

MENDOCINO COUNTY POLICY # 54	MENDOCINO COUNTY COVID-19 TEMPORARY POLICY: IMPLEMENTATION OF FAMILIES FIRST CORONAVIRUS RESPONSE ACT
ADOPTED: April 7, 2020	ADOPTED BY: Minute Order

Background:

On March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (FFCRA). The law goes into effect on April 1, 2020 and will remain in effect until December 31, 2020. The Act amends the Family and Medical Leave Act (FMLA) by providing FMLA Public Health Emergency Leave and Emergency Paid Sick Leave to employees for certain coronavirus, or COVID-19, related reasons.

Purpose:

This policy sets guidelines for the implementation of the FFCRA and procedures for employees to follow in requesting paid leaves in accordance with FFCRA.

Term:

This policy is effective April 1, 2020 and will remain in effect until December 31, 2020.

Procedures:

All County employees are included to participate under the FFCRA and its entitlements in accordance with the eligibility requirements for Public Health Emergency Leave and Emergency Paid Sick Leave.

FMLA Public Health Emergency Leave:

Under the Provisions of the FFCRA the FMLA was amended to establish emergency job protected leave when an employee is unable to work or telework due to a need to care for a minor son or daughter if the school or place of care has been closed or the child care provider is unavailable for reasons related to COVID-19.

The FFCRA does not provide an additional 12 weeks of FMLA, but rather, it provides a new qualifying event; it does not provide additional FMLA benefits to those who have already exhausted their FMLA benefits for the current 12 months.

Entitlements under Public Health Emergency Leave:

1. The County will provide paid leave to eligible regular, probationary, provisional and temporary (extra help) employees if they are unable to work or telework for qualifying reason #5 as specified in Table 1 below.
2. The Public Health Emergency Leave provides that the first 10 days of the leave may be unpaid (employees can choose to use other leave including the new Emergency Paid Sick Leave pursuant to FFCRA for the 10-day period); and the expanded FMLA will not exceed 12 weeks (employees can choose to use other leave including the new Emergency Paid Sick Leave pursuant to FFCRA for the 10-day period as described below).
 - a. The leave can be used on an intermittent basis, consistent with FMLA intermittent leave.

3. The Public Health Emergency Leave applies to all employees who have been employed at least 30 calendar days.
4. Employees are required to submit a request and certification of need for Public Health Emergency Leave to the County Human Resources Department.
5. Employees are entitled to Public Health Emergency Leave at two-thirds (2/3) of the employee's regular rate of pay the employee would normally be scheduled to work up to \$200/Day and \$10,000 total if they are unable to work or telework for qualifying reason #5 in Table 1 below.
 - a. Employees are permitted to supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Emergency Paid Sick Leave:

Under the Provisions of the FFCRA the Emergency Paid Sick Leave provides paid sick leave to employees for certain coronavirus, or COVID-19, related reasons.

Entitlements under Emergency Paid Sick Leave:

1. The County will provide up to 80 hours of paid sick leave for each full-time or part-time regular, probationary, provisional, or temporary (extra-help) employee (amount is pro-rated for part time employees; amount is based on average daily hours for previous 6-month period for extra help employees, if not employed 6 months, average daily hours based on term of employment).
2. The Emergency Paid Sick Leave applies to all employees regardless of how long the employee has been employed by the County.
3. Employees are required to submit a request and certification of need for Emergency Paid Sick Leave to the County Human Resources Department.
4. Emergency Paid Sick Leave is not to be use on an intermittent basis (as intermittent FMLA leave is used) and can only be used in whole-day increments per the employee's normal scheduled workday hours.
5. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay up to \$511/Day and \$5,110 total if they are unable to work or telework for qualifying reasons #1-3 in Table 1 below.
6. Employees are entitled to Emergency Paid Sick Leave at two-thirds (2/3) of the employee's regular rate of pay up to \$200/Day and \$2,000 total if they are unable to work or telework for qualifying reasons #4-6 in Table 1 below.
 - a. Employees are permitted to supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Table 1: Qualifying Reasons for Leave Related to COVID-19, Because the Employee:

<p>#1. Is subject to Federal, State, or local quarantine or isolation order related to COVID-19;</p> <p>#2. Has been advised by a health care provider to self-quarantine due to COVID-19 related concerns;</p> <p>#3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;</p>
--

#4. Is caring for an individual who meets the specifications in (1) or (2) above;

#5. Is caring for a son or daughter* whose school or place of care has been closed or the child care provider is unavailable due to COVID-19 related reasons; or

#6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

* “Son or Daughter” has the same definition as it does under the FMLA, and 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.