

3431.03 - Emergency Paid Sick Leave Act (“EPSLA”) Policy

Introduction

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave for specified reasons related to COVID-19. This policy is intended to conform to and comply with, but not exceed, the requirements of the Emergency Paid Sick Leave Act (“EPSLA”).

This policy is effective from April 1, 2020 through December 31, 2020.

Eligibility Requirements

All employees are eligible for EPSLA leave under this policy.

Qualifying Reasons for EPSLA Leave

EPSLA leave is available to all employees who are unable to work, including unable to telework, for one of the following reasons:

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

Amount of Leave Available

Full-time employees may take up to 80 hours of EPSLA leave.

Part-time employees may take EPSLA leave for up to the number of hours the employee is normally scheduled to work, on average, over a 2-week period. For employees whose schedule varies from week-to-week to such an extent that it is not possible to determine with certainty the number of hours the employee would have worked if the employee had not taken EPSLA leave, an average number of hours will be calculated consistent with the provisions of the Act.

Regardless of whether an employee is full-time or part-time, if an employee returns to work after using EPSLA leave, but prior to exhausting the two-week leave allotment, any unused EPSLA leave is lost.

EPSLA leave that is not used on or before December 31, 2020 is lost and may not be carried over to the next calendar year. EPSLA leave that is not used will not be paid out upon separation from employment for any reason.

Rate of Pay

For employees Using EPSLA Leave for One of the Qualifying Reasons Set Forth in Paragraphs 1-3, Above: The EPSLA leave shall be paid at the higher of the employee's regular rate of pay or the applicable state or Federal minimum wage, except that the amount paid shall not exceed \$511 per day or \$5,110 total.

For employees Using EPSLA Leave for One of the Qualifying Reasons Set Forth in Paragraphs 4-6, Above: The EPSLA leave shall be paid at 2/3 of the higher of the employee's regular rate of pay or the applicable state or Federal minimum wage, except that the amount paid shall not exceed \$200 per day or \$2,000 total.

Required Notice

Employees shall provide notice of any leave as soon as practicable when leave is necessary.

Notice should include as much information as necessary to determine whether the requested leave is covered by the EPSLA. Employees may be required to include in the notice as much documentation as is allowed under the EPSLA and applicable regulations.

Return to Work

Once the reason for which the employee used EPSLA leave has concluded, the employee must return to work on the employee's next regularly scheduled workday.

Prior to returning to work, employees will be required to complete a Confidential Health Form, certifying that the employee does not present a risk of spreading COVID-19 in the workplace.

No Discrimination

Leave under this policy will not be used as a negative factor in employment actions, such as hiring, promotions, disciplinary actions or attendance.