

# Millington Board of Education

Monitoring: <b><u>Review: Annually, in January Review: Annually</u></b>	Descriptor Term: <b>FFCRA LEAVE</b>	Descriptor Code: <b>5.3051</b>	Issued Date: <b><u>04/09/20</u></b>
		Rescinds:	Issued:

## 1 General<sup>1</sup>

2 Under the Families First Coronavirus Response Act (FFCRA), this policy will be in effect from April 1,  
3 2020 until December 31, 2020.

4 The Director of Schools/designee shall post notice of FFCRA requirements and create any necessary  
5 administrative procedures. Employees should seek clarification from Human Resources Department if  
6 they have questions regarding the total amount of leave and pay available to them.

## 7 PAID SICK LEAVE

8 Employees are entitled to up to two (2) weeks of paid sick leave if they are unable to work or telework  
9 because the employee:<sup>2</sup>

- 10 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 11
- 12 2. has been advised by a health care provider to self-quarantine related to COVID-19;
- 13
- 14 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 15
- 16 4. is caring for an individual subject to or advised to quarantine or isolate due to COVID-19. The  
17 individual must be someone with a personal relationship to the employee;
- 18
- 19 5. is caring for his/her son or daughter whose school or place of care is closed, or person who  
20 regularly provides child care is unavailable, for reasons related to COVID-19 and no other  
21 suitable person is available to care for the child during the requested period of leave. Son or  
22 daughter is defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child  
23 of a person standing *in loco parentis*, who is under 18 years of age; or 18 years of age or older  
24 who is incapable of self-care because of a mental or physical disability; or
- 25
- 26 6. is experiencing any other substantially similar condition specified by the Secretary of Health  
27 and Human Services, in consultation with the Secretaries of Labor and Treasury.

28 This paid leave may be taken if there is work available for the employee to complete and the employee  
29 is unable to work or telework for one of the above reasons. Such leave is in addition to any paid leave  
30 that an employee may already be entitled to (e.g. existing sick leave). Employees are not required to  
31 exhaust any other paid leave benefit in order to utilize this new category of paid sick leave.

## 32 EXPANDED FMLA LEAVE

1 Full-time or part-time employees who have been on the payroll for thirty (30) calendar days prior to the  
2 beginning of the leave are eligible for expanded FMLA leave (EFMLEA). This includes employees who  
3 were laid off or terminated after March 1, 2020, who had worked for the district for at least thirty (30)  
4 of the prior sixty (60) calendar days and were subsequently rehired or otherwise employed by the  
5 district.<sup>3</sup>

6 Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is unable to work or  
7 telework due the need to care for his/her son or daughter because of a school or child care facility closure  
8 or because the person who regularly provides child care (i.e. this could include a family member or a  
9 neighbor) is unavailable for reasons related to COVID-19.<sup>4</sup> In these circumstances, a son or daughter is  
10 defined as a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing  
11 *in loco parentis*, who is under 18 years of age; or 18 years of age or older who is incapable of self-care  
12 because of a mental or physical disability.

13 Qualifying employees may take twelve (12) weeks of EFMLEA leave.<sup>5</sup> The amount of leave available  
14 may be impacted by any prior use of FMLA.<sup>6</sup>

15 The first ten (10) days of EFMLEA leave shall be unpaid, however, an employee may choose to take  
16 any existing leave benefit during this time. After ten (10) days, EFMLEA leave is paid at two-thirds  
17 (2/3) the rate of the employee's regular rate of pay, unless he/she chooses to utilize accrued sick leave  
18 or annual leave to cover those days or the amount is capped per federal law.<sup>7</sup>

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#### Legal References

1. Families First Coronavirus Response Act, Pub. L. No. 116-127, §§ 3102, 5101, et seq. (2020)
2. 29 CFR § 826.20(a); 29 CFR § 826.21; 29 CFR § 826.30(a)
3. 29 CFR § 826.30(b); Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 3605 (2020)
4. 29 CFR § 826.20(b)
5. 29 CFR § 826.23
6. 29 CFR § 826.23(b); 29 CFR § 826.70
7. 29 CFR § 826.24

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#### Cross References

Sick Leave 5.302  
Family and Medical Leave 5.305