

Bartlett City Board of Education		5038
Descriptor Term: FAMILIES FIRST CORONAVIRUS RESPONSE ACT	Descriptor Code: Support Services	Issue Date: 07/23/2020
	Rescinds:	Revised:

1 Under the Families First Coronavirus Response Act (FFCRA), this policy will be in effect until
2 December 31, 2020 or until the extended expiration date of such Act, whichever shall occur later.¹

3 The Superintendent or his/her designee shall post notice of FFCRA requirements and create any
4 necessary administrative procedures to implement the Act. Employees should seek clarification
5 from the Director of Human Resources or his/her designee if they have questions regarding the
6 total amount of leave and pay available to them under this Policy.

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
9 telework because the employee:²

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

23 This paid leave may not exceed the amount capped by federal law and may be taken if there is
24 work available for the employee to complete and the employee is unable to work or telework for
25 one of the above reasons. Such leave is in addition to any paid leave that an employee may
26 already be entitled to (existing sick leave). Employees are not required to exhaust any other paid
27 leave benefit in order to utilize this new category of paid sick leave.

28 Expanded FMLA Leave

29 Full-time or part-time employees who have been on the payroll for thirty (30) calendar days prior
30 to the beginning of the leave are eligible for expanded FMLA leave (EFMLEA). This includes
31 employees who were laid off or terminated after March 1, 2020, who had worked for the district

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)

1 for at least thirty (30) of the prior sixty (60) calendar days and were subsequently rehired or
2 otherwise employed by the district.³

3 Under the FFCRA, an employee qualifies for EFMLEA leave if the employee is unable to work or
4 telework due to the need to care for his/her son or daughter because of a school or child care
5 facility closure or because the person who regularly provides child care is unavailable for reasons
6 related to COVID-19.⁴ In these circumstances, a son or daughter is defined as biological, adopted,
7 or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is
8 under 18 years of age; or 18 years of age or older who is incapable of self-care because of a
9 mental or physical disability.

10 Qualifying employees may take twelve (12) weeks of EFMLEA leave.⁵ The amount of leave
11 available may be impacted by any prior use of FMLA.⁶

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

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