



OPERATIONAL PROCEDURE



CATEGORY:	Personnel
TOPIC:	Comply with Families First Coronavirus Response Act
EFFECTIVE:	April 1, 2020 - December 31, 2020
CROSS-REFERENCE:	Department of Labor (DOL) Wage and Hour (WHD) Families First Coronavirus Responses Act (FFCRA) D 16: Parental, Medical & Family Care Leave Policy (4.21.2020)
REVISION DATE:	Revised: 4/21/2020
RESPONSIBILITY:	Director of Human Resources

INTENT STATEMENT: The Families First Coronavirus Response Act (FFCRA) goes into effect on April 1, 2020. This law has two key parts: (1) **Emergency Paid Sick Leave** and (2) **Emergency Family and Medical Leave Act Expansion**. The Burlington School District will comply with the new legislation while providing financial peace of mind to employees who are concerned about the economic effects that an extended school closure or COVID illness could cause for an employee and their families. The procedure is broken down by appropriate employee categories of Exempt or Non-Exempt and is supported with coverage guidelines in Appendix A.

PROCEDURE: All employees who are impacted by the coronavirus must notify the Employee Leave Coordinator in Human Resources by either email or phone and must complete the [Application for Leave Emergency Family and Medical Leave Act Expansion Form](#) in TalentEd Records prior to the start of the leave whenever possible. If employees have questions after reading the Coverage Guidelines and the respective information or if the employee feels that they would qualify on one of the options on number 1 - 6 outlined in Appendix A the employee may contact the **Employee Leave Coordinator, Erin Dye in Human Resources** EDye@BSDVT.org or by calling 1-802-865-5332, Extension 71708.

SUPPORTING DOCUMENTS: Employee Rights, Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act Poster and coverage guidelines in Appendix A.

Please see the appropriate category to find information by classification of employees.

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- A. **EXEMPT/SALARY EMPLOYEES:** Whenever possible exempt/salary employees are being allowed to work from home preparing and delivering online and home-based learning opportunities to students or providing critical support to the ongoing business operations. At this time, these employees will be given their full salary and benefits when able to engage in work.

The following applies to regular exempt/salary employees:

1. If you should become ill with COVID-19 or are quarantined because of COVID-19 and are unable to work:
 - a. You can use existing leave or access (Emergency Paid Sick Leave) of the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A
2. If an immediate family member that you care for becomes ill with COVID-19 or is quarantined because of COVID-19 and you are unable to work from home:
 - a. You can use existing leave or access (Emergency Paid Sick Leave) of the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A
3. If you are unable to work from home because of childcare issues:
 - a. You are able to receive 67% of your pay for up to 12 weeks according to the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A

B. NON-EXEMPT/HOURLY EMPLOYEES: This applies to all regular hourly paid employees who are actively “Ready, Willing and Able to Work” on what is or would have been their regularly scheduled workday. Those employees who are being asked to be flexible while they are either “engaged in daily work” or are “on-call to support the daily work”. This work includes being scheduled to provide the daily school district’s directed: student supports services such as direct or remote education or childcare, transportation or food delivery services, child nutrition, or providing critical supports to the ongoing business operations such as property services or technical/administrative/secretarial supports either on-site or in some cases at home. All work must be complete to support the school district, the students, and the community we serve. At this time, these employees will be given their regular hourly weekly wages and benefits when able to engage in work.

The following applies to regular non-exempt/hourly employees:

1. If you should become ill with COVID-19 or are quarantined because of COVID-19 and are unable to work:

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- a. You can use existing leave or access (Emergency Paid Sick Leave) of the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A
2. If an immediate family member that you care for becomes ill with COVID-19 or is quarantined because of COVID-19 and you are unable to work from home:
 - a. You can use existing leave or access (Emergency Paid Sick Leave) of the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A
3. If you are unable to work from home because of childcare issues:
 - a. You are able to receive 67% of your pay for up to 12 weeks according to the Families First Coronavirus Response Act (FFCRA) which is detailed in Appendix A

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Appendix A

Coverage Guidelines

The Families First Coronavirus Response Act (FFCRA): Effective April 1st, 2020

The Families First Coronavirus Response Act (FFCRA) goes into effect on April 1st, 2020. This law has two key parts:

1. **Emergency Paid Sick Leave** and
2. **Emergency Family and Medical Leave Act Expansion.**

These two different parts while separate with different benefits also supplement each other.

The information below will hopefully bring clarity and answer most questions our employees may have or encounter.

Emergency Paid Sick Leave

Under the law, employees are eligible for paid sick leave if they are unable to work (or telework) **for 2 weeks of normally scheduled hours**. Listed are the qualifying reasons and percent of pay the employee is eligible to receive. Employees are also not required to use any of their existing leave prior to using Emergency Paid Sick Leave.

Pay at 100%* with Medical Documentation

1. The Employee is subject to federal/state/local quarantine or isolation order related to COVID-19
2. The Employee is advised by a health care provider to self-quarantine due to COVID-19
3. The Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis

Pay at 67%* with Appropriate Documentation

4. The Employee is caring for an individual subject to federal/state/local quarantine or isolation order related to COVID-19 or is advised by a health care provider to self-quarantine due to COVID-19
5. The Employee is caring for son/daughter (under age 18) whose school or place of care has been closed or childcare provider is unavailable due to COVID-19 precautions
6. The Employee is experiencing “any other substantially similar condition” specified by the Department of Health and Human Services

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Emergency Family and Medical Leave Act Expansion (aka FMLA+)

Under the law, this act becomes part of the traditional FMLA which allows employees to access up to **12 weeks of total leave (this includes the 2 weeks of Emergency Paid Sick Leave)**.

1. This Emergency Family and Medical Leave Act Expansion also allows employees to access their Emergency Paid Sick Leave for up to two weeks the first two weeks with pay (80 hours, or part-time employee's two-week equivalent) at the percentage the employee qualifies for. (All leave must be taken consecutively)
2. After the initial 2 weeks of leave have been used by an employee, the employee may be eligible to move into Emergency Family and Medical Leave for an additional 10 weeks with pay at 67% of normally scheduled hours for items 1-6 listed under Emergency Paid Sick Leave listed above with appropriate supporting documentation
3. The approved and time taken **Emergency Family and Medical Leave Act Expansion** will be counted together with any approved FMLA previously granted or currently approved.

Note: * Paid leave entitlements can not exceed maximum time periods and can not exceed wage caps for maximum values. Please see the Employee Rights poster for Paid Sick Leave and Expanded Family and Medical Leave Under the Families First Coronavirus Response Act for maximum values.

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EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- | | |
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| <ol style="list-style-type: none"> 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; 2. has been advised by a health care provider to self-quarantine related to COVID-19; 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis; 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none"> 5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:

1-866-487-9243

TTY: 1-877-889-5627

dol.gov/agencies/whd



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