



Seward County Emergency Paid Sick Leave & Emergency Family Medical Leave Expansion Policy

This policy is being put into place due to the coronavirus disease 2019 (COVID-19) pandemic. This pandemic and updates on the situation are changing on an hourly basis and therefore this policy will be subject to change as well.

On March 18, 2020, the Families First Coronavirus Response Act was signed into law and shall be effective on April 1st, 2020. There are two parts to this Act that will affect Seward County employees: (1) Emergency Paid Sick Leave and (2) Emergency Family Medical Expansion which is an expansion to traditional FMLA (Family Medical Leave Act) that we currently follow. This legislation provides changes to current leave policies specific to the coronavirus pandemic. Official documentation from the Department of Labor is yet to be released but as the information is available Human Resource will disburse to employees.

We acknowledge that some of our employees have been impacted by this pandemic and in such Seward County being a covered employer, will implement this policy in accordance with the Families First Coronavirus Response Act (HR 6201).

While following the interim guidance as provided by multiple agencies including KDHE and CDC, as well as recommendations given by the Seward County Health Department and in accordance with the Families First Coronavirus Response Act (FFCRA), Seward County will provide eligible employees with Emergency paid sick leave and Expanded FMLA under certain conditions as outlined below.

EMERGENCY PAID SICK LEAVE (EPSL)

How much leave is required?

Covered employers must provide full-time employees with up to 80 hours of paid sick leave if the employees are unable to work (or telework) due to COVID-19. Part-time employees are entitled to paid sick leave based on the number of hours the employees work, on average, over a two-week period.

Who is Eligible?

Any employee (no matter how long they have been employed).

What are the qualifying reasons for leave?

Qualifying reasons for this paid sick leave include:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
 - o The supervisor or department head will need to report any possible exposures or quarantines to the HR Director and Health Department Director immediately.
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 *(2/3 pay required)*.
5. 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 *(2/3 pay required)*.
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 *(2/3 pay required)*.

What will be the rate of pay?

- For reasons #1-3 above, sick leave will be paid at the employee's regular rate of pay, up to \$511 daily and \$5,100 total;
- For reasons #4-6 Sick leave is paid at 2/3 regular rate of pay up to \$200/day and \$2000 total.

What if the employee has other paid leave available?

An employer may not require an employee to use other types of paid leave provided by the employer before the employee uses the paid sick time available under this law.

What is the effective date?

The-paid-sick leave provisions take effect on April 1, 2020 and expire on December 31, 2020.

EMERGENCY FAMILY MEDICAL EXPANSION ACT (EFML)

What is expanded?

The Emergency Family and Medical Leave Expansion Act expands the current Family and Medical Leave Act (FMLA). EFML Expansion Act provides eligible employees with up to 12 weeks of protected emergency family and medical leave.

Who is Eligible?

Emergency family and medical leave is available to all employees that have been employed by the Seward County for at least 30 calendar days.

For what reasons can leave be taken?

Leave under this policy is limited to circumstances where you are unable to work (including telework) due to your need to care for your minor child because the child's school or place of childcare has been closed or is unavailable due to a public health emergency, such as COVID-19.

Is this leave paid?

The first 10 days of this leave may be unpaid; however, employees may elect to substitute available Paid Time Off (PTO), comp time or use the Emergency Paid Sick Leave benefit during this time. After the initial 10 days, employers by law must pay eligible employees at least two-thirds of the employees' regular rate of pay (as defined under the Fair Labor

Standards Act) based on the number of hours the employees would otherwise have been scheduled to work. These paid-family-leave benefits are capped at \$200 a day and \$10,000 total).

What is the effective date?

The expanded FMLA provisions take effect April 1, 2020 and expire on December 31, 2020.

What happens when I return?

Upon returning to work at the end of leave, you will generally be placed in your original job or an equivalent job with equivalent pay and benefits. You will not lose any benefits that accrued before leave was taken.

- The position does not exist due to changes in the employer’s economic or operating condition that affect employment and were caused by the coronavirus emergency;
- The employer makes “reasonable efforts” to restore the employee to an equivalent position; and
- If these efforts fail, the employer makes an additional reasonable effort to contact the employee if an equivalent position becomes available. The “contact period” is the one-year window beginning on the earlier of:
 - The date on which the employee no longer needs to take leave to care for the child; or
 - 12 weeks after the employee’s paid leave commences.

RETALIATION

The county will not retaliate against employees who request or take leave in accordance with this policy.

EXCEPTIONS

Employees who are health care providers or emergency responders may be excluded.

TO REQUEST LEAVE

An employee must apply for Emergency Sick leave and/or Expanded Family Medical Leave. Notification will need to be provided to Human Resources and an EPSL & EFML form will need to be completed by the requesting employee.

If emergency family and medical leave is needed employees need to provide notice as soon as possible. Normal call-in procedures apply to all absences.

SEWARD COUNTY TIME OFF POLICY:

For those not qualifying for Emergency Family Medical Leave Expansion Act Leave or who exhaust these two benefits, Emergency Paid Sick Leave (EPSL) or Emergency Family Medical Leave (EFML) as stated in FFCRA, the following current Seward County Covid-19 time off or leave policy will apply as established by the Board of County Commissioners on March 16, 2020.

For employees who:

- Do not have childcare due to a school closure or daycare closing will use PTO while on leave or for time off. After their PTO is exhausted then all further leave or will be unpaid.
- Based on KDHE guidelines need to be quarantined due to COVID-19 or other COVID-19 implication such as, but not limited to, a safety precaution, employee will receive administrative leave for the time off.

ADDITIONAL INFORMATION

- If you are sick, please stay home. This is the County's general policy for illness, regardless of cause, but it is especially important right now.
 - Employees who have symptoms of acute respiratory illness are recommended to stay home and not come to work until they are free of fever (100.4 degrees, signs of a fever, and any other symptoms for at least 24, without the use of fever-reducing or other symptoms-altering medicines. Employees should notify their supervisor and stay home if they are sick.
 - **Emergency Sick Leave or Family medical leave will be provided during this time, if still available for employee otherwise, PTO or other leave options will be discussed.**
- If an employee has abused any areas of reporting or not following a quarantine, they will be subject to disciplinary action.
- Any absence which does not conform to the County's current or expanded leave policy will be considered unauthorized and may be grounds for disciplinary action.
- The two leave benefits made available through the FFCRA expire on December 31, 2020 and do not carry over.
- No leave granted under FFCRA may be applied retroactively.
- Employees who exhausted 12 weeks of FMLA between April 1, 2019 and March 31, 2020, will not be eligible for Expanded FMLA.
- FMLA & Expanded FML remains a total of 12 weeks annually. Expanded Family Medical Leave does not grant an employee an additional 12 weeks.
- If two Seward County Employees are married each employee is entitled to 12 weeks of Expanded FML but may not use the leave at the same time.
- While using Extended FML, employees are not permitted to work or telework.

HEALTH INSURANCE PER FFCRA:

A group health plan must provide coverage without any cost-sharing requirements, such as deductibles, co-payments and co-insurance, or prior authorization or other medical management requirements, for:

- The costs of a test to detect or diagnose the virus that causes COVID-19; or
- Health care provider visits, including telehealth visits, urgent care and emergency room visits, that result in an order for or administration of a test to detect or diagnose the virus that causes COVID-19.

IN THE EVENT OF A STAY AT HOME ORDER:

In the event that the Seward County Health Department will release a stay at home order, department heads will evaluate staffing required to maintain basic essential operation.

- Any staffing that is not required by a department head to report to work, will be allowed paid administrative leave.
 - Department heads should coordinate paid administrative leave approvals with the HR Director/County Administrator for accurate time clock reporting for payroll.

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Questions may be emailed to schr@sewardcountyks.org or by contacting Seward County Human Resources at 620-626-3327.