



Book	Policy Manual
Section	SECTION G - PERSONNEL
Title	Emergency Family and Medical Leave Expansion Act Policy
Code	GBR-1
Status	Recommended
Last Reviewed	May 19, 2020

File: GBR-1

EMERGENCY FAMILY AND MEDIAL LEAVE EXPANSION ACT POLICY

Pursuant to the Families First Coronavirus Response Act, the District will be providing the following Emergency Family and Medical Leave Expansion Policy and Paid Sick Leave Act Policy effective April 1, 2020 through December 31, 2020.

It is the policy of the District to grant eligible employees up to 12 weeks of family and medical leave for a qualifying need due to a public health emergency related to COVID-19, during the period of April 1, 2020 to December 31, 2020, in accordance with the Emergency Family and Medical Leave Expansion Act. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Interplay with unpaid leave under the Family Medical Leave Act

The Emergency Family and Medical Leave Expansion Policy is an amendment to the Family Medical Leave Act. The total amount of leave available to employees under the Family Medical Leave Act, including the Emergency Family and Medical Leave Expansion as described above is up to 12 weeks. Accordingly, eligible employees are entitled to a total of 12 weeks of job protected leave in the relevant period, paid or unpaid, based on the qualifying need for the leave under the amended Family Medical Leave Act. This policy is an addendum to the District's Family Medical Leave Act Policy.

Eligibility

To qualify to take public health emergency leave under this policy, the employee must have been employed by the District for at least 30 calendar days prior to requesting leave.

Qualifying Need

To qualify for leave under this policy, the employee must be taking leave for the reasons listed below due to a public health emergency declared by a Federal, State, or local authority related to COVID-19. The employee may take leave if the employee is unable to work or telework due to a need to care for the employee's son or daughter whose:

- elementary or secondary school or place of care is closed due to COVID-19; or
- childcare provider is unavailable due to COVID-19 if the childcare provider receives compensation for providing such care on a regular basis.

Use of Leave

The first 10 days of leave under this policy will be unpaid. The employee may elect to substitute any accrued paid time off or Emergency Paid Sick Leave (if applicable) for the first 10 days of unpaid leave. If the employee is not eligible for Emergency Paid Sick Leave, the District may require the employee to utilize accrued paid leave during the first 10 days of leave.

If appropriate, the District may permit leave to be taken on an intermittent basis.

Compensation

Beginning on the 11th day of leave, the District will compensate the employee at a rate not less than two-thirds of the employee's regular rate of pay based on the number of hours the employee would otherwise be scheduled to work up to the statutory maximum. The District may require the employee to utilize accrued paid

leave to supplement pay during Emergency Family Medical Leave.

Notice

Where leave for a qualifying need under this policy is foreseeable, the employee must provide notice of leave to Human Resources as soon as is practicable.

Documentation

Employees will be required to supply documentation supporting the need for leave. Examples of acceptable documentation include notice of closure or unavailability from the child's school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to the employee from an employee or official of the school, place of care, or child care provider. Additionally, the employee will be required to certify there is no other suitable person to care for the child and, if the child is over 14, that the child is in need of care if leave is requested during daylight hours.

Restoration Rights

The District will make reasonable efforts to return the employee who takes leave under this policy to the same position or a position with equivalent pay, benefits, and other terms and conditions of employment.

The District may not be able to return the employee to his or her position if the position does not exist due to economic conditions or changes in the operation of the District caused by a public health emergency related to COVID-19. However, the District will make reasonable efforts to contact the employee if an equivalent position becomes available for a 12-month period beginning on the earlier of:

- the date the employee's qualifying need under this policy concluded; or
- the date that is 12-weeks after the employee's leave under this policy commenced