

CITY OF FERNLEY

6.3.3 Emergency Paid Sick Leave (EPSL)

1. Policy

This policy complies with the Families First Coronavirus Response Act (FFCRA) to grant eligible employees protected leave for qualified reasons.

Public employers are covered under the Emergency Paid Sick Leave Act (EPSLA) and will comply with the requirements of the EPSLA and advise employees if they meet the eligibility requirement.

Employers are required to post and keep posted Form WH-1422: *Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act* in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

This policy is effective at 12:01 a.m. on April 1, 2020 and will remain in effect until 12:00 p.m. on December 31, 2020. It does not apply retroactively.

2. Eligibility

All employees are eligible for EPSL, regardless of their seasonal, temporary, etc., status. There is no length of service requirement.

3. Reasons for Leave

EPSL leave may be granted to an employee who is unable to work (or telework) due to a need for leave for any of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation 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 medical diagnosis.
4. The employee is caring for an individual who is subject to an order of federal, state, or local quarantine or isolation related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
5. The employee is caring for a minor 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 situation specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and Secretary of Labor.

4. Leave Allotment

Full-time employees will receive up to 80 hours of paid sick leave.

Part-time employees will receive the number of hours equal to the number of hours s/he works on average over two weeks. If a part-time, seasonal, casual, or temporary employee works varying hours to such an extent that the **City of Fernley** is unable to determine with certainty the number of hours the employee would have worked if leave had not been taken, the **City of Fernley** will look at the average number of hours the employee was scheduled over the past six months; or if the employee had not

worked the past six months, the **City of Fernley** will use the reasonable expectation of the number of hours the employee would normally be scheduled to work.

5. One-time Use

Employees are limited to a total of 80 hours Paid Sick Leave. An Employee who has taken all EPSL leave and then changes employers is not entitled to additional EPSL leave from his/her new employer. An employee who has taken some, but fewer than 80 hours of EPSL leave, and then changes employers is entitled only to the remaining portion of such leave from his/her new employer and only if his/her new employer is covered by the EPSLA. Such an employee's EPSL leave would expire upon reaching 80 hours of EPSL leave total, regardless of the employer providing it, or when the employee reaches the number of hours of EPSL leave to which s/he is entitled based on a part-time schedule with the new employer.

6. Compensation During Leave

Employees will receive 100% of their regular rate of pay for reasons related to the employee's own quarantine, isolation, or symptoms of COVID-19 (reasons 1-3 above) up to a maximum of \$511 per day.

Employees will be compensated at 2/3 of their regular rate of pay for reasons related to the employee's need to care for an individual who is isolated or quarantined, or to care for a minor child due to a school/childcare closure, or the employee is experiencing any other substantially similar situation (reasons 4-6 above) up to a maximum of \$200 per day.

Employees may elect to substitute accrued paid sick leave, annual leave, or compensatory leave for the pay not covered by the EPSLA, but employers are prohibited from requiring this substitution. When substituting accrued paid leave for the pay not covered by EPSL, the employee must comply with the **City of Fernley's** procedural requirements, terms, and conditions of the Leave policy (Policy #6) as appropriate; once accrued leave is depleted, the remainder of the leave period will then consist of unpaid leave for the pay not covered by EPSLA.

7. Intermittent Leave

Employees may be able to take EPSL intermittently under the following conditions:

- **Working at regular worksite:** Employees may take EPSL leave intermittently while working at his/her regular worksite. The qualifying reason is solely because s/he is caring for a minor 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. Leave may be taken in any increments agreed upon by the **City of Fernley** and employee.
- **Working remotely:** Employees may take EPSL leave intermittently while teleworking if the employee is unable to work their telework schedule due to any qualified reason for EPSL. Leave may be taken in any increments agreed upon by the **City of Fernley** and employee.

Intermittent leave is not permitted for employees working at his/her regular worksite if the need for EPSL includes any of the other five qualifying reasons involving the employee's own quarantine, isolation, or symptoms of COVID-19 or the employee's need to care for an individual who is isolated or quarantined, or the employee is experiencing any other substantially similar situation. An employee who has begun EPSL leave for one or more of these five qualifying reasons must continue to take paid sick leave each day until the employee (1) exhausts the full amount of EPSL or (2) the qualifying reason for taking EPSL leave no longer exists.

8. Notice of Leave

Employees needing leave under this policy shall complete the Emergency Paid Sick Leave Application Form as soon as practicable and submit to Human Resources.

9. Certification of Leave

Employees requesting leave under this policy are required to provide the following supporting documentation:

- The employee's name,
- The date(s) for which leave is requested,
- Qualifying reason for requesting leave, and
- Statement that the employee is unable to work, including telework, for that reason.

The employee must provide the following additional information to support specified reasons for leave:

- Reason 1: The name of the government entity that issued the Quarantine or Isolation Order.
- Reason 2: The name of the health care provider who advised the employee to self-quarantine due to concerns related to COVID-19.
- Reason 4: Either the name of the government entity that issued the Quarantine or Isolation Order to which the individual being care for is subject; or the name of the health care provider who advised the individual being cared for to self- quarantine due to concerns related to COVID-19.
- Reason 5: The name of the Son or Daughter being cared for; the name of the school, place of care, or childcare provider that has closed or become unavailable; and a representation that no other suitable person will be caring for the child during the period for which the employee takes EPSL leave.

10. Continuation of EPSL Leave

After the first workday (or portion thereof) an employee receives EPSL leave under this policy, **City of Fernley** may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

11. Anti-Retaliation

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify the EEO Officer or alternative EEO Officer. The **City of Fernley** will promptly investigate and deal appropriately with any allegation of retaliation. In the event retaliation is substantiated, disciplinary action up to and including termination may be taken.

12. Interaction with Sick Leave Policy

All provisions included in City of Fernley Personnel Policy 6.0, Leave Plans not covered in this policy apply.

Related Forms:

Emergency Paid Sick Leave Application Form