

**BACKUP FOR #1POL**  
**FOR PUBLIC AGENDA OF APRIL 6, 2020**  
**(First Reading)**

1POL THEREFORE BE IT RESOLVED, that the Fort Lee Board of Education, upon recommendation of the Superintendent, approves the **first reading of the following policy/regulation updates** listed below: [Click here for 2020-04-06 #1POL Back-up](#)

Policy/Reg No.	Topic
R3432.1 / 4432.1	FAMILIES FIRST CORONAVIRUS RESPONSE ACT

## R 3432.1/4432.1 FAMILIES FIRST CORONAVIRUS RESPONSE ACT

On March 18, 2020 the federal government enacted the Families First Coronavirus Response Act, H.R. 6302 ("FFCRA"). This law provides paid sick leave (Federal Emergency Paid Sick Leave Act or "EPSLA") and paid family leave (Emergency FMLA Expansion Act or "Expanded FMLA") to qualified employees to help cover a variety of absences related to the COVID-19 outbreak.

The legal benefits provided by the FFCRA are required to be implemented no later than April 2, 2020. The Board of Education intends to implement those benefits effective immediately upon its approval of this Regulation. The FFCRA expires on December 31, 2020. This Regulation, and the Board of Education's implementation of the benefits created and provided by the FFCRA, also end on December 31, 2020 unless the FFCRA is extended by law, or the continuation of such benefits are otherwise mandated by law beyond December 31, 2020.

1. Federal Emergency Paid Sick Leave Act (EPSLA)
  - a. Available for immediate use by all full-time and part-time employees regardless of how long employed by the Board of Education.
  - b. Maximum Amount:
    - i. Full-time employees: Two (2) weeks (up to 80 hours) of paid leave; and
    - ii. Part-time employees: Average weekly hours worked x two (2) weeks.
  - c. Acceptable Basis (and Relevant Max Pay Amounts):

The employee is unable to work because:

    - i. S/he is subject to a federal, state, or local quarantine or isolation order related to COVID-19 (Regular pay rate, up to \$511 per day);
    - ii. S/he has been advised by a health care provider to self-quarantine due to concerns related to COVID-19 (Regular pay rate, up to \$511 per day);



- iii. S/he is experiencing symptoms of COVID-19 and seeking a medical diagnosis (Regular pay rate, up to \$511 per day);
- iv. S/he is caring for an individual who is subject to an order as described in (i) above or has been advised as described in (ii) above (2/3 of regular pay rate, up to \$200 per day);
- v. S/he is caring for his/her son or daughter if a school or place of care is closed, or the childcare provider is unavailable, due to COVID-19 precautions (2/3 of regular pay rate, up to \$200 day); or
- vi. S/he is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and the Secretary of Labor (2/3 of regular pay rate, up to \$200 per day).

## 2. Emergency FMLA Expansion Act (Expanded FMLA)

- a. Adds “a qualifying need related to a public health emergency” as a permissible use of FMLA leave;
- b. Expanded FMLA shall be available for immediate use by all full time and part time employee employed by the Board of Education for at least thirty (30) calendar days.
- c. The term "qualifying need related to a public health emergency," with respect to expanded FMLA shall apply to an employee who is unable to work (or remotely work) due to:
  - i. Need for leave to care for his/her son or daughter under age 18, if the son's or daughter's school or place of child care has been closed, or the child care provider is unavailable due to a public health emergency.
  - ii. “Public health emergency,” within meaning and intent of FMLA means an emergency with respect to COVID-19 declared by a federal, state, or local authority.
- d. Paid/Unpaid Leave



- i. The first ten (10) days of “public health emergency” FMLA leave are unpaid.
- ii. After the first ten (10) days, eligible employees shall receive not less than two-thirds of their regular rate of pay for the number of hours that the employee would normally be scheduled to work, up to a maximum of \$200/day, and an overall maximum of \$10,000.

3. Interaction with Other Paid/Unpaid Leave Entitlements

Neither the EPSLA nor Expanded FMLA diminishes an employee’s entitlements under state or local laws or an existing contract or district policy. The benefits created and provided by the FFCRA and this Regulation are in addition to any other paid or unpaid leave of absence benefits an employee of the Board of Education may be entitled to by contract, Board Policy, district practice and/or state or federal law.

An employee may, but is not required to, first use EPSLA nor Expanded FMLA for qualifying reasons before using other paid or unpaid leave entitlements s/he has.

4. Notice and Documentation

An employee must request the use of EPSLA and/or Expanded FMLA, alone or in conjunction with any other paid or unpaid leave requested, using the form(s) and procedure(s) determined by the Superintendent or his/her designee. The request must identify the starting and ending dates for each type of leave requested, and identify the qualifying reason(s) associated with each such leave request. Documentation of medical incapacity, medical or other need, school closure/child care interruption and/or governmental quarantine/isolation may be required, consistent with applicable law, Board Policy and/or district practice.

Citation: H.R. 6201

DRAFT: 6 April 2020

