Salt Lake City School District (SLCSD) Procedures

Related to the

Families First Coronavirus Response Act (FFCRA)

**Purpose:**

To establish Salt Lake City School District (SLCSD) procedures in compliance with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. The process outlined in these procedures will be in effect from April 1, 2020, until December 31, 2020.

All FMLA, ADA, applicable board policies, administrative procedures, and guidelines are in effect and applicable to all other reasons for leave outside of the coverage provided through the FFCRA. (Examples of applicable documents include, but are not limited to the - Employee Handbook, Section V.5.A., FMLA; and Board Policy P-2: Equal Employment Opportunity and its corresponding administrative procedures).

1. **EXPANDED FAMILY MEDICAL LEAVE (E-FMLA)**

Employee Eligibility

Employees eligible for protection under the E-FMLA are those who have been employed with SLCSD for at least 30 days, prior to March 2, 2020.

Leave Applicability

Eligible employees can use the leave provisions of the E-FMLA if the employee is unable to work (or telework) due to a need to care for their child when the school or place of child-care has been closed, or the regular childcare provider is unavailable due to a public health emergency relevant to COVID-19.

Other Relevant Definitions

“Child” means a biological child, adopted child, foster child, stepchild, legal ward, or child of a person standing in loco parentis, who is:

* under 18 years of age; or
* 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

● a center-based childcare provider:

● a group-home childcare provider:

● a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and does so in a private residence):

● other licensed provider of childcare services for compensation; and/or

● a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great-grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the legal guardian.

“School” means a pre-K or kindergarten through grade 12 district public education school.

Duration of Leave

Eligible employees may apply for up to 12 weeks of leave to use from April 2, 2020, through December 31, 2020, for the E-FMLA purposes stated above. **This time is included in, and is not in addition to,** the traditional FMLA total leave entitlement of 12 weeks in a 12-month period as described in the SLCSD Employee Handbook.

For example, if within the past 12-month period an eligible employee used 6 weeks of FMLA leave under FMLA, that employee would be eligible for another 6 weeks of E-FMLA/FMLA leave under this E-FMLA procedure.

Compensation During Leave

The first 10 days of leave under the E-FMLA will be unpaid; however, employees may use any accrued vacation, sick or personal leave as paid time off (PTO) during the first 10 days. The employee may also elect to use the paid leave provided for by the Emergency Paid Sick Leave Act, as explained below:

* *Full-time employees*: After the first 10 days, E-FMLA leave will be paid at two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed $200/day, and no more than $10,000 in total. Any leave or dollar amount unused by December 31, 2020, will no longer be available for distribution to any employee as the FFCRA will no longer be in effect.

For employees whose work hours vary (part-time employees), the number of E-FMLA hours eligible for payment will be computed using one of the following two methods:

● The average number of hours that the employee was scheduled to work per day as calculated by using the preceding 6-month period from 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 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

For an employee who receives benefits as part of their employment compensation:

* While an employee is on leave, SLCSD will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, SLCSD will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the Human Resource Services (HRS) department.
* If the employee contributes to a life insurance or disability plan, SLCSD will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request the continuation of such benefits. If such benefits are continued, the employee will be required to pay his/her portion of the premiums. If the employee does not make the necessary payments in a timely manner, SLCSD may discontinue coverage.

Procedure for Requesting E-FMLA Leave

All employees requesting E-FMLA leave must provide a written notice to the SLCSD HRS Compliance and Benefits Analyst (BCA) by sending an email to Loretta Brazelton at loretta.brazelton@slcschools.org, and a copy to Kari Gardner at kari.gardner@slcschools.org as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided this notice, the BCA will send FMLA/E-FMLA paperwork for the employee to complete and provide the employee with any Department of Labor (DOL) required notices.

The reason for leave under the FFRCA and these procedures must be based on the absence of a childcare provider who is “unavailable due to a public health emergency with respect to COVID-19,” therefore, the employee must submit verifiable documentation supporting the request and the notice the employee provides should include a brief statement as to the reason for leave, and if possible, the expected duration.

On a basis that does not discriminate against employees on E-FMLA leave, SLCSD may require an employee on E-FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave

Generally, an employee who takes E-FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. If the position the employee held before leave started no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee will not be returned to employment. However, for the period of one year after qualifying for E-FMLA, SLCSD will make reasonable efforts to contact the employee if an equivalent position becomes available.

If you need further information about these procedures, please send an email to Loretta.brazelton@slcschools.org.

1. **EMERGENCY PAID SICK LEAVE (EPSL)**

Eligibility

All full and part-time employees unable to work (or telework) due to one of the following reasons may qualify for emergency paid sick leave under the FFCRA:

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 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.

Relevant Definitions

“Child” means a biological child, adopted child, foster child, stepchild, legal ward, or child of a person standing in loco parentis, who is:

* under 18 years of age; or
* 18 years of age or older and incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave

Eligible full-time employees may have up to 80 hours of paid sick leave available to use for the qualifying reasons stated above in the EPSL Eligibility section.

An eligible part-time employee is entitled to a number of hours of paid sick leave equal to the number of hours s/he worked, when averaging a two-week period beginning with August 19, 2019, or the date of hire (whichever is later), through March 13, 2020.

For employees whose work hours vary, the number of hours to be paid will be computed using one of the following two methods:

● The average number of hours that the employee was scheduled to work per day over the previous 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 6 months, the number of hours expected to be scheduled per day at the time the employee was hired.

Rate of Pay

Paid emergency sick leave will 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 will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

● $511 per day and $5,110 in total for leave taken due to reasons 1-3 stated in the Eligibility section above;

● $200 per day and $2,000 in total for leave taken due to reasons 4-6 stated in the Eligibility section above.

Intersection with Other Paid Leave

Before using any other accrued paid time off, an eligible employee may use the emergency paid sick leave for any one of the qualifying reasons stated above in the EPSL Eligibility section .

Employees on E-FMLA leave may also use emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify the BCA at Loretta.brazelton@slcschools.org, and copy Kari Gardner at kari.gardner@slcschools.org, of the need and specific reason for leave under these procedures using the form on the SLCSD webpage at \_we are working on it\_. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun; the employee and his/her supervisor must determine reasonable requirements for the employee to report periodically on the employee’s status. Any change in status must be reported by the employee immediately to HRS, the payroll department, and the employee’s supervisor.

Carryover

Paid emergency sick leave under this procedure will not be provided beyond December 31, 2020. Any EPSL unused by December 31, 2020, will no longer be available for funding leave as the FFRCA will no longer be in effect.

Job Protections/Retaliation and Discrimination Prohibited

No employee who appropriately utilizes emergency paid sick leave under these emergency procedures will be discharged, disciplined or discriminated against for work time missed due to use of this leave.

Unemployment Benefits

Employees receiving leave under any part of these emergency procedures are considered employed by SLCSD and are not eligible to receive unemployment benefits.

Please email any questions regarding these procedures to Loretta.brazelton@slcschools.org.