



## **FMLA Leave Expansion and Emergency Paid Sick Leave Policy Due to COVID-19**

**Policy Date: October 8, 2020**

### **Purpose**

The purpose of this policy is to comply with the Families First Coronavirus Response Act (FFCRA). This policy will provide eligible employees with paid sick leave. This policy takes effect immediately and will expire on December 31, 2020. Employees seeking a leave for reasons outside of this policy should check our other leave policies such as the Family Medical Leave Act policy and/or the General Leave of Absence policy. Even though IHLS has no locations where there are 50 or more employees within a 75-mile radius. For employees who otherwise meet the requirements for FMLA (have worked for IHLS for at least 12 months and have worked at least 1,250 hours in the 12 months immediately preceding the date on which leave is needed, IHLS provides leave substantially equivalent to the FMLA, even though the Family and Medical Leave Act does not apply.

For the purpose of this policy, “son or daughter” means the employee’s own child under the age of 18, which includes biological, adopted, or foster children, your stepchildren, legal wards, children for whom the employee is standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. The definition also includes 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.

### **Emergency FMLA Leave (EFMLA)**

#### **Employee Eligibility**

All employees who have been employed with the Organization for at least 30 days prior to the date they wish the leave to start.

#### **Reason for Leave**

Eligible employees who are unable to work (or telework) due to a need to care for their son or daughter because the school or place of care has been closed, and no suitable person is available to care for the child, due to a public health emergency with respect to COVID-19.

#### **Amount of Leave**

Employees will have up to 12 weeks of leave to use through December 31, 2020.

#### **Amount of Pay**

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Leave is unpaid during the first two weeks, unless Emergency Paid Sick Leave applies (discussed below) or, Employees may elect to use any accrued and applicable paid vacation, sick or personal leave during this time.

For the remainder of the leave, employees will be paid 2/3 their regular rate of pay (calculated as 2/3 of their rate of pay multiplied by the number of hours the employee would otherwise be scheduled to work). In no circumstances will that pay exceed \$200 per day, and \$10,000 in total, per employee. Any unused portion of this pay will not carry over beyond the calendar year nor will it pay out upon termination of employment. The employee can use other accrued paid time off to bring the employee's rate of pay to 100% during the leave. The use of any such paid time does not increase the amount of leave the employee is entitled to under this Act.

### **Benefits During Leave**

The Organization will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment. This should be arranged with Human Resources. If the employee does not continue these pre-arranged benefit payments, the Organization may discontinue coverage during the leave. If the employer maintains coverage while the employee is on leave, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Employees **will** accrue employment benefits, such as vacation pay and sick/personal pay, etc. while on leave.

### **Notice and Documentation Required**

All employees requesting this leave must provide written notice of the need for leave to Human Resources as soon as practicable. The request must include: the name and age of the child (or children) to be cared for; the name of the school that has closed or place of care that is unavailable; and, a statement that no other suitable person is available to care for the child during the period for which the employee is receiving EFMLA leave. If the employee is requesting leave for the need to provide care for a child older than fourteen during daylight hours, the employee must provide a statement that special circumstances exist requiring the employee to provide care.

### **No Carryover**

EFMLA leave will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

### **Intermittent or Reduced Schedule Leave**

This leave may be taken intermittently (in separate blocks of time) or on a reduced hours basis with the agreement of the Organization and the employee if the employee is unable to work or telework. However, when an employee is caring for a child whose school or place of care is closed

or whose child care provider is otherwise unavailable but this changes during a particular week, the employee may take time off only as necessary when the place of care/school is closed. In other words, if a child's school is open for in-person attendance Monday-Wednesday each week but closed on Thursdays and Fridays, the employee may take EFMLA leave on Thursdays and Fridays each week and work Monday-Wednesday (if scheduled) as each time the school closes is considered a separate qualifying reason for leave.

### **Job Restoration**

An employee who returns to work from an approved EFMLA leave of absence is entitled to return to his or her job or an equivalent position without loss of benefits or pay.

## **Emergency Paid Sick Leave**

### **Eligibility**

All employees unable to work (or telework) due to one of the following reasons for leave:

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 symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 related reasons.
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.

### **Amount and Reasons for Leave**

All eligible full-time employees will have up to 80 hours of emergency paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

### **Amount of Pay**

Emergency paid sick leave will be paid at the employee's regular rate of pay for leave taken for reasons 1-3 above, subject to the caps, described below. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay, also subject to the caps described below. Pay will not exceed:

- \$511 per day and \$5,110 in total per employee for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total per employee for leave taken for reasons 4-6 above.

### **Interaction with Other Paid Leave**

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

If an employee is using EFMLA leave, the employee may use emergency paid sick leave during the first two weeks of unpaid EFMLA leave. The use of emergency paid sick leave during the first two weeks of EFMLA leave will not extend the time off available under the EFMLA. During the first two weeks, the employee may also choose to go unpaid or use other paid time off. During the remaining 10 weeks, the employee must use any available vacation, sick or personal time to supplement pay available under the law.

### **Notice and Documentation Required**

All employees requesting this leave must provide written notice of the need for leave to Human Resources as soon as practicable. The request must include: the employee's name; the date or dates for which leave is requested; a statement of the COVID-19 related reason the employee is requesting leave as well as written support for such reason; and, a statement that the employee is unable to work or telework.

If the employee is requesting the leave due to a quarantine, the employee must also include: the name of the governmental entity ordering quarantine or the name of the health care professional advising self-quarantine; and, if the person subject to quarantine or advised to self-quarantine is not the employee, that person's name and relationship to the employee.

If the leave request is based on a school closing or child care provider unavailability, the statement from the employee should include: the name and age of the child (or children) to be cared for; the name of the school that has closed or place of care that is unavailable; and, a representation that no other suitable person is available to care for the child during the period for which the employee is receiving the leave. If the request is based on the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, the employee should also include a statement that special circumstances exist requiring the employee to provide care.

### **No Carryover**

Emergency paid sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

### **Intermittent or Reduced Schedule Leave**

Emergency paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

- The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

- The employee is caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

The only exception is that employees may take sick leave on a reduced schedule for the above reasons if they are able to, and want to, telework, with the agreement of the Organization. Unless the employee is teleworking, once the employee begins taking emergency paid sick leave for one or more of these qualifying reasons, the employee must continue to take emergency paid sick leave each day until the employee either (1) use the full amount of paid sick leave or (2) no longer has a qualifying reason for taking paid sick leave.

The employee may take emergency paid sick leave intermittently, if the employee wants to, with the agreement of the Organization, if the employee is taking emergency paid sick leave to care for the employee's child whose school or place of care is closed, or whose child care provider is unavailable, because of COVID-19 related reasons. However, when an employee is caring for a child whose school or place of care is closed or whose child care provider is otherwise unavailable but this changes during a particular week, the employee may take time off only as necessary when the place of care/school is closed. In other words, if a child's school is open for in-person attendance Monday-Wednesday each week but closed on Thursdays and Fridays, the employee may take paid sick leave (which is also counted toward the total FFCRA entitlement) on Thursdays and Fridays each week and work Monday-Wednesday (if scheduled) as each time the school closes is considered a separate qualifying reason for leave.

### **Job Protections**

Employees who take emergency paid sick leave will not be retaliated or discharged for doing so.