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**SUBJECT: Emergency Paid Sick Leave and FMLA-Public Health Emergency Leave**

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**1.0 PURPOSE**

- 1.1. We appreciate and recognize all that Snow College employees have done to continue to serve our students and community during the ongoing public crisis. The COVID-19 (Coronavirus) pandemic has presented all of us with unprecedented challenges, in both our business and personal lives. As we face these challenges together, keep in mind that our strength is in our people. Protecting all of our employees' health and safety, and that of our families, is paramount.
- 1.2. Effective April 1, 2020, in order to assist our employees in meeting some of these challenges, the following leave policies will take effect in accordance with the Families First Coronavirus Response Act (FFCRA). These policies are temporary and will expire on December 31, 2020, or as otherwise dictated by law.

**2.0 DEFINITIONS**

- 2.1. **ELIGIBLE EMPLOYEE:** Any full-time or part-time employee that meets the minimum terms of service:
  - 2.1.1. For Emergency Paid Sick Leave, employees are eligible immediately upon hire
  - 2.1.2. For Family and Medical Leave – Public Health Emergency, employees are eligible after they have been employed for at least thirty (30) calendar days.
- 2.2. **EMERGENCY PAID SICK LEAVE (EPSL):** Leave for a Qualified Reason for Leave paid at either the employees full or partial rate depending on the actual reason for leave.
- 2.3. **FAMILY AND MEDICAL LEAVE – PUBLIC HEALTH EMERGENCY:** Leave paid at 2/3 the employees normal rate of pay for any qualified reasons for leave.
- 2.4. **QUALIFIED REASON FOR LEAVE:** Any of the following reasons may qualify an employee for Emergency Paid Sick Leave and Family and Medical Leave – Public Health Emergency:
  - 2.4.1. To comply with a federal, state, or local quarantine or isolation order related to COVID-19;
  - 2.4.2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
  - 2.4.3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  - 2.4.4. To care for an individual who is subject to an order as described in (1) above or has been advised as described in (2) above;
  - 2.4.5. To care for the employee's son or daughter if a school or place of care is closed, or the child care provider is unavailable, due to COVID-19 precautions; or

2.4.6. The employee is experiencing any other substantially similar condition as specified by the designated agencies.

### 3.0 EMERGENCY PAID SICK LEAVE (EPSL) POLICY

- 3.1. **Amount and Usage of Leave.** Full-time employees are eligible for eighty (80) hours of EPSL. Part-time employees are eligible for EPSL based on the number of hours the employee is normally scheduled to work in a two-week period. A six-month average will be used if a part-time employee does not work a set schedule. If you are a part-time employee and have a question about your average hours, please contact Human Resources.
- 3.1.1. EPSL presumptively may be used only on a continuous basis, not intermittently or on a reduced schedule basis. Once an employee returns to work, if he/she has not exhausted the EPSL entitlement, the balance can be used at a later time for another qualifying reason.
- 3.1.2. The College may allow intermittent/reduced schedule usage by agreeing with the employee in writing in certain unusual cases such as where an employee can telework for part of the time.
- 3.2. **Other Paid Leave Policies.** Snow College provides other forms of paid leave, including Vacation and Sick Leave. EPSL is in addition to those other forms of leave, and employees may opt to use EPSL and other leaves in the sequence of their choice. It is the employee's responsibility to inform Human Resources of the form of leave being requested.
- 3.3. **Pay Rate.** EPSL will be paid based on the employee's regular rate of pay, as determined under the Fair Labor Standards Act (FLSA), taking an average over a six-month period. For leave under paragraphs 2.4.1, 2.4.2, or 2.4.3 above, this rate will be the employee's full regular rate, capped at \$511 per day (\$5,110 in the aggregate). For leave under paragraphs 2.4.4, 2.4.5, or 2.4.6, this rate will be two-thirds (2/3) of the employee's regular rate, capped at \$200/day (\$2,000 in the aggregate).
- 3.4. **Supplementing Pay Rate.** An employee may elect to supplement the capped or two-thirds pay rate by using accrued and available paid time off concurrently with EPSL. For example, an employee may opt to use one-third (1/3) of a vacation day to increase the pay rate to the employee's full regular rate. The college may discontinue allowance of this supplement upon notification in the event of financial exigency.
- 3.5. **Termination of Leave.** EPSL shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for EPSL as described above or when the employee has exhausted the EPSL entitlement, whichever is sooner. EPSL will not carryover from one year to the next or be paid out upon separation for any reason.

#### 4.0 FAMILY AND MEDICAL LEAVE – PUBLIC HEALTH EMERGENCY

- 4.1. **Amount and Usage of Leave.** All employees will be entitled to twelve (12) weeks of leave with the first two (2) weeks being unpaid. The remaining ten (10) weeks will be paid as set forth below in the “Pay Rate” portion of this policy. Employees’ pay will be based on their regularly scheduled work hours. For individuals who do not keep regular working hours each week, a six-month average will be used. No premium for hours over forty (40) will be included. Exempt employees will be paid based on their regular weekly salary.
  - 4.1.1. FMLA-Public Health Emergency Leave presumptively may be used only on a continuous basis, not intermittently or on a reduced schedule basis. Once an employee returns to work, if he/she has not exhausted the full entitlement, the balance can be used at a later time for another qualifying reason.
  - 4.1.2. The College may allow intermittent/reduced schedule usage by agreeing with the employee in writing in certain unusual cases such as where an employee can telework for part of the time.
- 4.2. **Other Paid Leave Policies.** The first ten (10) days of FMLA-Public Health Emergency Leave will be unpaid unless the employee has another form of paid leave available — Vacation, Sick, EPSL — and elects to use that paid leave..
- 4.3. **Pay Rate.** After the first ten (10) days, eligible employees taking FMLA-Public Health Emergency Leave will be entitled to pay at two-thirds (2/3) of their regular rate of pay, as determined under the FLSA, for the number of hours that the employee would normally be scheduled to work, capped at \$200/day and \$10,000 in the aggregate for the entire FMLA- Public Health Emergency Leave period. The regular rate of pay is based on the average rate over a six-month period.
- 4.4. **Supplementing Pay Rate.** An employee may elect to supplement the capped or two-thirds pay rate by using accrued and available paid time off concurrently with FMLA- Public Health Emergency Leave. For example, an employee may opt to use one-third (1/3) of a vacation day to increase the pay rate to the employee’s full regular rate. The College may discontinue allowance of this supplement upon notification in the event of financial exigency.
- 4.5. **Termination of Leave.** Paid FMLA-Public Health Emergency Leave will continue until the employee has exhausted his/ her twelve (12) workweek entitlement or the reason for using leave ends.

- 4.6. **FMLA Administration.** All other administrative provisions of the Company's FMLA Policy apply to FMLA-Public Health Emergency Leave, unless modified herein.

## 5.0 ADDITIONAL PROVISIONS

- 5.1. **Workplace Closures, Furloughs, Schedule Reductions.** Workplace closures, furloughs, and schedule reductions, including due to public orders to cease operating, do not qualify as reasons for using EPSL or FMLA-Public Health Emergency Leave, even if they are related to COVID-19. In such event, either before or after April 1, 2020, leave under this policy is not available to cover the missed work hours. For employees already on leave, the leave benefits will cease as of the date of closure or furlough (employees on reduced schedule may still qualify for FFCRA leave if there is a qualifying reason). Employees affected by closures, furloughs, or reduced scheduled may be eligible for Unemployment Insurance benefits.

5.2. **Notice and Certification Requirements.**

- 5.2.1. Employees should provide written notice of the need for leave. HR will provide the form to be used by employees to provide written notice. This form will, among other things, require:
- 5.2.1.1. The employee's name, position, supervisor;
  - 5.2.1.2. Qualifying reason for leave;
  - 5.2.1.3. Statement that the employee is unable to work, including telework for that reason;
  - 5.2.1.4. The dates for which leave is requested.
  - 5.2.1.5. Contact information for the employee while on leave for important College communications regarding these leaves—a phone number and email address that the employee regularly checks which may be the employee's College email.
- 5.2.2. Employees update their information on a regular basis and/or as requested.
- 5.2.3. In addition, employees may be required to provide documentation to substantiate the need and the qualifying reason. For EPSL, documentation will depend on the reason for leave, but may be the health official's quarantine/isolation order for the employee; or written documentation from the employee's health care provider advising self-quarantine. For FMLA- Public Health Emergency Leave, documentation may consist of a notice published by the government,

school or daycare of the closure, on a website or in the newspaper, or an email from the school or place of care. In addition, the usual FMLA medical certification requirements continue to apply for reasons such as the employee's own serious health condition or caring for a family member with a serious health condition.

**5.2.3.1.** Documentation requirements may be flexible. For example, a health care provider certification may be waived when in the judgment of the College that is necessary to avoid overwhelming the health care system.

**5.3. Physical Isolation Leave**

5.3.1. Employees wishing to take additional time for physical isolation, but do not have a Qualifying Reason for Leave, may elect to use their regular sick leave balance (if available) or take unpaid administrative leave for that purpose. That leave is subject to the following conditions:

5.3.1.1. The Employee's work must not be conducive to telework;

5.3.1.2. The leave must be approved by the manager and HR;

5.3.1.3. The leave must not impede the operations of the college;

5.3.1.4. The leave may be discontinued at any time by the college or the employee;

5.3.1.5. The College may, at its discretion, require that the leave be taken intermittently.