

## **SUGAR VALLEY RURAL CHARTER SCHOOL**

POLICY NUMBER: 335  
SECTION: EMPLOYEES  
TITLE: **FAMILY AND MEDICAL LEAVES**  
DATE ADOPTED: NOVEMBER 2005  
DATE LAST REVISED: FEBRUARY 2021

### **FAMILY AND MEDICAL LEAVES**

#### **AUTHORITY**

The Board shall provide eligible administrative, professional and support employees with unpaid leaves of absence in accordance with the Family and Medical Leave Act, hereinafter referred to as FMLA.

Employee requests for FMLA leave shall be processed in accordance with law, Board policy and administrative regulations.

#### **DELEGATION OF RESPONSIBILITY**

The CEO shall develop and disseminate administrative regulations to implement FMLA leave for eligible employees.

The school shall post, in conspicuous places in the building customarily used for notices to employees and applicants, a notice regarding the provisions of the FMLA and the procedure for filing a complaint.

Employee requests for leave, both FMLA and non-FMLA, shall be submitted in writing on a school form to the Director of Human Resources.

#### **GUIDELINES**

Employees' eligibility for FMLA leave shall be based on the criteria established by law.

Eligible employees shall be provided up to twelve (12) workweeks of unpaid leave in a twelve-month period for the employee's own serious health condition; for the birth, adoption, foster placement or first-year care of a child; to care for a seriously ill spouse, child or parent; or to address specific qualifying exigencies pertaining to a member of the Armed Forces alerted for foreign deployment or during foreign deployment.

Eligible employees shall be provided up to twenty-six (26) workweeks of unpaid leave in a single twelve-month period to care for an ill or injured covered servicemember.

The district shall utilize a rolling twelve-month period measured backwards from the date leave is used to determine if an employee has exhausted his/her FMLA leave in any twelve-month period.

When an employee requests an FMLA leave and qualifies for and is entitled to any accrued paid sick, vacation, personal or family leave, the employee is required to utilize such paid leave concurrent with the FMLA leave.

## **REFERENCES**

29 U.S.C. 2601 et seq  
29 CFR Part 825  
29 U.S.C. 2619  
29 U.S.C. 2611  
29 U.S.C. 2612  
29 CFR 825.200  
Pol. 000  
Pol. 813

See attachment on Families First Coronavirus Response Act

## **THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

### **Emergency Leave Provisions**

The federal Families First Coronavirus Response Act (FFCRA) contains specific provisions for the expansion of Family and Medical Leave and Paid Sick Leave effective April 2, 2020, through December 31, 2020. This attachment to Policy 335 explains the emergency leave entitlements established by the FFCRA, which expire December 31, 2020, and cannot be used after that date. The FFCRA does not affect rights and benefits under any other law, collective bargaining agreement or adopted Board policy. This attachment shall not be construed to create any new rights or entitlements in addition to those provided pursuant to the FFCRA, nor to establish any past practice, and shall not have any application to leave taken after December 31, 2020.

The Board shall provide eligible administrative, professional and support employees with appropriate emergency leaves of absence in accordance with the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA). *29 U.S.C. Sec. 2620, 5101-5111*

Employee requests for Emergency Family and Medical Leave and/or Emergency Paid Sick Leave shall be submitted in writing to the CEO or designee.

Employees shall provide sufficient information with the request to enable the school entity to determine whether a qualifying circumstance applies, and how that circumstance renders the requesting employee unable to work or telework. The school entity shall be prohibited from discharging, disciplining or otherwise discriminating against any employee who lawfully takes Emergency Paid Sick Leave or Emergency Family and Medical Leave under the FFCRA, files a complaint, or institutes a proceeding under or related to the FFCRA.

The school entity shall post, in a conspicuous place, the notice from the U.S. Department of Labor's Wage and Hour Division regarding Employee Rights for Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act, to all employees working remotely through posting on the school entity website and/or providing direct notification through email.

## EMERGENCY PAID LEAVE PROVISIONS

COVID-19 REASON FOR ABSENCE	EMERGENCY PAID SICK LEAVE	EMERGENCY PAID FAMILY AND MEDICAL LEAVE
	Full-time employees - 80 hours Part-time employees – 2 weeks based on average hours worked per day for the last 6 months.	The EFML does not add to the maximum 12-week FMLA leave that can be taken in one 12-month period.
Federal, state or local quarantine or isolation order	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Advised by health care provider to self-quarantine	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Seeking medical diagnosis for COVID-19 symptoms	100% regular pay up to: \$511 daily \$5,110 in total	Not Applicable
Caring for an individual who is: - subject to a quarantine or isolation order - self-quarantined as advised by health care provider	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	Not Applicable
Caring for son or daughter whose school or place of care is closed or child care provider unavailable	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	<ul style="list-style-type: none"> <li>First 10 days unpaid (unless employee has other *available paid leave or uses Emergency Paid Sick Leave)</li> <li>After 10 days: 2/3 of regular pay up to – \$200 a day \$10,000 in total</li> </ul>
Experiencing other substantially-similar condition specified by the Secretary of Health and Human Services	2/3 of regular pay up to – • \$200 a day • \$2,000 in total	Not Applicable
USE OF LEAVE		
	Immediate eligibility <b>Other Leave</b> – Employee chooses whether to use EPSL or other available paid leave first.	Eligible after 30 days of employment at school entity. <b>*Other Leave</b> – Check Policy 335 FMLA for consistency with use of available leave requirements.
SPECIFIC LEAVE PROVISIONS		
	No carryover of leave days from one calendar year to the next.	Reasonable efforts will be made to restore the employee to the same position or a position equivalent to the position the employee held when the leave began, including equivalent benefits, pay and other terms and conditions of employment.

## **INTERMITTENT LEAVE**

The FFCRA provides broad flexibility in terms of intermittent leave to balance the needs of each employee with the needs of the school entity. All intermittent leave is subject to the mutual agreement of the CEO or designee and the employee. If the parties cannot come to a mutual agreement regarding the leave, the intermittent leave will not be authorized.

### **Intermittent Leave During Emergency Paid Sick Leave**

#### *Reporting to Worksite –*

The ability of an employee to take Emergency Paid Sick Leave intermittently while reporting to the worksite depends on the reason for the leave:

- If the CEO or designee and the employee agree, an employee may take up to the entire portion of the Emergency Paid Sick Leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or child care provider is unavailable due to reasons related to COVID-19. Under such circumstances, the intermittent Emergency Paid Sick Leave may be taken in any increment of time agreed to by the Superintendent or designee and the employee.
- Intermittent leave while reporting to the worksite is prohibited for any other reason related to Emergency Paid Sick Leave, as categorized in the chart above, due to the unacceptably high risk that the employee might spread COVID-19 to other employees. Employees on Emergency Paid Sick Leave for other qualifying reasons, must continue to take paid sick leave each day until the employee either uses the full amount of paid sick leave or no longer has a qualifying reason for taking paid sick leave.

#### *Telework –*

If the CEO or designee directs or allows an employee to telework, or if the employee normally works from home, the CEO or designee and the employee may agree that the employee may take Emergency Paid Sick Leave for any qualifying reason and in any agreed increment of time, but such leave is available only when the employee is unable to telework due to a COVID-19 qualifying reason.

### **Intermittent Leave During Emergency Family and Medical Leave**

#### *Reporting to Worksite –*

If the CEO or designee and the employee agree, an employee may take up to the entire portion of the Emergency Family and Medical Leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or child care provider is unavailable due to reasons related to COVID-19. Under such circumstances, the intermittent Emergency Family and Medical Leave may be taken in any increment of

time agreed to by the CEO or designee and the employee.

#### *Telework –*

If the CEO or designee directs or allows an employee to telework, or if the employee normally works from home, the CEO or designee and the employee may agree that the employee may take Emergency Family and Medical Leave in any agreed increment of time, but such leave is available only when the employee is unable to telework due to a COVID-19 qualifying reason.

### **DEFINITIONS**

**Qualifying need related to a public health emergency** shall mean the employee is unable to work or telework due to a need for leave to care for a son or daughter under eighteen (18) years of age of the employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

**Public health emergency** shall mean an emergency with respect to COVID-19 declared by a federal, state or local authority.

**Child care provider** shall mean a provider who receives compensation for providing child care services on a regular basis, including an "eligible child care provider" as defined in section 658P of the Child Care and Development Block Grant Act of 1990 as a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that:

1. is licensed, regulated, or registered under state law and satisfies the state and local requirements, including those applicable to the child care services it provides; or
2. a child care provider that is eighteen (18) years of age or older who provides child care services only to eligible children who are, by affinity or consanguinity, or by court decree, the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, if such provider complies with any applicable requirements that govern child care provided by the relative involved.

**Son and Daughter** shall mean 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.