

**COVID-19 Leave Procedure
Randolph County School System**

Due to the COVID-19 pandemic and pursuant to the new State of Emergency Leave policy issued by the North Carolina State Board of Education and the Families First Coronavirus Response Act (“FFCRA”), the Randolph County School System (“RCSS”) is offering leave to employees for certain reasons related to the COVID-19 pandemic. Three new types of leave are available under this policy: (1) State of Emergency Leave, (2) Emergency Paid Sick Leave, and (3) Emergency FMLA for Child Care. The eligibility criteria, amount of paid leave available, and duration of the leave available, differ depending on the leave taken by the employee. This policy is subject to change in order to adjust to changing circumstances.

Employees should request their need for COVID-19 leave as soon as possible when they learn they may need leave, by notifying their supervisor or the Assistant Superintendent for Human Resources of the qualifying reason for leave and the date the leave is to begin. Calling in “sick” or requesting leave generally is not sufficient notice to determine the employee’s rights and eligibility. The Assistant Superintendent for Human Resources will request and the employee will be required to provide a completed COVID-19 Leave Request Form.

In general and absent other circumstances, an employee who takes leave under this policy will be reinstated to the same job or an equivalent position upon completion of the leave. However, employees on leave may be subject to any employment action that would have occurred if the employee had remained actively at work, including lay-off, furlough, school site closure, change in job duties, change in terms of employment, reduction in force, or dismissal.

1. State of Emergency Leave (Available for School Days from March 16 – May 31, 2020)

All full-time and part-time school employees are eligible for state of emergency leave if they cannot work due to one of the reasons listed below. Full-time employees (employees who work 40 hours per week or more) will be eligible for leave up to 328 hours (41 days) for the period from April 1, 2020 through May 31, 2020, and retroactively up to 96 hours (12 days) between March 16, 2020 and March 30, 2020. For part-time employees with irregular schedules, the amount of leave available will be pro-rated based upon the employee's average hours per week over the course of the previous month. Substitute employees are not eligible for State of Emergency Leave. Employees that have already taken and commenced a pre-approved leave are not eligible for State of Emergency Leave during the time period of the pre-approved leave.

State of Emergency Leave is available through May 31, 2020 only and may not be rolled over into other months or years. State of Emergency Leave is in addition to, and not in lieu of, the employee’s existing leave and the other two types of leave described in this policy.

Supervisors are responsible for working with school employees to determine if they are needed on the worksite or if the employee can perform work remotely. This leave is available when an

employee cannot work (whether at a work site or remotely) for one of the following covered reasons.

Reason 1: Child Care or Elder Care. Employees may use State of Emergency Leave if they cannot work, whether on site or remotely, because they have childcare or eldercare needs due to COVID-19-related facility closings. Employees may work with their supervisors to design intermittent leave schedules to accommodate child care or elder care needs.

Reason 2: High Risk Employees. Employees who are “high risk” for COVID-19, as that term has been defined by the State Board of Education, may use State of Emergency Leave if they cannot work on-site due to their high-risk status and it is not feasible for them to work remotely. “High risk” is defined as being over 65 years of age, having underlying health conditions, having a weakened immune system, being identified by state health authorities or federal health authorities as “high risk,” or caring for an individual who is “high risk.” Employees who are high risk are not required to take State of Emergency Leave unless they choose, and are not required to disclose personal medical information unless using leave for this reason.

Reason 3: COVID-19 Symptoms Experienced by Employee or Dependent. Employees may use State of Emergency Leave if they cannot work (or work remotely) because they are experiencing COVID-19 symptoms themselves or are caring for a dependent person who is experiencing COVID-19 symptoms. In these cases, employees are not permitted at any work site and should take this State of Emergency Leave in lieu of coming to work to prevent spread of the virus.

Reason 4: Self-Quarantine on Advice of Healthcare Provider. Employees may use State of Emergency Leave if they cannot work or work remotely because a healthcare provider has advised that the employee self-quarantine. Unless the employee is experiencing symptoms or qualifies for some other leave, employees who are able to work remotely should not use leave under this reason.

Reason 5: Lack of Available Work due to Pandemic. Employees who are unable to work remotely and have not been scheduled or authorized to work at a work site, and would otherwise be working if school were in session, may use State of Emergency Leave. This leave may be used intermittently during the periods when the employee is not scheduled to work but would otherwise have been scheduled to work. When determining whether an employee qualifies for this leave, the supervisor, in consultation with the Assistant Superintendent for Human Resources, will determine the feasibility of remote work given the employee’s position and job responsibilities. An employee’s job responsibilities may be altered and in that case, the determination will be made based on the employee’s altered job responsibilities. It is the policy of RCSS that every effort be made to find appropriate work during the pandemic for as many school employees as possible.

2. Emergency Paid Sick Leave (Two Weeks of Leave Available through December 31, 2020)

All employees who are unable to work at the worksite or remotely due to one or more of the six reasons listed below are eligible for this benefit. Full-time employees are entitled to a maximum of 80 hours, or two weeks, of leave, whether under a single qualifying reason or a combination. Full-time employees under this policy are those who work 40 or more hours per week. Part-time

employees are eligible for a maximum of leave equivalent to the number of hours worked on average over a two-week period, whether under a single qualifying reason or a combination.

This leave is available from April 1, 2020 through December 31, 2020. Employees may not roll over this leave into the following year. This leave benefit is in addition to, and not in lieu of, RCSS's existing leave policies, including the State of Emergency Leave described above. Employees may take Emergency Paid Sick Leave if they cannot work, whether at a work site or remotely, for one of the following reasons:

Reason 1: Quarantine/Isolation by Federal, State, or Local Order. Employees may use emergency paid sick leave if they are unable to work because they are subject to a Federal, State, or local quarantine or isolation order related to COVID-19. Employees who cannot work remotely may not take this leave intermittently due to the risk of spreading COVID-19. Employees who take this leave will be entitled to their regular rate of pay up to \$511 per day and \$5,110 in the aggregate.

Reason 2: Self-Quarantine by Advice of Healthcare Provider. Employees may use emergency paid sick leave if they are unable to perform work at the worksite because they have been advised by a health care provider to self-quarantine due to concerns related to COVID-19. Employees who are unable to work remotely may not take this leave intermittently due to the risk of spreading COVID-19. Employees who take this leave will be entitled to their regular rate of pay up to \$511 per day and \$5,110 in the aggregate.

Reason 3: Symptoms and Awaiting Medical Diagnosis of COVID-19. Employees may use emergency paid sick leave if they are unable to work, whether at the worksite or remotely, because they are experiencing symptoms of COVID-19 and are seeking a medical diagnosis. This leave is available for the time period during which the employee is awaiting a COVID-19 test result or diagnosis of COVID-19 from a healthcare provider. Once a determination has been made as to whether the employee has COVID-19, this type of leave will cease. If an employee is diagnosed with COVID-19, then the employee may access RCSS's other leave policies. Employees who take this leave will be entitled to their regular rate of pay up to \$511 per day and \$5,110 in the aggregate.

Reason 4: Caring for an Individual in Quarantine or Isolation. Employees may use emergency paid sick leave if they are unable to work, whether at the worksite or remotely, because they are caring for an individual who is either (1) subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or (2) advised by a health care provider to self-quarantine due to concerns related to COVID-19. Employees who are unable to work remotely may not take this leave intermittently due to the risk of spreading COVID-19. Employees who take this leave will be entitled to two-thirds of their regular rate of pay up to \$200 per day and \$2,000 in the aggregate.

Reason 5: Caring for a Son or Daughter Due to Unavailability of Child Care. Employees may use emergency paid sick leave if they are unable to perform work at the worksite or remotely because they are caring for a son or daughter whose school or child care facility has been closed, or the child care provider is otherwise unavailable, due to COVID-19 precautions. This leave may be taken only if there is no other suitable person available to care for the son or daughter. In addition, for any son or daughter who is over the age of 14, the employee must explain any special circumstances that require the employee to provide care. Employees may take this leave intermittently and should work with their supervisor to make appropriate arrangements. This paid leave may be taken as the first two weeks of twelve weeks to which the employee is entitled under

the EFMLEA (see below). Employees who take this leave will be entitled to two-thirds of their regular rate of pay up to \$200 per day and \$2,000 in the aggregate.

Reason 6: Substantially Similar Conditions as Defined by Federal Government. Employees may use emergency paid sick leave if they are unable to work at the worksite or remotely because they are experiencing “substantially similar conditions” identified by the U.S. Secretary of Health and Human Services. Employees who believe they are entitled to leave under this provision should contact the Assistant Superintendent for Human Resources and explain the circumstances so that a determination may be made. RCSS will follow federal definitions in determining what satisfies this reason, which are subject to change. Employees who take this leave will receive two-thirds of their regular rate of pay up to \$200 per day and \$2,000 in the aggregate.

3. Emergency FMLA Expanded Leave for Child Care (12 Weeks of Leave Available through December 31, 2020)

Eligible employees who are unable to perform work at the worksite or remotely due to the need to care for a son or daughter whose school has closed or child care is otherwise unavailable due to the COVID-19 pandemic, are entitled to take up to 12 weeks of leave under the “EFMLEA.” This leave may be taken only if there is no other suitable person available to care for the son or daughter. In addition, for any son or daughter who is over the age of 14, the employee must explain any special circumstances that require the employee to provide care.

Eligibility

Employees may be eligible in two different ways. (1) An employee has worked for RCSS for at least thirty days on the date that leave is to begin. (2) The employee was laid off after March 1, 2020, had worked for RCSS for at least 30 days in the last 60 calendar days prior to the lay-off, and has since been re-hired.

EFMLEA is another type of leave under the FMLA. Employees who have used FMLA leave in the prior 12 months, in accordance with RCSS’s policy, are only entitled to the amount of the 12-week leave remaining.

Payment under EFMLEA Leave

The EFMLEA leave will be both paid and unpaid as follows:

- The first 10 days of EFMLEA are unpaid. However, an employee may choose to be paid by using any available Emergency Sick Leave as described in Reason 5 above and/or any other applicable leave offered by RCSS that the employee has accrued.
- After the first ten days, the remaining ten weeks of leave will be paid at a rate of two-thirds the employee’s regular rate of pay up to \$200 per day. Employees are required to use any existing applicable leave, including PTO and vacation leave, to supplement this EFMLEA pay up to the employee’s normal weekly earnings.

Availability of Intermittent Leave

Intermittent leave may be available. RCSS will work with the employee to determine if a schedule can be made that is not disruptive to the employee's job duties and accommodates the employee's need to provide care for a son or daughter. Employees and their supervisors, in consultation with the Assistant Superintendent for Human Resources, are expected to engage in a collaborative interactive process to determine an appropriate schedule.

Date: April 15, 2020

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