circumstances.

**Additional Information: The Department of Labor's website maintains a continually updated listing of Frequently Asked Questions and other relevant information for employers regarding the Temporary Emergency Paid Sick Leave and Families First Coronavirus Response Act ("FFCRA"). The web address for the Department of Labor's "Coronavirus Resources" is:**

<https://www.dol.gov/coronavirus>

**All members are encouraged to make use of available legal and consulting resources to the extent that specific issues and questions arise in your County.**