

FILE: GBRIBC

Cf: [GBRIB](#), [GBRIBA](#)

EMERGENCY PAID SICK LEAVE (COVID-19 PANDEMIC)

The United States Congress has enacted the *Families First Coronavirus Response Act* (FFCRA) to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. The provisions of this policy are based on the FFCRA that was in effect from April 1, 2020, until December 31, 2020. Although the provisions mandated by Congress expired on December 31, 2020, the Jefferson Davis Parish School Board shall extend the provisions for *Emergency Paid Sick Leave* until June 30, 2022 for those employees who have not used their allotted benefits. The Jefferson Davis Parish School Board reserves the right to change the extension date as may be approved by the School Board. The School Board will allow an additional ten (10) days of emergency paid sick leave (for a total of 20) retroactive to July 1, 2021.

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 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

All eligible full-time employees shall be eligible for up to ten (10) days or eighty (80) hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two (2)-week period.

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 ($\frac{2}{3}$) 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 paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on emergency FMLA leave under this policy may use emergency paid sick leave concurrently with that leave. Emergency paid sick leave may also be used when an employee is on leave under traditional FMLA for his or her own COVID-19-related serious conditions or to care for a qualified family member with such a condition. If the employee qualifies for both emergency FMLA and emergency paid sick leave, the employee shall be entitled to use emergency paid sick leave for the first ten (10) work days of emergency FMLA leave which would otherwise be unpaid.

Procedure for Requesting Emergency Paid Sick Leave

Employees shall notify the School Board of the need and specific reason for leave under this policy. A form shall be provided to all employees on the School Board intranet and/or in a manner accessible to all. Verbal notification shall be accepted until practicable to provide written notice.

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 relation of the individual for whom the employee is taking leave because the individual is subject to a quarantine or isolation order or is advised to self-quarantine.

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.

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 beyond June 30, 2021, or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy shall be discharged, disciplined or discriminated against for work time missed due to this leave.

New policy: January 21, 2021

Revised: July 15, 2021

Revised: September 16, 2021

Ref: [29 USC 2601](#) et seq (*Families First Coronavirus Response Act (FFCRA)*)

29 CFR Part 826 (*Paid Leave Under the Families First Coronavirus Response Act*)

Board minutes, 1-21-21, [7-15-21](#), [9-16-21](#)

Jefferson Davis Parish School Board