

**RICHLAND COUNTY BOARD OF COMMISSIONERS**

**TEMPORARY EMERGENCY PAID SICK LEAVE POLICY**

All eligible employees shall be entitled to emergency paid sick leave in compliance with the 2020 Families First Coronavirus Response Act as follows:

**A. Use of Leave.**

All full-time and part-time employees may use emergency paid sick leave if they are unable to work (or telework) before using other accrued paid leave for the following reasons:

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 professional to self-quarantine because of COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee has a bona fide need to care for an individual who has been ordered or advised to quarantine or isolate;
5. To care for a child under 18 years old due the unavailability of school or childcare for COVID-19 reasons; or
6. For similar conditions as determined by the Secretary of Health and Human Services.

**B. Length of Leave and Compensation.**

1. Employees taking leave for reasons 1-3 as set forth above are entitled to two weeks of emergency sick leave at full pay. Part-time employees are entitled to the equivalent of the hours they work on average in a two-week period. This sick leave will not be deducted from an employee's accrued sick leave balance.
2. Employees taking leave for reasons 4-6 as set forth above will receive two-thirds of their regular rate of pay or two-thirds of minimum wage, whichever is greater. Part-time employees are entitled to the equivalent of hours they work on average in a two-week period. For part-time employees who do not work a regular schedule, the two week equivalent will be based on an average number of hours worked in the previous six months.

3. Full-time employees are entitled to eighty (80) hours of pay at their regular rate (up to \$511 per day and \$5,110 in total) for leave taken for reasons 1, 2, and 3 as described above and two-thirds of their regular rate of pay if emergency sick leave is used for reasons 4, 5, and 6 as described above (up to \$200 per day and \$2,000 in total).

4. Employees who exhaust their two weeks of leave under this policy for reasons 1-3 as set forth in section A and are unable to return to work due to that reason may apply for Family Medical Leave pursuant to the County's Family Medical Leave Act provided the employee is otherwise eligible.

5. Employees taking emergency sick leave for reason number 5 in Section A and are unable to return to work after this period due to the unavailability of school or childcare for COVID-19 reasons may apply for Expanded FMLA leave provided by the FFCRA as set forth in County policy.

6. Employees are entitled to a total of two weeks of emergency sick leave under this policy regardless of the reason(s) for the leave.

7. If an employee is eligible for Emergency Paid Sick Leave pursuant to the FFCRA at two-thirds (2/3) of their regular pay, they may elect in writing or the Employer may require them to supplement their pay using one-third (1/3) of their accrued vacation, personal or compensatory time, unless the reason for leave would otherwise qualify for sick leave pursuant to county policy or other applicable law, in which case, they may use their accrued sick leave.

**C. Intermittent Leave.**

Employees may take leave intermittently or on a reduced schedule basis for reason #5 as described in Section A of this policy, subject to the Employer's approval. Employees may not take leave intermittently or on a reduced schedule basis for reasons #1-4 or #6 as described in Section A of this policy.

**D. Employee Notification and Documentation.**

When an employee is unable to report to work due to illness or other acceptable sick leave reason under the FFCRA, they shall notify the Employer pursuant to current policies and procedures and submit a Request for Emergency Sick Leave form as to the need for the leave.

An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absences where the employee has been granted a set period of leave.

Employees taking leave under this policy are expected to engage in conduct consistent with their need for such leave. If circumstances change, employees must notify their supervisor of the new facts so a determination can be made concerning the appropriate leave, if any, that is available to the employee.

The Appointing Authority reserves the right to require additional documentation verifying that the need for requested leave meets the conditions set forth in this policy, including medical documentation if applicable.

Employees found to have falsified the need for leave will be subject to disciplinary action.

**D. Exemptions.**

An employee who is a health care provider or an emergency responder is excluded from the application of this policy pursuant to the FFCRA. Each Appointing Authority shall explicitly designate those health care providers or emergency responders who are exempt from this policy and notify the exempted employees.

**E. Definitions:**

As used in this policy, the following terms and phrases shall be defined as follows:

1. Health Care Provider: According to the US Department of Labor, a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions. This definition includes any individual employed by an entity that contracts with any of the above institutions, employers, or entities institutions to provide services or to maintain the operation of the facility.

For the purposes of this policy, please see attached list of full and part-time positions under the Appointing Authority who are designated "Health Care Providers", and, thereby exempt from Emergency Paid Sick Leave under the FFCRA. Other positions designated by the State of Ohio consistent with this definition may also be considered exempt.

2. Emergency Responder: According to the US Department of Labor, an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed

to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

Furthermore, the US Department of Labor included those categories of employees who are required to provide aid during the declared emergency who:

- a. interact with and aids individuals with physical or mental health issues, including those who are or may be suffering from COVID-19;
- b. ensure the welfare and safety of our communities and of our Nation;
- c. have specialized training relevant to emergency response; and
- d. provide essential services relevant to the American people's health and wellbeing.

For the purposes of this policy, please see attached list of full and part-time positions under the Appointing Authority who are designated "Emergency Responders", and, thereby exempt from Emergency Paid Sick Leave under the FFCRA. Other positions designated by the State of Ohio consistent with this definition may also be considered exempt.

3. Telework: Per the US Department of Labor, telework is work performed remotely by an employee which is considered no less work than if it were performed at an Employer's worksite. An employee is able to telework if: the Employer has work for the employee, the Employer permits the employee to work remotely and there are no extenuating circumstances (such as serious COVID-19 symptoms) which prevent them from performing the work.

An employee who is able to telework while subject to quarantine, caring for an individual subject to quarantine, experiencing COVID-19 symptoms and seeking a medical diagnosis, caring for their child, or experiencing a substantially similar condition is not eligible for Emergency Paid Sick Leave under the FFCRA.

4. Seeking a Medical Diagnosis: Employees seeking a medical diagnosis for COVID-19 symptoms only qualify for Temporary Emergency Paid Sick Leave during those periods they are unable to work because they are taking affirmative steps to obtain a medical diagnosis which include but are not limited to: time spent making, waiting for or attending an appointment for a COVID-19 test. Employees are not eligible for this leave to self-quarantine without also seeking a medical diagnosis.

E. **Medical Information.**

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to Kelly Christiansen, Director of Human Resources at (419) 774-5492.

F. **Retaliation.**

An employee will not be retaliated against for exercising her right to emergency sick leave in accordance with this policy.

G. **Expiration.**

This policy is temporary and is in effect from April 1, 2020 until December 31, 2020. Emergency paid sick leave accrued under this policy may not be carried over past December 31, 2020. Any unused emergency sick leave will not be paid out under any circumstances.

This policy is subject to amendment or rescission by the Appointing Authority at any time.

**REQUEST FOR FFCRA EMERGENCY PAID SICK LEAVE**

**Employee Name:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Position:** \_\_\_\_\_ **Department:** \_\_\_\_\_

**Date(s) Requesting Leave:** \_\_\_\_\_

**Select Qualifying Reason:**

\_\_\_\_ 1. I am subject to a Federal, State or Local quarantine or isolation order related to COVID-19;

Provide name of government entity issuing quarantine or isolation order: \_\_\_\_\_

\_\_\_\_ 2. I have been advised by a healthcare provider to self-quarantine related to COVID-19;

Provide name of healthcare provider and date advised: \_\_\_\_\_

\_\_\_\_ 3. I am experiencing COVID-19 symptoms and seeking a medical diagnosis;

Provide date symptoms began and when diagnosis sought: \_\_\_\_\_

\_\_\_\_ 4. I have a bonafide need to care for an individual subject to Federal, State or Local quarantine as advised by a healthcare provider related to COVID-19

Provide name / relationship of individual for whom care is needed and name of government entity issuing quarantine or isolation order: \_\_\_\_\_

\_\_\_\_ 5. To care for a child(ren) under 18 whose school or childcare provider is closed or unavailable for reasons related to COVID-19;

Provide name(s), age(s) of child(ren) for whom care is needed \_\_\_\_\_

Provide name of school or childcare: \_\_\_\_\_

\_\_\_\_ Check certifying there is no other suitable person available to care for the child(ren)

\_\_\_\_ 6. Due to experiencing a substantially similar condition as specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and Labor. (Additional documentation may be required.)

If made available and you are claiming an inability to work or telework, please explain why:

\_\_\_\_\_  
\_\_\_\_\_

By signing this form, I affirm that the information contained herein is accurate and understand that failure to provide accurate information will result in disciplinary action, up to and including termination.

\_\_\_\_\_  
Employee Signature \_\_\_\_\_  
Date

\_\_\_\_\_  
Approved \_\_\_\_\_

Employer Signature / Date

\_\_\_\_\_  
Denied

**BOARD OF COMMISSIONERS**

**EXEMPT POSITIONS UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

<b>DEPARTMENT</b>	<b>POSITION</b>	<b>EXEMPTION</b>
<b>BOARD OF COMMISSIONERS</b>	Clerk	Eligible
	Assistant Clerk	Eligible
	Administrative Assistant	Eligible
<b>BUILDING DEPARTMENT</b>	Director	Emergency Responder
	Building Official	Emergency Responder
	Inspector	Emergency Responder
	Office Manager	Eligible
	Clerk	Eligible
<b>BUILDING MAINTENANCE</b>	Maintenance Superintendent	Emergency Responder
	Maintenance Repair Worker	Emergency Responder
<b>CHILD SUPPORT</b>	Director	Emergency Responder
	Fiscal Supervisor	Emergency Responder
	Case Manager Supervisor	Emergency Responder
	Case Manager	Emergency Responder
	Hearing Officer	Emergency Responder
	Legal Supervisor	Emergency Responder
	Attorney	Emergency Responder
	Legal Specialist	Emergency Responder
	Clerical	Eligible
	Fiscal Specialist	Emergency Responder
<b>DAYSRING</b>	Executive Director	Both
	Assistant Dir. / Ops Manager	Both
	Director of Nursing	Both
	Office Manager	Both
	Medical Coordinator	Both
	Administrative Assistant	Both
	Food Services Manager	Both
	Activity Director	Both
	Resident Care Attendant	Both
	Maintenance Repair Worker	Both
	Custodian / Driver	Both
	Cook	Both
	LPN / RN	Both

<b>DEPARTMENT</b>	<b>POSITION</b>	<b>EXEMPTION</b>
<b>DOG WARDEN</b>	Warden	Emergency Responder
	Deputy	Emergency Responder
	Kennel Attendant	Emergency Responder
	Office Manager	Emergency Responder
<b>EMERGENCY MANAGEMENT</b>	Director	Emergency Responder
	Administrative Assistant	Emergency Responder
<b>HUMAN RESOURCES</b>	Director	Emergency Responder
	Loss Control Program Coord.	Eligible
	Wellness/Purchasing Coord.	Eligible
<b>JOB &amp; FAMILY SERVICES</b>	Director / Administrator	Emergency Responder
	Assistant Dir / Administrator	Emergency Responder
	Business Administrator	Emergency Responder
	Program Administrator	Emergency Responder
	Fiscal Specialist Supervisor	Emergency Responder
	Eligibility Referral Supervisor 1	Emergency Responder
	Training Officer 1	Emergency Responder
	Training Administrator	Emergency Responder
	Purchasing Agent/RMS Coord	Emergency Responder
	Social Services Supervisor 1	Emergency Responder
	Eligibility Referral Specialist 2	Emergency Responder
	Unit Support Worker 2	Emergency Responder
	Clerical Specialist 2	Emergency Responder
	Data Systems Coordinator 1	Emergency Responder
Social Services Worker 1	Emergency Responder	
Social Services Worker 2	Emergency Responder	
<b>WASTEWATER</b>	Director	Emergency Responder
	Wastewater II Operator	Emergency Responder
	Sewer Superintendent	Emergency Responder
	Meter Tech/Maint/Collection	Emergency Responder
	Maintenance Technician	Emergency Responder
	Chief Maintenance	Emergency Responder
	Assistant Maintenance Tech	Emergency Responder
	Billing Office Manager	Emergency Responder
	Billing Clerk	Emergency Responder
Administrative Assistant	Emergency Responder	



Revised: 4/10/2020