**EMERGENCY PAID SICK LEAVE POLICY**

This policy is intended to comply with the Emergency Paid Sick Leave Act (EPSLA) contained within the Families First Coronavirus Response Act (FFCRA). This policy is also intended to comply with applicable regulations to the EPSLA set forth at 29 CFR §826.10 *et seq*.

**Effective Period**

This Emergency Paid Sick Leave Policy is effective from April 1, 2020 through December 31, 2020.

**Explanation of EPSL Benefits**

The Families First Coronavirus Response Act (FFCRA) requires certain employers, including, but not limited to local public entities, to provide their qualified employees with EPSL.

**Eligible Employees**

Generally full-time and part-time employees are eligible for EPSL regardless of how long they have been employed, but healthcare providers and emergency responders may be excluded from benefits at the discretion of the employer.

**Healthcare Provider and Emergency Responder Exclusion**

Healthcare providers and emergency responders, as defined by Department of Labor regulations, are excluded from eligibility for EPSL.

**Available Benefits**

Employees who work 40 or more hours per week are eligible for 80 hours of EPSL. Employees who work fewer than 40 hours are eligible for the average number of hours they work in a two-week period. An employee may substitute these paid sick days for the first two weeks of unpaid EFML under the FFCRA (if the employee qualifies for both EPSL and EFML).

Once an employee uses the 2 weeks of leave, they may not take any more EPSL for any other reason.

**Qualifying Reason for EFML**

An employee is entitled to take EPSL **if the employee is unable to work or telework because**:

(1) The employee is subject to a federal, state or local quarantine or isolation order relating to COVID-19;

(2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;

(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(4) The employee is caring for an individual who is subject to a quarantine or isolation order or who has been advised by a healthcare provider to self-isolate;

(5) The employee is caring for a son or daughter whose school or daycare has been closed due to COVID-19 or the child care provider is unavailable for reasons related to COVID-19;

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

**Reason (1) Explanation – Subject to Quarantine or Isolation Order**

A quarantine or isolation order related to COVID-19 under reason (1) above includes federal, state, and local government shelter-in-place and stay-at-home orders that cause the employee to be unable to work even though the employer has work for the employee to do. An employee would also be “subject to a quarantine or isolation order” when a federal, state, or local government advises a category of citizens - such as persons in a certain age range or persons with certain medical conditions - to shelter in place, stay at home, isolate, or quarantine, causing those employees to be unable to work even though the employer has work for them. Therefore, if an employer permits employees to telework and has work for them to perform, the employee would not be eligible for EPSL under reason (1).

In order to be eligible for pay under the EPSLA, the employer must have work for the employee to perform and the employee must be unable to perform the work either at the normal workplace or by telework due to the quarantine or isolation order.

**Reason (2) Explanation -- Health Care Provider Advice to Self-Quarantine**

Employees are eligible for sick pay under reason (2) above when the health care provider has advised the employee to self-quarantine based on the belief that:

1. The employee has COVID-19;
2. The employee may have COVID-19; or
3. The employee is particularly vulnerable to COVID-19; and
4. Following the advice of a health care provider to self-quarantine prevents the employee from being able to work, either at the employee’s normal workplace or by telework.

**Reason (3) Explanation -- Experiencing COVID-19 Symptoms and Seeking Medical Diagnosis**

COVID- 19 symptoms, for purposes of EPSL include a fever, dry cough, shortness of breath, or any other symptoms identified by the U.S. Centers for Disease Control and Prevention. Any EPSL under reason (3) is limited to the 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 COVID-10 test.

**Reason (4) Explanation -- Caring for an Individual**

An “individual” for purposes of reason (4) means an employee’s 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 if he or she were quarantined or self-quarantined. This does not include person with whom the employee has no personal relationship.

In order to be eligible for EPSL under this section, the employer must have work for the employee to perform and the employee must be unable to perform that work at the normal workplace or by telework because of the need to care for the individual. In addition, the individual who needs care:

1. Must be subject to a quarantine or isolation order; or
2. Must have been advised to self-quarantine by a health care provider because of a belief that –
	1. The individual has COVID-19;
	2. The individual may have COVID-19 due to known exposure or symptoms; or
	3. The individual is particularly vulnerable to COVID-19.

**Reason (5) Explanation -- Caring for a Son or Daughter Whose School or Place of Care is Closed**

An employee must meet the following eligibility criteria to take leave for reason (5):

1. The employer has work for the employee to perform;
2. The employee would be able to perform the work at the normal workplace or by telework but for a need to care for the son or daughter;
3. The son or daughter’s school or place of care has been closed, or the child care provider is unavailable for reasons related to COVID-19; and
4. No other suitable person is available to care for the son or daughter during the period of such leave.

**Definitions**

An employee is “unable to work” if the employer has work available for the employee to do, but one of the COVID-19 qualifying reasons prevents the employee from being able to perform that work, either at the normal worksite or by means of telework.

A “son or daughter” is an employee’s own child, including an employee’s biological, adopted, or foster child, stepchild, a legal ward, or a child for whom the employee is standing *in loco parentis*, who is under 18 years of age. A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

“School” is defined as an elementary or secondary school up to grade 12.

The term “child care provider” means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under state law. The eligible child care provider need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee’s child.

**Paid Leave**

Employees who take EPSL for reasons (1), (2), or (3) are paid at 100% of their regular rate, capped at $511 per day/$5,110 in the aggregate. Employees who take leave for reasons (4), (5), or (6) are paid at 2/3 their regular rate, capped at $200 per day/$2,000 in the aggregate.

**Supplementing Paid Leave**

If an employee is receiving less than his or her full pay for EPSL, the employee may elect to supplement the EPSL payment with existing paid leave benefits to bring the employee’s gross wages to 100% of his or her regular rate.

**Requesting EPSL**

The employee must provide [employer] with notice of his or her need for EPSL as soon as practicable after the first workday (or portion thereof) for which the employee takes EPSL. If the employee fails to provide proper notice, [employer] will give the employee notice of the failure and an opportunity to provide required documentation prior to denying the request for leave.

An employee must provide [employer] with sufficient information to establish that that the employee needs EPSL for one of the qualifying reasons set forth above. The employee may provide this information using the Emergency Paid Sick Leave Notice and Request for Leave form which may be obtained from [insert contact person].

**Health Insurance**

[Employer] will continue the employee’s health coverage during EPSL, but the employee remains responsible for paying his or her portion of the group health plan premiums through normal payroll deductions.

**No Compensation for Unused EPSL**

[Employer] will not provide financial compensation or other reimbursement for unused EPSL upon the employee’s termination, resignation, retirement, or any other separation from employment.

**Job Restoration Following Leave**

With certain exceptions, employees who take EPSL must be reinstated to their position with equivalent benefits, pay, and other terms and conditions of employment.

**Pre-Existing Benefits**

Nothing in this policy should be construed to diminish an employee’s existing rights under the law, a CBA, or an existing employer policy. EPSL is in addition to other leave provided under Federal, State, or local law, an applicable collective bargaining agreement, or the employer’s existing policy.

**Prohibited Acts**

Employers are prohibited from discharging, disciplining, or discriminating against any employee because the employee took EPSL. Likewise, an employer is prohibited from discharging, disciplining, or discriminating against an employee because such employee has filed a complaint or instituted or caused to be instituted any proceeding, including an enforcement proceeding, under or related to the EPSLA, or has testified or is about to testify in any such proceeding.

**Posted Notice**

[Employer] has posted a notice explaining EPSL benefits [on its website] [in all breakrooms] [and has emailed a copy to all employees].