

EMERGENCY EBR COVID-19 LEAVE - 2021

In March 2020, federal legislation creating the Family's First Coronavirus Response Act (FFCRA) was signed and became law. The FFCRA, among other things, provided for paid FMLA leave related to child care disruption due to the COVID-19 pandemic and paid sick time for certain reasons related to COVID-19. Those provisions took effect on April 1, 2020 and were scheduled to expire on December 31, 2020. In light of subsequent federal legislation, the provisions of this policy will be retroactively effective as of January 1, 2021 and remain in effect until March 31, 2021.

Family and Medical Leave

Existing *Family and Medical Leave Act* (FMLA) leave policies shall still apply to all other FMLA-qualifying reasons for leave outside of this policy.

Employee Eligibility

All employees who have been employed with the School Board for at least thirty (30) consecutive days from the most recent date of hire, shall be eligible for Emergency EBR COVID-19 Leave.

Reason for Leave

Eligible employees are those who are unable to work (or telework) due to any of the following reasons are eligible for the Emergency EBR COVID-19 Leave.

- I. COVID-19 (Q) – Quarantine/Isolation
 - a. Leave due to exhibiting COVID-19 symptoms and are seeking diagnosis or are diagnosed with COVID-19.
 - i. Allowable Leave: 10 days
 - ii. Acceptable Documentation: Testing Results within date range
 - iii. Pay Rate: 100%
 - b. Leave due to close contact exposure to someone diagnosed with COVID-19.
 - i. Allowable Leave: 10 days
 - ii. Acceptable Documentation: Testing Results within date range
 - iii. Pay Rate: 100%
 - c. Leave due to COVID-19 close contact exposure at an EBRPSS site, while in employee's official duty as an EBRPSS employee.
 - i. Allowable Leave: 10 days
 - ii. Acceptable Documentation: Notification of Close Contact and Testing Results within date range
 - iii. Pay Rate: 100%

- a. Need to care for child whose school or child care provider or place of care is unavailable due to COVID-19.
 - i. Allowable Leave: 5 days
 - ii. Acceptable Documentation: Documentation from School
 - iii. Pay Rate: 65%

- b. Need to care for a child whose school has quarantined them due to being designated as a close contact of a person with COVID-19.
 - i. Allowable Leave: 5 days
 - ii. Acceptable Documentation: Documentation from School
 - iii. Pay Rate: 65%

LIMITATIONS

These limitations are not related to previous utilization of the Family First Coronavirus Response Act leave authorized by the federal government from March 2020 through December 2020.

COVID-19 (Q) Leave is only available once, unless it is related to close contact exposure where the employee is unable to work because the employee is quarantined, as initiated by the EBRPSS, (pursuant to Federal, State, or Local government order or advice of a health care provider) due to being identified as a close contact to a positive case and which occurred during the employee's official duty as an East Baton Rouge Parish School Board employee. Once an employee has utilized this leave, they will have to utilize available regular sick and extended sick leave allocations.

COVID-19 (C) Leave is only available twice. Once the employee has utilized this leave, they may apply for Leave Without Pay.

TERMINOLOGY/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:

- under eighteen (18) years of age; or
- eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

"Childcare provider" means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for

fewer than twenty-four (24) hours per day, as the sole caregiver, and in a private residence)

- other licensed provider of childcare services for compensation
- a childcare provider that is eighteen (18) years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

- takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than six (6) months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

While an employee is on leave, the School Board shall 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 School Board shall continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee shall continue to make this payment per instructions from the School Board staff.

Procedure for Requesting Leave

Emergency EBR COVID-19 Leaves are processed for approval in the Office of Human Resources. All employees must submit Emergency EBR COVID-19 leave request utilizing the designated system as soon as practicable. Verbal notifications will not be acceptable unless the employee is incapacitated. Employees must upload/submit written documentation to the Office of Human Resources within 3 business days of their first absence related to COVID-19. Failure to submit may result in utilization of employees' regular available leave time.

Documentation supporting the need for leave shall be included with the leave request form, such as:

- A copy of the federal, state or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the governmental entity that issued the order.
- Written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.

- The name and age of the child or children being cared for; the name of the school, place of care, or child care provider that closed or became unavailable; and a statement that no other suitable person is available to care for the child during the period of requested leave.

Once emergency paid sick leave has begun, the employee and his or her supervisor shall determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

EMERGENCY PAID SICK LEAVE

The provisions included here are based on the *Emergency Paid Sick Leave Act* (EPSLA) of the FFCRA and shall only apply to the COVID-19 outbreak.

Eligibility

All full- and part-time 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 is 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 precautions.
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.

“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:

- under eighteen (18) years of age; or
- eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

“Individual” means an employee’s immediate family member, roommate or similar person

with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined. Additionally, the individual being cared for shall:

- be subject to a federal, state or local quarantine or isolation order as described above; or,
- Have been advised by a health care provider to self-quarantine based on a belief that he or she has COVID-19, may have COVID-19, or is particularly vulnerable to COVID-19.

Amount of Paid Sick Leave

For employees with varying hours, one of two methods for computing the number of hours paid shall be used:

- The average number of hours that the employee was scheduled per day over the six (6)-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than six (6) months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave shall be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 shall be compensated at two-thirds (2/3) their regular rate of pay, or minimum wage, whichever is greater. Pay shall not exceed:

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

Interaction with Other Paid Leave

The employee may use Emergency COVID-19 Leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Carryover

Paid emergency sick leave under this policy shall not be provided beyond June 30, 2021. Any unused paid sick leave shall not carry over to the next year or be paid out to employees. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

Job Protections

No employee who appropriately utilizes Emergency COVID-19 Leave under this policy shall be discharged, disciplined or discriminated against for work time missed due to this leave. If an employee submits falsified documents, claims and request to the East Baton Rouge Parish School System will be in direct violation of the EBR Employee Code of Conduct (GBRA) and will result in disciplinary actions up to and including termination.