

BOARD OF LUCAS COUNTY COMMISSIONERS

TEMPORARY COVID-19 EMERGENCY PAID SICK LEAVE POLICY

I. PURPOSE

The purpose of this policy is to comply with the provisions of the Families First Coronavirus Response Act (FFCRA) regarding emergency paid sick leave for permitted reasons associated with COVID-19.

II. POLICY

Under the FFCRA, eligible employees are entitled to emergency paid sick leave for six (6) qualifying reasons due to a quarantine or isolation order, employees' COVID-19 related condition, to care for an individual with COVID-19 related condition, or to care for a son or daughter under the age of 18 whose school or day care is closed or childcare provider is unavailable due to COVID-19 reasons.

The emergency paid sick leave provided under the FFCRA and this policy does not reduce nor otherwise diminish other paid leaves for which employees of the Board of Lucas County Commissioners may be entitled under Federal or State laws or existing leave policies of the Board of Lucas County Commissioners.

The information listed below highlights the rights and obligations of employees and employers under the Act, which are covered under federal regulations. This information is intended to be a summary of these regulations, and in any case, the precise rights and obligations of employees and the Board of Lucas County Commissioners will be governed by the law itself.

III. DURATION

This policy is temporary and in effect from April 1, 2020, until December 31, 2020. Emergency paid sick leave accrued under this policy may not be carried-over past December 31, 2020. Any unused emergency paid sick leave will not be carried over under any circumstances.

IV. ELIGIBILITY

1. All full-time and part-time employees employed by the Board of Lucas County Commissioners, no matter how long they have been employed, are eligible for leave.

2. Employees who are “health care providers” or “emergency responders”, as those terms are defined by the Federal Regulations, may be excluded from leave under this policy at the discretion of the Employer.

V. REASONS FOR LEAVE

1. An eligible employee may take emergency paid sick leave if the employee is unable to work or telework for any one of the following six (6) qualifying reasons:

- a. The employee is subject to a Federal, State or local quarantine order related to COVID-19;
- b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 because of a coronavirus diagnosis;
- c. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- d. The employee is caring for an *individual* who is subject to an order described in (a) above or self-quarantined as described in (b) above. The individual being cared for must be someone the employee has a personal relationship with that creates an expectation that the employee would care for the person if s/he self-quarantined or was quarantined:
 - (i). Includes “family member” as defined under regular FMLA (employee’s spouse, son, daughter, or parent);
 - (ii). In addition, includes an individual who is (1) pregnant, a senior citizen, an individual with a disability, or who has access or functional needs and (2) who is the employee’s son or daughter, next of kin, grandparent or grandchild;
 - (iii). The definition of “parent” is expanded to include the parent of an employee’s spouse or domestic partner;
- e. The employee is caring for the employee’s son or daughter under the age of 18 if the school or place of care has closed or the childcare provider is unavailable due to COVID-19 precautions;
- f. The employee is experiencing any other substantially similar conditions specified by Federal authorities.

2. Workplace closures, furloughs, and reductions in work schedules, including a public stay-at-home order to cease business do not qualify as a reason for paid leave under the Act, even if such circumstances are related to COVID-19.

VI. LENGTH OF LEAVE

1. Full-time employees are entitled to eighty (80) hours of paid leave over a two (2) week period.
2. Part-time employees who work a normal schedule are entitled to the equivalent of the hours they normally work in a two-week period.
3. Part-time employees whose work schedule varies are entitled to the equivalent of the average number of hours the employee was scheduled to work per day over the 6-month period prior to commencement of the leave.
4. Employees are entitled to a total of two (2) weeks of emergency paid sick leave under this policy for any of the qualifying reasons for the leave.
5. Employees who have exhausted their two (2) weeks leave under this policy for reasons (a) – (c) as set forth in Section V above and are unable to return to work due to that reason may apply and, if eligible, qualify for leave under the Board of Lucas County Commissioners' regular Family and Medical Leave Act Policy.
6. Employees taking emergency paid sick leave for reason (e) as set forth in Section V above and who are unable to return to work after this leave period due to the closure of school or place of child care or unavailability of child care provider for COVID-19 reasons may apply and, if eligible, receive leave under the Board of Lucas County Commissioners' Emergency Family and Medical Leave Expansion Policy.

VII. COMPUTATION OF PAY

1. For leave reasons (a), (b), or (c) regarding the employee's own condition as set forth in Section V above, employees are entitled to 100% of the greater of their regular rate of pay or minimum wage, capped at \$511 per day or \$5,110 aggregate over the two (2) week period.
2. For leave reasons (d), (e), or (f) regarding care for an individual, child care/school closed/childcare provider unavailable, or other substantially similar conditions as set forth in Section V above, employees are entitled to 2/3 of the greater of their regular rate of pay or minimum wage, capped at \$200 per day or \$2,000 aggregate over the two (2) week period.
3. Eligible employees may elect, with the permission of the Board of Lucas County Commissioners, to supplement the 2/3 pay under this policy for leave reasons (d), (e), or (f) regarding care for an individual, child care/school closed/childcare provider unavailable, or other substantially similar conditions as set forth in Section V above with their own accrued vacation, personal, or compensatory leave to avoid the 1/3 loss of income; regarding leave reason (d) involving care for an individual, an eligible employee may also elect, with the

permission of the Board of Lucas County Commissioners, to also utilize accrued sick leave if the “individual” would otherwise specifically meet the definition for sick leave use.

VIII. EMPLOYEE NOTIFICATION

When an employee is unable to report to work due to a COVID-19 related reason under this policy, the employee shall notify her/his immediate supervisor in accordance with the (Board of Lucas County Commissioners Sick Leave Policy, applicable collective bargaining agreement articles, work rules and if applicable regular Family and Medical Leave Policy for continued absence.

IX. INTERMITTENT LEAVE

1. If the Board of Lucas County Commissioners directs or allows an employee to telework, subject to an agreement between the Board of Lucas County Commissioners and the employee, the employee may take intermittent leave or reduced schedule leave, in any mutually agreed increment of time, while the employee is teleworking.
2. If the employee is able and reports to work at the Board of Lucas County Commissioners departmental worksite, the employee, with the agreement of the Board of Lucas County Commissioners, may take intermittent leave or reduced work schedule leave solely to care for the employee’s son or daughter under the age of 18 if the school or place of care has closed or the childcare provider is unavailable due to COVID-19 related reasons.
3. Employees who are able and report to work at a Board of Lucas County Commissioners departmental worksite are prohibited from taking intermittent leave or reduced work schedule leave if the leave is taken because of reasons (a) through (d) and (f) as set forth in Section V above.
4. Requests for intermittent leave or reduced work schedule leave must be submitted in writing to the employee’s immediate supervisor as soon as practicable. The immediate supervisor must agree to the employee’s request for intermittent leave or reduced work schedule leave as well as the increments of time in which such leave may be taken.

X. DOCUMENTATION OF NEED FOR LEAVE

1. An employee must provide the Board of Lucas County Commissioners with written documentation in support of emergency paid sick leave under this Policy. Such documentation includes:
 - a. The date(s) for which the leave is requested;
 - b. The COVID-19 qualifying reason for leave;

- c. A statement representing the employee is unable to work or telework because of COVID-19 qualifying reason;
 - d. The health care provider who advised the employee that s/he or the individual for whom the employee is needed to care for, should self-quarantine;
 - e. The name of the child whose school or daycare is unavailable;
 - f. The name of the school, place of care, or childcare provider that closed or became unavailable including supporting documentation such as notice of the closure published by the government, school, or daycare, or notice on a website or in the newspaper, or email from the school or place of daycare;
 - g. A statement that no other suitable person is available to care for the child during the period of requested leave.
2. For leave taken under the Board of Lucas County Commissioners' regular FMLA policy for an employee's own serious health condition related to COVID-19 reasons, or to care for the employee's spouse, son, daughter, or parent with a serious health condition related to COVID-19, the regular FMLA certification requirements apply.

XI. RETALIATION

An employee will not be disciplined, discharged, or retaliated against for taking leave or filing a complaint, instituting a proceeding, or testifying in a proceeding under the FFCRA or this policy.



Megan Vahey Casiere, County Administrator

April 21, 2020

Date: April 21, 2020

Resolution No. 20-339

Title: Approval of Temporary COVID-19 Emergency Paid Sick Leave Policy for Departments under the Board of County Commissioners

Department/Agency: Human Resources

Contact: Brian Cunningham

Summary/Background: With the “Families First Coronavirus Response Act”, Congress passed into law the creation of paid sick leave for specific circumstances directly related to the COVID-19 pandemic. Specifically, one portion of the Act created up to 80 hours of paid sick leave (at either 100% or 2/3 of the employee’s normal pay, depending upon which specific reason for leave under the Act was being utilized). This paid sick leave is in addition to an employee’s already accrued but unused sick leave, and qualifying employees must be given the option of utilizing this new paid leave prior to utilizing their own accrued leave.

Due to the Board’s temporary COVID-19 operations plan and related designation of “required” and “non-required” staff, there has not been a need for employees to access this new leave; however, the Act is in place through December 31, 2020 and we need to be prepared to allow qualifying employees to begin to access this new statutory leave. Our “Temporary COVID-19 Emergency Paid Sick Leave Policy” is attached.

Budget Impact:

Statutory Authority/ORC:

Commissioner Byers offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. The “Temporary COVID-19 Emergency Paid Sick Leave Policy” covering departments under the Board of Lucas County Commissioners is hereby approved, to be in place through December 31, 2020.

Section 2. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law.

Section 3. This resolution shall be in full force and effect from and immediately upon its adoption.

April 21, 2020

**Approval of Temporary COVID-19 Emergency Paid Sick Leave Policy for Departments
under the Board of County Commissioners**

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Action Taken:

Commissioner Byers voted yes

Commissioner Gerken voted yes

Commissioner Skeldon Wozniak voted yes

A handwritten signature in blue ink, reading "Jody L. Balogh", written over a horizontal line.

Jody L. Balogh, Clerk