

FAMILY AND MEDICAL LEAVE ACT EXPANSION
(Families First Coronavirus Response Act)

Eligibility

All full-time or part-time employees who have been employed with the District for at least 30 days.

Leave Entitlement

An eligible employee is allowed to take up to 12 workweeks of Families First Coronavirus Response Act (FFCRA) expanded Family Medical Leave Act (FMLA) leave between April 1, 2020 and December 31, 2020. Leaves taken for these qualifying reasons are included in and not in addition to the total FMLA entitlement of up to 12 weeks in the District defined 12-month period. The District's existing FMLA leave policy applies to all other eligible leave for reasons outside this policy.

Types of Leave

An eligible employee may take FFCRA-expanded FMLA leave if the employee is unable to work (or telework) due to a need to care for their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

An eligible employee may elect to use any accrued and unused paid vacation, personal or sick leave concurrently with the first two weeks of unpaid FFCRA-expanded FMLA leave, subject to the District's policies governing such leave.

Intermittent Leave

FFCRA-expanded FMLA leave may be taken intermittently under certain circumstances, subject to the District's guidelines for the intermittent use of FMLA leave. Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason.

Any eligible employee may take FFCRA-expanded FMLA leave intermittently while the employee's child's school or place of care is closed, or childcare provider is unavailable, due to a COVID-19 related reason.

Benefits

The Board maintains the employee's health coverage under the group health insurance plan during the period of FFCRA-expanded FMLA leave at the same level and under the same conditions as provided in policy GBR.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or other leaves which may be allowable during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act.

After the first 10 days, 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 per day, and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

1. The average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type or
2. If the employee has worked less than six months, the expected number of hours to be scheduled per day at the time of hire.

Notice and Requesting Leave

All employees requesting family and medical leave must provide written notice, where possible, of the need for leave 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 District will complete and provide the employee with any Department of Labor (DOL) required notices.

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 FFCRA-expanded FMLA, the District may require an employee to report periodically on the employee's status and intent to return to work.

Definitions

“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:

1. under 18 years of age or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means:

1. a provider who receives compensation for providing childcare services on a regular basis, including:
 - A. a center-based childcare provider;
 - B. a group home childcare provider;
 - C. a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence);
 - D. other licensed provider of childcare services for compensation.
2. 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 parent.

A family member or friend of an employee who regularly cares for an employee’s child can be a childcare provider for purposes of this regulation even if he/she is not compensated or licensed.

“School” means an elementary or secondary school.

(Approval date:)