

RICHLAND COUNTY BOARD OF COMMISSIONERS

TEMPORARY EXPANDED FAMILY MEDICAL LEAVE ACT (FFCRA) POLICY

A. **Statement of Policy.**

Under the Families First Coronavirus Response Act (FFCRA), eligible employees may request up to twelve (12) weeks of emergency family and/or medical leave for qualifying reasons related to COVID-19 with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy. This policy is temporary and is in effect between April 1, 2020 and December 31, 2020.

The expanded FMLA leave provided by this policy is not in addition to FMLA leave available for other FMLA qualifying conditions, such as an employee's serious health condition, a serious health condition of an employee's immediate family member (spouse, child or parent), upon the birth, adoption or foster placement of a child or for certain military leave related reasons. The 12-month period applicable for traditional FMLA leave is applicable to the leave requested by employees under this policy.

B. **Definitions.**

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

1. **"Qualifying need related to a COVID-19"**: the employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed or the child care provider of such son or daughter is unavailable due to COVID-19.
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 as those who:

- a. Interact with and aid 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 Expanded Family Medical Leave under the FFCRA. Other positions designated by the State of Ohio consistent with this definition may also be considered exempt.

3. 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 Provides", and, thereby exempt from Expanded Family Medical Leave under the FFCRA. Other positions designated by the State of Ohio consistent with this definition may also be considered exempt.

4. 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.

C. **Eligibility.**

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the County for at least thirty (30) days prior to the commencement of the Expanded Family Medical Leave.
2. Spouses who are both employed by the County are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for childcare purposes. Employees who are both employed by the County may not take leave under this policy at the same time.

3. 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 and emergency responders who are exempt from this policy and notify the exempted employees.

4. Employees who have been furloughed or laid off are not eligible for Expanded Family Medical Leave.

5. If eligibility arises from a school closure, that eligibility will expire the date the school year was originally scheduled to end.

6. An employee is only eligible for Expanded Family Medical Leave if there is no other suitable person available to care for the child.

D. **Use of Leave.**

Leave under this policy is limited to circumstances where an employee is unable to work (including telework) due to the need to care for the employee's minor child because the child's school or place of childcare has been closed or the child care provider of the child is unavailable due to COVID-19. The child must be under the age of 18 or over the age of 18 and incapable of self-care because of a mental or physical disability.

Employees taking leave under this policy must be present with the minor children during regular work hours and otherwise act in a manner consistent with the need for such leave.

E. **Procedures for Requesting Expanded Family Medical Leave**

Requests for Expanded FMLA leave must be submitted pursuant to current practices using the County's Third Party Administrator Sedgwick as soon as practicable, in addition to notifying the Employer in writing as to the need for the leave as well, prior to the commencement of the leave. In addition, the employee must also complete the Request for FFCRA Expanded Family Medical Leave Form and submit it to the Employer as soon as practicable. The employee must follow the regular reporting procedures for each absence.

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.

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

F. **Duration of Leave and Compensation.**

Employees eligible for expanded FMLA pursuant to the FFCRA in order to care for the employee's minor child as outlined in Paragraph D above shall be eligible for up to twelve (12) weeks of expanded family and medical leave. The first two (2) weeks shall be

paid in accordance with the Temporary Emergency Paid Sick Leave Policy and the last ten (10) weeks shall be paid at two-thirds the employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work (with a maximum payment of \$200 per day and \$12,000 total).

If an employee is eligible for Expanded Family Medical 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.

The Emergency FML leave entitlement is reduced by the amount of leave an eligible employee has taken under the FMLA in the current twelve-month leave year. The Expanded Family Medical Leave taken under this policy by an eligible employee will be deducted from any remaining FMLA leave the employee has available for the current twelve-month leave year. As a result, eligible employees are entitled to a maximum combined EFMLA and FMLA leave of twelve weeks in the current twelve month year.

Employees are limited to a total of twelve weeks of expanded family and medical leave under the EFMLEA, even if the applicable time period (April 1 to December 31, 2020) spans two twelve-month leave periods under the FMLA.

G. **Intermittent/Reduced Schedule Leave.**

An employee may take FMLA leave on an intermittent or reduced work schedule basis for a qualifying need related to a COVID-19 with the employer's approval. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing as soon as practicable prior to the commencement of the leave or as soon as practicable following the commencement of leave if prior notice is not possible.

H. **Reinstatement.**

Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, due to an action that would have affected the employee regardless of whether the leave was taken.

I. **Retaliation.**

Employee will not be retaliated against for exercising their rights to leave in accordance with this policy.

Revised: 4/10/2020

J. **Expiration.**

This policy is temporary and will be effective April 1, 2020 and expire on December 31, 2020.

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

REQUEST FOR FFCRA EXPANDED FAMILY MEDICAL LEAVE

Employee Name: _____ Date: _____

Position: _____ Department: _____

Date(s) Requesting Leave: _____

Select Qualifying Reason:

- I am unable to work or telework due to the need 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) and 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. Explain:

- 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

DEPARTMENT	POSITION	EXEMPTION
BOARD OF COMMISSIONERS	Clerk	Eligible
	Assistant Clerk	Eligible
	Administrative Assistant	Eligible
BUILDING DEPARTMENT	Director	Emergency Responder
	Building Official	Emergency Responder
	Inspector	Emergency Responder
	Office Manager	Eligible
	Clerk	Eligible
BUILDING MAINTENANCE	Maintenance Superintendent	Emergency Responder
	Maintenance Repair Worker	Emergency Responder
CHILD SUPPORT	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	
DAYSRING	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

DEPARTMENT	POSITION	EXEMPTION
DOG WARDEN	Warden	Emergency Responder
	Deputy	Emergency Responder
	Kennel Attendant	Emergency Responder
	Office Manager	Emergency Responder
EMERGENCY MANAGEMENT	Director	Emergency Responder
	Administrative Assistant	Emergency Responder
HUMAN RESOURCES	Director	Emergency Responder
	Loss Control Program Coord.	Eligible
	Wellness/Purchasing Coord.	Eligible
JOB & FAMILY SERVICES	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	
WASTEWATER	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

Section Break