

## **COVID-19 Health & Safety Mitigation Guidelines & HR Procedures**

### **MOVING FORWARD**

With the publication of “Roadmap to Recovery” on May 8, 2020, it is expected that Governor Sisolak will lift the current “Stay at Home Nevada” orders in the near future. The Roadmap lays out statewide Phase One measures promulgated by the Nevada State Occupational Safety and Health Administration (NV OSHA) to minimize the risk of spread of COVID-19, including social distancing and sanitation measures to ensure that employers open for business and employees return to work in the safest manner possible.

Given the current unprecedented pandemic conditions, effective measures for health and safety mitigation require everyone to become familiar with personal and organizational best practices. This document lays out the Library District’s framework for compliance with orders issued by Governor Sisolak and guidelines provided by the Southern Nevada Health District (SNHD) and the Centers for Disease Control and Prevention (CDC). The document also lays out temporary changes to HR procedures and policies required under the Families First Coronavirus Response Act (FFCRA).

### **WHEN WILL WE REOPEN?**

The Library District will reopen when “Stay at Home” orders, issued by Governor Sisolak, the County Commissioners, and/or the state or regional health districts, are lifted. Currently, those orders are still in place. However, the Library District may ask essential staff to return to work based on operational needs. Please continue to consult the Library District staff page for updated reopening information [<https://lvccld.org/staffupdates/>]

When the Library District reopens, it will be in three phases, per the Framework adopted by the Library District Board of Trustees on April 28, 2020, full document available at this link: [https://d4804za1f1gw.cloudfront.net/wp-content/uploads/sites/54/2020/05/06153801/LIBRARY-DISTRICT-Phased-Reopening-Framework\\_4-29-20.pdf](https://d4804za1f1gw.cloudfront.net/wp-content/uploads/sites/54/2020/05/06153801/LIBRARY-DISTRICT-Phased-Reopening-Framework_4-29-20.pdf)

On May 13, 2020, the Library District received word from the County Commission that we were approved for curbside service. This service begins on May 16<sup>th</sup> and carries on through Phase One, when extreme social distancing and group limitation restrictions will be in place.

Employees should read this document thoroughly and understand that Library District services and operations will be VERY DIFFERENT from the past. This means that job duties may shift and we will need all our staff's creative thinking and problem-solving skills to navigate the path forward.

Employees should understand that Stay at Home Nevada orders may be reinstated if COVID-19 or other related concerns increase in the future. The Library District will comply with all state, health district, and CDC orders in effect at that time, and will evaluate the ability to provide library services and employ staff based on future circumstances and conditions.

## **EMPLOYEE HEALTH & SAFETY MEASURES**

Under the Governor's Roadmap to Recovery plan, every individual is encouraged to follow these essential health and safety protocols:

**All individuals should monitor their health and symptoms (fever, shortness of breath, etc.).** All individuals who do not feel well or are symptomatic (fever, shortness of breath, etc.) should remain at home and away from others or follow up with their doctor. Under no circumstances should any employee with any COVID-19 symptoms report to the workplace.

**When at work, employees should maximize physical distance from others.** Work locations will provide the appropriate conditions for social distancing. Personal space between individual employees should also be observed. Employees should constantly monitor for socializing and keep conversational distances at least 6 feet. All group gatherings must be limited to under 10 people. All Library District employees should try to avoid circumstances that do not allow for appropriate physical distancing.

**Individuals Should Continue to Practice Good Hygiene.** Employees should wash their hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces. Employees should avoid touching their faces. Employees should cover their mouth and nose with tissue or sleeve when sneezing or coughing and dispose of the tissue after each use. In addition, employees should disinfect frequently used items and surfaces as often as possible.

**All Individuals Feeling Sick Should Stay Home.** Employees should not go to work or stay at work if they feel ill. Employees should contact and follow the advice of their medical provider. If tested positive for COVID-19, an individual must QUARANTINE and stay at home for **two weeks**. If an employee has been in contact with an individual who tested positive for COVID-19, the employee must quarantine and stay at home for **two weeks**, or until a negative test result has been received.

**Individuals returning to work who may have any of the serious underlying health conditions as noted by the CDC, should take any and all precautions necessary to protect themselves, especially while they are in the workplace.** This may include (but is not all inclusive) maintaining social distances, following CDC recommended guidance for good hygiene

and/or the wearing of proper personal protective equipment necessary to mitigate the contraction or spread of the COVID-19 virus.

**Respect the privacy of personal health information.** Library District supervisors and employees should NOT talk about individual employees or **any** health-related information.

## **LIBRARY DISTRICT HEALTH AND SAFETY MEASURES**

The Library District’s Health and Safety Mitigation Taskforce, Library Operations Department and Human Resources Department have developed the following measures and guidelines. All employees are required to view trainings specific to COVID-19 and Protecting Yourself in Our Workplace on Biz Library. All staff are required to complete assigned webinars and videos prior to starting work activities or on the first day back to work. These measures may be updated as new health and safety practices are developed. Because new information on COVID-19 is continuously emerging, these organizational measures identify reasonably foreseeable health risks and suggested options to mitigate them, but may be revised and updated as needed.

**Personal Protective Equipment (PPE).** Employees who fail to comply with any of the required health and safety mitigation directives will face disciplinary action, unless there is an Americans With Disabilities Act (ADA) accommodation requested from HR.

- **Face coverings are required for all Library District employees.** Employees are required to wear face coverings while working in public service spaces or when in proximity to other employees in the workplace. The Library District will provide face masks or employee can choose to bring their own face covering to work. Employees with health issues that affect their ability to wear masks should contact their supervisor and the supervisor should send the employee’s contact information to HR Benefits Manager Tricia Pavone for individual consultation about the health-related circumstances. Employees will be given permission to “de-mask” periodically in a safe space during the course of their workday.

Before returning to work or on the first day of work, all employees are required to view the Library District video on Proper Use of a Face Mask: <https://www.youtube.com/watch?v=qrhboFKa5oE>. Prior to starting your job responsibilities upon your first day back to work, all employees must immediately read and sign the EMPLOYEE ACKNOWLEDGMENT ON USE OF NON-MEDICALLY TESTED FACE MASKS AND FACE SHIELDS Form (Attachment A), and return it to your supervisor. Supervisors are responsible for sending their department’s forms to HR in a timely manner.

- **PPE required for Materials Handling.** The Health and Safety Mitigation Taskforce has developed these guidelines for PPE use and practices related to handling materials:

Staff are required to wear masks, gloves, and an apron while emptying return bins and automated sorters. Returned items will be immediately stored and sealed in boxes. Staff will mark the boxes with the current date and the end date of quarantine four days later (to

ensure 72 hours has passed). After quarantine expiration, staff must wash hands and wear new gloves before opening boxes.

- **PPE required for Curbside Services.** The Library District’s curbside service employees will be required to wear face masks, face shields, safety vests, and gloves when providing curbside or drive-through window service. Gloves will not be used for more than one (1) customer transaction. Staff will wash hands before touching any equipment, supplies or collection used for curbside service.
- **Branch and Service Center PPE.** The District has procured a significant inventory of PPE, hand sanitizer, face masks, nitrile gloves, disposable aprons, safety vests, face shields, and cleaning products, and will replenish inventories as required.
- **Testing.** No testing is required or provided by the Library District at this time. However, all branches will have a thermometer available and all employees are encouraged to monitor their health conditions, as described above under Employee Health and Safety Measures.

**Facility Accommodations for Safety and Social Distancing Guidelines.** Library Operations and the Health and Safety Mitigation Taskforce have assessed all library facility uses and have developed plans for facility spaces, equipment, staff working areas, and customer service touchpoints to comply with social distancing, sanitation, and hygiene guidelines.

- Employees will be given breaks to accomplish appropriate hand washing and hygiene activities.
- The Library District is supplying all work places with hand, furniture, library materials, and equipment sanitization supplies. Sneeze guards/partitions will be installed where needed. Social distancing signage and separation measures have been taken in all facilities, including bathrooms.
- All Library District facilities have undergone deep cleaning by District janitorial staff, as well as MicroShield 360 treatment to diminish microbe exposure (additional information on staff website). Additional janitorial staff are now employed to clean high traffic areas during the day.
- New safety protocols will be in place for taking cash, coin, and check payments. No new library fines will be assessed through December 31, 2020. Money counting procedures will be maintained to keep internal controls, but are modified for social distancing.
- General Services is replacing all facility HVAC filters with medical-grade MERV13 air filters.
- Security Officers will also play a role in enforcing social distancing, group gatherings, loitering, and safe customer behaviors.

**HR Procedures during the COVID-19 Pandemic.** The Library District’s Human Resources

Department has developed new procedures that will be implemented through December 31, 2020, per the requirements of the Families First Coronavirus Response Act (FFCRA) that covers both full-time and part-time employees, including Emergency Paid Sick Leave (EPSL) and the Emergency Family and Medical Leave Act (EFMLA), and other applicable federal and state labor laws. The Library District's temporary Policy and Procedures Family First Coronavirus Relief Act will be posted on the staff information website and attached to this document as Attachment B.

Library District supervisors and employees will at all times respect the privacy of personal health information, per the requirements of the federal Health Insurance Portability and Accountability Act of 1996, which is United States legislation that sets data privacy and security provisions for safeguarding medical information, such as medical records and other identifiable health information. Library District supervisors and employees should NOT talk about individual employee health issues or share any health-related information.

- **Returning to work.** Supervisors will notify employees of a date for returning to work, based on work availability, as described in the three-phase Library Reopening Plan adopted by the Library District Board of Trustees on April 28, 2020.
  1. The Library District has the right to establish work schedules and start times, and may modify such schedules from time to time with one-week advance notice given of changes, except in emergency situations. Also, for those employees covered by a collective bargaining agreement (CBA), the CBA at Article 2.01(i) defines a regular workday (shift) as either five 8-hour shifts or four 10-hour shifts, at the discretion of the Library District.
  2. Full-time staff can be asked to work out of classification or at a lower classification with no change in pay, but if asked to work in a higher classification, a pay adjustment may be necessary depending on the circumstances. See Article 13.22 of the CBA. Per the CBA, an employee may be directed to work above class for a limited time.
  3. The Fair Labor Standards Act constrains the ability of hourly workers to work from home.
  4. Vacation leave requests that were approved prior to March 16, 2020 will be honored. No additional vacation leave requests will be approved until after June 26, 2020. Exceptions will be made by a Department Director on a case-by-case basis.
- **Accommodations for employees with conditions that impact their ability to return to work.** When employees are given notice to return to work, they are required to contact their supervisor and give notice if they have circumstances or conditions that affect their ability to resume their position. Circumstances may include, but are not limited to, COVID-19 illness or exposure personally or to anyone in the household; immune or other health condition vulnerability; or childcare availability. Under the FFCRA, both full-time and part-time staff may be entitled to up to 2 weeks of paid sick leave for certain COVID-19 related reasons.

Supervisors will **ONLY** take the name, email, address, and phone contact for employees who report they have a condition that impacts their ability to return to work. That employee contact information will then be forwarded to Human Resources Benefits Manager, Tricia Pavone ([pavonetm@lvccld.org](mailto:pavonetm@lvccld.org); 702.507.6240). Ms. Pavone will then follow-up with each individual employee to confidentially gather more details of the need and specific reason of each individual situation, and advise the individual of their options for paid leave, unpaid leave, or alternative work accommodations, if available.

Alternative work schedules and tasks will be considered on a case-by-case basis, however, work from home opportunities are not available for hourly employees. Per existing personnel policies and procedures, any staff professional development, including webinars from home, must be approved by the supervisor in advance and documentation must be provided to HR Training & Development Manager Keeley Walker for evaluation.

- **Employees with health and safety fears of returning to work.**
  - Employees who are afraid to return to work may contact the HR Department to access counseling or other assistance under the Employee Assistance Program.
  - HR is developing a Voluntary Furlough application for employees who choose to delay their return to work.
  - If an employee is considering retirement, he or she should contact PERS and HR Benefits Manager Tricia Pavone.
  
- **Employees who become sick with COVID-19 or develop COVID-19 symptoms while at work.** [Procedures for other illness or sick leave requests will continue to use the existing sick leave policies outlined in the Personnel Policies and Procedures Manual, Chapter VII.E.]
  - Staff who become sick or develop symptoms while at work must immediately inform their supervisor, provide their contact information to the supervisor, and go home. Per the existing Personnel Policies and Procedures Manual, Chapter VII.E.2.h., a supervisor may send an employee home if an employee is too ill to perform the job or poses a threat of contaminating other employees.
  - Supervisors who receive word of an employee who becomes sick or develops COVID-19 symptoms while at work will immediately supply the employee contact information to HR Benefits Manager Tricia Pavone who will then follow all the required COVID-19 reporting protocols with the Southern Nevada Health District.
  - HR Benefits Manager Tricia Pavone will contact the employee directly to evaluate the circumstances and benefits available to the employee based on application of the FFCRA and other Library District benefit policies. Under the FFCRA, both full-time

and part-time staff are entitled to up to 2 weeks of paid sick leave for certain COVID-19 related reasons.

- HR Benefits Manager Tricia Pavone will ensure that the Library District complies with any follow-up steps required by the Southern Nevada Health District. A follow-up plan of action will be developed and implemented with the Health District.
- If a Security Officer appears sick, contact a supervisor or Person-in-Charge.
- **Employees who live with, care for, or are exposed to anyone with COVID-19 must immediately report their circumstances to their Supervisor.** The supervisor should gather the employee's contact information, including name, phone, address, and email, and immediately send the information to HR Benefits Manager Tricia Pavone. Ms. Pavone will follow up with the employee to determine a course of action.
- **Working Injury Protocols.** Protocols for working injuries may be adjusted if there is a COVID-19 related incident. Supervisors should consult with HR immediately to determine the appropriate course of action. Security officers involved in the incident will follow their organization's protocol of action. Decisions about the employee's return to work will be guided by CDC guidelines, Worker's Compensation, and other applicable Library District personnel policies.
- **AED/CPR Protocols.** Call 9-1-1 immediately. The American Red Cross Recommends Hands Only CPR (continuous chest compressions) and using an AED until emergency responders arrive. Gloves shall be used for the chest compressions and can be found in the red pouch in the AED cabinet. If available, a cloth or face covering could be placed over the victim's mouth to limit employee virus exposure.
- **Notice of customer, security, or partner staff COVID-19 exposure or positive test results.** Staff will be notified of any customer, vendor, or partner illness or exposure only if HR is notified by the customer, vendor, partner, or the Southern Nevada Health District. A plan for testing, self-isolation, quarantine, or branch closure will be determined by the health authorities at that time.

# ATTACHMENT A

## Face Mask & Shield Acknowledgment Form



**EMPLOYEE ACKNOWLEDGMENT ON USE OF NON-MEDICALLY TESTED  
FACE MASKS/COVERINGS AND FACE SHIELDS**

Due to the COVID-19 (Coronavirus) global pandemic, the Las Vegas-Clark County Library District (“the District”) seeks to implement measures that will assist our employees in feeling more comfortable returning to the physical work environment when determined that it is advisable to do so. These measures, including appropriate social distancing and the regular cleaning and disinfecting of our buildings, also include the provision of face masks/coverings and face shields for our employees to wear while they are at work.

The face masks to be furnished to our employees are not considered medically approved personal protective equipment (PPE) which, due to the pandemic, have been prioritized for essential health care workers and first responders. The masks the District proposes to supply for our employees have been manufactured by companies that do not customarily create medical-grade PPE.

Current guidance from the Centers for Disease Control (CDC) encourages individuals to wear face masks or coverings when outside or otherwise interacting with others in an effort to inhibit the spread of COVID-19.

The face masks the District is providing for your use have not been subject to any testing protocol from the Food and Drug Administration (FDA), or any other governmental agency to confirm if they will provide any measure of protection against the contraction or spread of a disease such as COVID-19. These masks are made in a non-medical production facility, and they have not met any inspection or testing protocol by the FDA or any medical testing agency for any governmental entity. If you feel more comfortable utilizing a different type of face mask or covering, you are encouraged to use it. However, the District will not reimburse the cost of your own provided face mask or covering.

**Face Shields**

Face shields are protective devices used to shield employees’ faces and eyes from various hazards. They are typically used to provide protection from dust, liquid splash and spray hazards. These shields are most effective when used in conjunction with a face mask or covering, providing a higher level of protection to employees’ faces and eyes.

Each type of protective eyewear is designed to protect against specific hazards. Employers can identify the specific workplace hazards that threaten employees’ faces and eyes by completing a hazard assessment.

The face shields the District is providing for your use have not been subject to any testing protocol from the Food and Drug Administration (FDA), or any other governmental agency to confirm if they

will provide any measure of protection against the contraction or spread of a disease such as COVID-19. These shields are strictly homemade in a local non-medical production facility, and they have not met any inspection or testing protocol by the FDA or any medical testing agency for any governmental entity. If you feel more comfortable utilizing a different type of face shield, you are encouraged to use it. However, the District will not reimburse the cost of your own provided face shield.

In accepting to use the face masks and face shields supplied by the District, you acknowledge the following (initial each):

\_\_\_\_\_ I understand that any face mask or face shield received from the District has NOT been approved by the FDA as PPE.

\_\_\_\_\_ I understand that any face mask or face shield supplied by the District may NOT provide any measure of medically recognized protection against the spreading of any disease, including COVID-19.

\_\_\_\_\_ I understand that I am in a work environment setting where FDA-approved PPE are not available, and as such I choose to use the masks and shields provided to me by the District.

\_\_\_\_\_ I understand that face masks or coverings made of common fabric materials like cotton T-shirts, towels, scarves and cloth, including those provided by the District are not as efficient as N95 respirator filter masks and surgical masks and that as such may provide no medically-recognizable protection against COVID-19.

\_\_\_\_\_ I understand that face shields are most effective when used in conjunction with a mask or covering, and that as such may provide no medically recognized protection against COVID-19.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Name Printed

\_\_\_\_\_  
Date

# ATTACHMENT B

## Temporary Policy & Procedures Family First Coronavirus Relief Act (through December 31, 2020)

**LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT POLICY AND PROCEDURES  
FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

**Statement of Policy**

The Families First Coronavirus Response Act (“FFCRA”) became effective on April 1, 2020 to assist employees affected by the COVID-19 pandemic. The FFCRA created two separate paid leave provisions for qualified employees: (1) emergency paid sick leave and (2) job-protected family leave. It is the policy of the Las Vegas-Clark County Library District (“District”) to comply with the FFCRA through the implementation of the procedures set forth herein.

These procedures only address benefits made available under the FFCRA, which remain separate from other benefits already offered by the District, such as vacation and sick leave.

**Duration**

These procedures will remain in effect from April 1, 2020 until December 31, 2020. The District’s existing FMLA leave policy still applies to all other reasons for leave beyond those provided under the FFCRA.

**EMERGENCY PAID SICK LEAVE**

**Employee Eligibility**

All full and part-time employees of the District, regardless of their length of employment, are eligible for emergency paid sick leave if they are unable to work (either physically onsite or remotely) due to one of the following reasons:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to a quarantine or isolation order or advised by a health care provider to self-quarantine due to concerns related to COVID-19.
5. The employee is caring for a son or daughter if the school or place of care for the child has been closed, or the childcare provider for such child is unavailable, due to COVID-19 reasons or precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

### **Amount of Paid Sick Leave**

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for qualifying reasons, subject to the caps and reasons noted below. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period.

For employees who work varying hours, one of two methods for computing the number of hours paid will be used:

1. The average number of hours the employee was scheduled per day over the 6-month period ending on the date on which the emergency paid sick leave begins; or
2. If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

### **Rate of Pay**

1. Paid emergency sick leave will be paid at the employee's regular rate of pay, or minimum wage, whichever is greater, for leave taken for reasons 1-3 above.
2. Employees taking paid emergency sick leave for reasons 4-6 will be compensated at two-thirds of their regular rate of pay, or minimum wage, whichever is greater.
3. Pay for emergency paid sick leave will not exceed: \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above; or \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

### **Interaction with Other Paid Leave**

Employees may use emergency paid sick leave before using any other District-accrued leave benefits for the qualifying reasons stated above.

Employees who take emergency FMLA leave (as described below) may use emergency paid sick leave during the first 10 days of unpaid emergency FMLA leave.

### **Procedure for Requesting Emergency Paid Sick Leave**

Employees must inform Human Resources of the need and specific reason for emergency paid sick leave. Verbal notification will be accepted until practicable to provide written notice. A request form will be provided to the employee for completion.

### **Carryover**

Paid emergency sick leave will not be provided beyond December 31, 2020. Any unused emergency paid sick leave will not carry over to the next year and will not be paid out to employees.

## **Job Protections**

No employee who appropriately utilizes emergency paid sick leave will be discharged, disciplined or discriminated against for the use of this leave. However, employees have no greater right to return to work than if the employee had continued to work. Therefore, employees may be affected by a layoff, furlough, reorganization or other change in employment if such action would have occurred even if employees had remained actively at work.

### **Examples:**

1. A part-time Circulation Assistant is furloughed because the Governor ordered the closure of public libraries and the employee's position cannot be performed remotely. The employee is not eligible for emergency paid sick leave because the District does not otherwise have work available for the employee to perform due to the closure.
2. A full-time Adult Services Librarian advises that she is not feeling well and is sent home from work with symptoms including cough and shortness of breath. The employee schedules a virtual visit with her doctor. This employee would be entitled to use up to 10 days (80 hours) of emergency paid sick leave at her regular rate of pay while she seeks a medical diagnosis after experiencing COVID-19 symptoms.
3. A part-time Microcomputer Technician's spouse, who has a history of diabetes and bronchitis, tests positive for COVID-19 and is advised to self-quarantine by her doctor. The spouse needs the employee to care for her while under quarantine. The part-time employee usually works 20 hours per week. In this situation, the employee would be entitled to a total of 40 hours of emergency paid sick leave (2 weeks x 20 hours), paid at two-thirds of the employee's regular rate of pay.
4. The Governor has ordered public schools closed for the next 30 days, and a full-time Maintenance Technician, who would otherwise be working, needs to stay home to care for his child. This employee would be entitled to take emergency paid sick leave because the employee is prevented from working by the need to stay home to care for the child due to the school closure. The emergency paid sick leave would be paid at two-thirds of the employee's regular rate of pay.

## **EMERGENCY FAMILY AND MEDICAL LEAVE ACT**

### **Employee Eligibility**

All employees who have been employed with the District for at least 30 days are eligible to access this benefit.

### **Reason for Leave**

The only permissible reason for taking emergency FMLA leave is when employees are unable to work (either physically onsite or remotely) due to a need to care for their son or daughter when the

school or place of care for the child has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is (A) under 18 years of age; or (B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including: a center-based childcare provider, a group home childcare provider, a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence), other licensed provider of childcare services for compensation, a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

### **Duration of Leave**

Employees will have up to 12 weeks of emergency FMLA leave to use from April 1, 2020 through December 31, 2020 for the purposes stated above.

This time is included in and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period. For example, if an employee has already taken 6 weeks of FMLA leave, that employee would only be eligible for 6 weeks of emergency FMLA leave under this policy.

### **Pay During Leave**

1. Pursuant to the FFCRA, emergency FMLA leave will be unpaid for the first 10 days of absence. However, employees may use any accrued paid vacation leave during these first 10 days in order to receive pay.
2. Employees may also elect to use emergency paid sick leave during the first 10 days of emergency FMLA leave.
3. After the first 10 days, leave will be paid at two-thirds of the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work.
4. Pay will not exceed \$200 per day, or \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

For employees who work varying hours, one of two methods for computing the number of hours paid will be used:

1. The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the emergency FMLA leave begins, or
2. If the employee has worked for less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

## **Employee Status and Benefits During Leave**

The District will continue group health insurance benefits at the same level and under the same conditions for employees as if they had actively continued to work. While on paid leave, the District will continue to make payroll deductions to collect the employee's share of the premium.

During any unpaid portions of leave, employees must continue to make their portion of the premium payment by making advance arrangements with Human Resources.

## **Procedure for Requesting Leave**

All employees requesting emergency FMLA leave must provide written notice, where possible, of the need for such leave to Human Resources as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided.

Within five business days after an employee has provided this notice, Human Resources will complete and provide the employee with any required FMLA notices. When employees provide notice of the need for leave, they should include a brief statement as to the reason for leave, and if possible, the expected duration. The District may require additional information from employees in support of their leave request.

While employees are on emergency FMLA leave, the District may require them to report periodically on their status and intent to return to work.

## **Employee Status After Leave**

Generally, any employee who takes emergency FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. However, employees have no greater right to return to work than if the employee had continued to work. Therefore, employees may be affected by a layoff, furlough, reorganization or other change in employment if such action would have occurred even if employees had remained actively at work.

### ***Examples:***

1. A full-time Graphic Designer has a six-year old child whose school has been closed due to the Governor's mandate. The employee's spouse is a first responder and must continue to work. Even though the employee's job could be performed remotely, the employee cannot perform such work due to her childcare responsibilities. The employee requests emergency FMLA leave to stay home and care for her child, because no other suitable person is available.

In this situation, both emergency paid sick leave and emergency FMLA leave would apply. The employee may use the first 10 days of emergency FMLA leave as emergency paid sick leave (80 hours), paid at two-thirds of the employee's regular rate of pay. After those 10 days, the employee would be paid two-thirds of her regular rate of pay for up to an



additional 10 weeks (assuming no prior FMLA time had been taken in the preceding 12 months).

2. An Assistant Branch Manager requests emergency FMLA leave in June to care for his child whose school is closed. The regular school year would have ended in late May. The school closure in this case is not due to a COVID-19 reason as school would not normally be in session in June. As a result, the employee is not entitled to emergency FMLA leave in this circumstance. However, the employee *may* be eligible for such leave if he can demonstrate that the childcare provider who would have responsibility for the child after the conclusion of the school year is now unavailable for COVID-19 reasons.
3. A full-time YPL/Children's Services Department Head requests emergency FMLA leave because she fears she may have been exposed to someone with COVID-19 and is now experiencing similar symptoms. In this case, the employee is not entitled to emergency FMLA leave because the request is not based on a childcare reason. However, the employee may be eligible for regular unpaid FMLA leave for a serious health condition and emergency paid sick leave for up to 10 days.
4. A part-time Adult Services Assistant requests emergency FMLA leave to care for his child because of a school closure order. The employee's spouse does not work outside the home. In this situation, the employee's emergency FMLA leave request may be denied unless he can show that his spouse is not a suitable person to care for the child, and no other suitable individual is available for such care.