

FAMILIES FIRST CORONAVIRUS RESPONSE ACT LEAVE

These federally mandated leaves only apply if an employee is not able to work or telework. These leaves apply only if the district has work for the employee to do and the employee cannot work (or work remotely) for the personal reasons outlined in the policy.

Definitions

- Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is a. Under 18 years of age; or b. 18 years of age or older and incapable of self-care because of a mental or physical disability.
- Childcare provider means someone who cares for a child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.
- Place of care is physical location in which care is provided for children. The physical location does not have to be solely dedicated to such care. Examples include daycare facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

Purpose

To comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing District leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted as consistent with the US Department of Labor's rules.

Emergency Sick Pay Leave (ESPL)

This policy is in addition to any form of paid or unpaid leave currently provided.

As provided by the Act, we will provide two weeks of paid sick leave for the following circumstances:

- Self-Care is needed
 1. Is subject to 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 seeking a medical diagnosis
 4. Is experiencing continued effects of COVID-19 after having tested positive and the quarantine period has expired.
- Family Care is needed
 4. Is caring for an individual who is subject to an order as described in item 1 one or has been advised to self-quarantine as described in item 2

5. Is caring for his or her child because the school or place of care has been closed, or the childcare provider is unavailable due to COVID–19 precautions
6. Is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

Amount of leave available

- Full-time employees are entitled to up to 80 hours of paid leave.
- Part-time employees are entitled to paid leave up to the average number of hours they would work in a two-week period.
- This legislated paid sick leave time will be in addition to any accrued sick leave time available to the employee per our current sick leave policies. Employees are able to determine if they wish to use accrued benefits prior to using ESPL. Benefits may not be used concurrently.

Rate of Pay

- Self-Care: The rate of pay for sick leave is the employee’s regular rate of pay as defined by the Fair Labor Standards Act (FLSA), the minimum wage under the FLSA, or the state or local minimum wage, whichever is greater for a use described for Self-Care in items 1, 2, or 3 above (subject to a maximum stated below).
- Family Care: If an employee is taking paid sick leave for a use described for Family-Care in items 4, 5, or 6 above, the employee’s pay entitlement is two-thirds of the regular rate of pay subject to the following maximums:
 1. \$511 per day (\$5,110 in aggregate) for a use described in items 1, 2, or 3
 2. \$200 per day (\$2,000 in aggregate) for a use described in items 4, 5, or 6

Requesting Sick Pay Leave

A request for Sick Pay Leave must be made in writing (request form from the business manager), must be for a specified period of time and must be directed to the superintendent. All leave requests should be accompanied by documentation supporting the necessity for the leave such as a medical note or letter of school/childcare closure.

Coordination with the Family and Medical Leave Act

Time off taken under this policy addendum for a serious health condition related to the employee, spouse, child or parent will be designated under FMLA. As with FMLA, this time will not count against our current attendance policy.

Health insurance coverage

If covered by the district’s group health coverage, you are entitled to continued group health coverage during your EFMLA on the same terms as if you continued to work. You must continue to make any normal contributions to the cost of your health coverage.

Emergency Family and Medical Leave (EFMLA) Policy

In the event of a declared national emergency by the President of the United States and/or regional emergency declared by the State Governor, we will follow recommendations to assist our employees with childcare issues including complying with any legislative acts/laws enacted. This includes provisions of the Families First Coronavirus Response Act of 2020 (FFCRA).

The Emergency Family and Medical Leave Expansion Act (EFMLA) expands leave under the Family and Medical Leave Act to provide leave for employees who need to care for their child due to the closure of schools and childcare facilities as a result of the COVID-19 public health emergency.

The provisions of the Act are as follows:

1. Both full-time and part-time employees who have worked for us for at least 30 days will be entitled to take up to 12 weeks of job-protected leave for employees who need to care for their child due to the closure of schools and childcare facilities as a result of the COVID-19 public health emergency.
2. The first two weeks of such EFMLA may be unpaid. During this 10-day period an employee may choose to substitute accrued vacation leave, personal leave or other medical or sick leave (including Emergency Paid Sick Leave under the FFCRA), but an employer may not require an employee to do so.
3. After the two weeks of unpaid leave, employers must provide up to 10 weeks of paid EFMLA leave at a rate of no less than two-thirds of the employee's regular rate of pay. The EFMLA caps the paid leave entitlement at \$200 per day (\$10,000 in aggregate).
4. The number of hours you will be paid is based on the number of hours per week the employee is scheduled to work.
5. As with traditional FMLA leave, this leave is job-protected, meaning an employer must return the employee to the same or equivalent position upon their return to work with some exceptions.

Requesting Emergency Family and Medical Leave

A request for EFMLA Leave must be made in writing, must be for a specified period of time and must be directed to the department manager. All leave requests should be accompanied by documentation supporting the necessity for the leave, such as a letter of school closure or unavailability of qualifying childcare due to government mandate.

Coordination with the Family and Medical Leave Act

Time off taken under this policy will be designated under FMLA and, as such, limited to a total of 12 weeks per year. As with FMLA, this time will not count against our current attendance policy.

Health insurance coverage

If participate in the district group health coverage, you are entitled to continued group health coverage during your EFMLA on the same terms as if you continued to work. You must continue to make any normal contributions to the cost of your health coverage.

Carryover

The district shall not provide emergency paid sick leave or expanded family and medical leave to its employees beyond December 31, 2020. After that, employees may only take leave under the districts existing leave policies. Any unused paid sick leave will not carry over to the next year or be paid out to the employee.

Prohibitions

The District shall not discharge, discipline, or discriminate against any employee who takes leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

End of Montpelier School Policy:.....Adopted 07-15-2020, Amended 10-14-2020, Expires 12-31-2020.