

BOX ELDER COUNTY PERSONNEL POLICIES AND PROCEDURES

25. COVID-19 EMERGENCY PANDEMIC LEAVE
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25-1. Purpose

On March 18, 2020 President Trump signed the Families First Coronavirus Response Act, which, under specific circumstances, provides paid leave under the Family and Medical Leave Act (FMLA) and paid sick leave for absences resulting from COVID-19. The new law takes effect April 1, 2020.

25-2. Policy

Box Elder County recognizes that COVID-19 may significantly impact our workforce. These impacts may include a personal illness, caring for an ill family member or household member, or a lack of childcare. In an effort to minimize these impacts the County will temporarily relax our leave policies. This policy will take effect beginning April 1, 2020 through December 31, 2020. Portions of this policy may be extended or rescinded as needed by decision of the Box Elder County Human Resources Manager in consultation with the Box Elder County Commission, subject to applicable laws. While this policy is in effect, it will supplement existing county leave and FMLA policies; those other policies will remain in effect, but this policy will supersede any conflicting provisions in those policies. If any portion of this policy or any other county policy conflicts with the law, the law will govern.

25-3. Procedures

A. Emergency Paid Sick Leave Act

1. Box Elder County will provide all qualifying employees with paid COVID-19 sick leave if the employee is unable to work (or telework) due to a qualifying reason related to COVID-19, as defined below.
2. Full-time employees may receive up to 80 hours of paid COVID-19 sick leave. Part-time employees are entitled to paid COVID-19 sick leave based on the number of hours the employees work, on average, over a two-week period. For employees with variable hours, the paid leave will be based on the average number of hours worked per day over the previous pay period.
3. Qualifying reasons for this paid sick leave include:

- i. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID–19.
 - ii. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.
 - iii. The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
 - iv. The employee is caring for an individual who is subject to either number 1 or 2 above.
 - v. The employee is caring for his or her son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID–19 precautions.
 - vi. 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.
4. For reasons listed in paragraphs A.3.i-iii above, paid sick leave is to be paid at the employee’s salary with the following caps: \$511 per day and a total of \$5,110. Employees may not supplement this paid leave with their vacation or sick leave.
 5. For reasons listed in paragraphs A.3.iv-vi above, paid sick leave is to be paid at two-thirds of the employee’s salary with the following caps: \$200 per day and a total of \$2,000. Employees may not supplement this paid leave with their vacation or sick leave. Son or daughter is defined by the FMLA as a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person taking the place of a parent.
 6. A supervisor may not require an employee to use other types of paid leave provided by Box Elder County before the employee uses the paid COVID-19 sick time available under the Families First Coronavirus Response Act.
 7. Paid COVID-19 sick leave will end with the employee’s next scheduled work shift following the end of the qualifying need.
 8. A supervisor may not require an employee to find a replacement to cover his or her scheduled work hours.

B. Emergency Family and Medical Leave Expansion Act (EFMLEA)

1. The Emergency Family and Medical Leave Expansion Act (EFMLEA) amends the current FMLA by adding a provision that allows eligible employees to use their FMLA job-protected leave if they can't work (or telework) because their minor

child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

2. Eligible employees include employees who have been on the payroll for at least 30 calendar days and who have a son or daughter, defined by the FMLA as a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person taking the place of a parent.
3. The first 10 days of this leave will be unpaid; however, employees may elect to substitute available paid time off, such as paid COVID-19 sick leave or regular vacation, sick leave, comp time, or SDO during this time.
4. For the remaining 10 weeks, eligible workers will receive two-thirds of their regular rate of pay, which will be capped at \$200 a day and \$10,000 total. Employees may not supplement this paid leave with any other type of paid leave.
5. For part-time employees or employees with variable hours, paid leave will be equal to the average number of hours worked over the previous pay period.
6. To apply for leave employees should follow the procedures for requesting FMLA leave under Policy 13-8: Family and Medical Leave Act--Procedures to the extent that they apply to this type of FMLA leave. Human Resources will provide the necessary information and forms, which may be different from other types of FMLA leave.
7. When an employee has already used some of the FMLA benefit prior to April 1, 2020, his/her eligibility for Emergency Family and Medical Leave Expansion Act (EFMLEA) leave depends on how much leave the employee has already taken in the 12-month FMLA period established by Box Elder County. Box Elder County uses a 12-month period for FMLA that starts on the first date of use and rolls forward 12 months. If the employee has taken some but not all of the 480 hours allowed by the County's FMLA policy under this rolling 12 months, he or she may take the remaining portion of leave available under EFMLEA. If an employee has taken all 480 hours of FMLA leave within the County's 12 month period, he or she may not take additional EFMLEA until he/she is eligible for leave again.

C. Retaliation

1. Box Elder County will not tolerate retaliation against any employee who takes leave in accordance with the act or who files a complaint or participates in a

proceeding related to the act—including a proceeding that seeks to enforce the act.