

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": 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.

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.
2. Otherwise be entitled to FMLA leave during the 12 month period defined by the County's FMLA policy.
3. 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.
4. An employee who is a health care provider or an emergency responder is excluded from the application of this policy pursuant to the FFCRA.

The US Department of Labor has provided the following definitions:

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.

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.

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

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.

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 in writing 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. The employee must follow the regular reporting procedures for each absence.

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

F. 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 to 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).

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.

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, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

I. Retaliation.

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

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.

3/31/2020