



For people with intellectual and developmental disabilities

COVID – 19 EXPANDED SICK LEAVE POLICY

Emergency Family and Medical Leave Expansion Act
Emergency Paid Sick Leave Act

Duration of new law: March 18, 2020 through December 31, 2020

General Summary

The federal government passed the Families First Coronavirus Response Act (FFCRA) which contains two components; Emergency Family and Medical Leave Expansion Act and Coronavirus Paid Sick Leave Law. An employee is entitled to take leave related to COVID – 19 if the employee is unable to work, including unable to telework.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

Under the new legislation, eligible employees could take up to 12 weeks of leave. The first 10 days would be unpaid, but employees could apply the 10 days of paid federal sick leave days to the unpaid family leave days. The remaining leave (10 weeks) would be paid at two-thirds of the employee's regular pay. The EFMLEA, "also allows 12 weeks of partially compensated FMLA leave to care for a child whose school or childcare facility has been closed due to COVID – 19. Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

Paid sick leave may be used if an employee is experiencing COVID-19 symptoms but has yet to test positive, though the individual must be actively attempting to secure medical evaluation. Any reason for use must be tied to the coronavirus. That means being sick, waiting to get tested, being under quarantine.

Covered Employees

All employees are covered, regardless of the length of their employment with their current employer. Federal paid sick leave is on top of / in addition to what your employer already provides.

Using Paid Sick Leave (PSL)

All full-time employees, regardless of the length of time they have worked for their employer, are entitled up to 80 hours of paid sick time, available for immediate use. Part-time employees are entitled to an amount of paid sick time equal to the average number of hours they work over

a two-week period. Paid Sick Leave cannot be taken intermittently. If the Arc of the East Bay employee head count falls below 50 total employees, #5 will not apply to our organization.

Paid Sick Time may be taken when the employee:

1. Must comply with a federal, state or local quarantine or isolation order related to COVID – 19
2. Has been advised by a health care provider to self-quarantine due to concerns related to COVID – 19
3. Is experiencing symptoms of COVID – 19 and is seeking a medical diagnosis
4. Is caring for a family member who is subject to a federal, state or local quarantine or isolation order related to COVID – 19, or who has been advised by a health care provider to self-quarantine
5. Is caring for his or her child if the child’s school or care has closed, or the child’s care provider is unavailable, because of COVID – 19 precautions.
6. Is experiencing another substantially similar condition specified by the Secretary of Health and Human Services (HHS)

Documentation

A note from your health care provider will be required to determine if you are eligible for the paid sick leave benefit under #1, 2 and 3. Additionally, appropriate documentation for #4, 5 and 6 will also be required. No employee will be allowed to return to work without a doctor’s note stating that they are fit for duty for any absence related to COVID – 19, regardless of the amount of time you were off from work.

Compensation

Under the new federal paid sick leave law, employees will be paid their regular rate of pay if the employee is taking leave for a reason related to their own symptoms of, exposure to, COVID – 19.

- 100% for qualifying reason #1 thru #3 above, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and #6 above, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 above for up to \$200 daily and \$12,000 total. Must be unable to work during a childcare-related leave to include an inability to telework.
- Since the first two weeks of Emergency Family Medical Leave Act is unpaid, the employee can use their Emergency Paid Sick leave benefit to cover this period.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

COVID-19 Expanded Sick Leave Policy

Acknowledgement

I have received a copy of this policy and training of the content by the company HR Director. I have had the opportunity to read the document and understand the policy.

Date of training: _____

Print your full name

Sign your full name