

WESTMORELAND COUNTY

POLICY AND PROCEDURES

Subject: Emergency Paid Sick Leave

Policy Number: II.12 Effective Date: April 1, 2020

I. Purpose

The purpose of this policy is to establish procedures for Emergency Paid Sick Leave in response to the Emergency Paid Sick Leave Act provisions of the Families First Coronavirus Response Act.

II. Definitions

Caring for an individual. The term “individual” for purposes of “caring for an individual” means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. For this purpose, “individual” does not include persons with whom the employee has no personal relationship.

Child Care Provider. The term “child care provider” means a provider who receives compensation for providing child care services on a regular basis. The term includes a centerbased child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated, or registered under State law as described in section 9858c(c)(2)(E) of Title 42; and satisfies the State and local requirements, including those referred to in section 9858c(c)(2)(F) of Title 42. Under the Families First Coronavirus Response Act (FFCRA), the eligible child care provider need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee’s child.

Emergency responders. The term “emergency responders” means anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians,

paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual whom the highest official of a State or territory, including the District of Columbia, determines is an emergency responder necessary for that State's or territory's or the District of Columbia's response to COVID-19.

Health care provider. The term "health care provider" means anyone employed at any doctor's office, hospital, health care center, clinic, postsecondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions. This also includes any individual that the highest official of a State or territory, including the District of Columbia, determines is an emergency responder necessary for that State's or territory's or the District of Columbia's response to COVID-19.

Place of Care. The term "place of care" means a physical location in which care is provided for the employee's child while the employee works for the employer. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

Son or Daughter. The term "son or daughter" has the meaning given such term in section 101 of the FMLA (29 U.S.C. 2611). Accordingly, the term means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older who is incapable of self-care because of a mental or physical disability.

III. Amount of Leave

Full-time employees are entitled to 80 hours of emergency paid sick leave for qualifying reasons as outlined herein. Part-time employees are entitled to a number of hours equal to the number of hours that such employee works, on average, over a 2-week period. For the purpose of this Policy, a full-time employee is an employee who is normally scheduled to work 40 or more hours per week.

Notwithstanding the foregoing, employees meeting the definition of emergency responders or health care providers are not eligible to take emergency paid sick leave for reason 5 under Section IV. Reasons for Emergency Paid Sick Leave.

IV. Reasons for Emergency Paid Sick Leave

To the extent that an employee is unable to work or telework, the employee may use paid sick time for any 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 including when the employee has COVID-19, the employee may have COVID-19 or the employee is particularly vulnerable to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis from a health care provider.
4. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order or has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19 including when the individual has COVID-19, the individual may have COVID-19 due to known exposure or symptoms or the individual is particularly vulnerable to COVID-19.
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable for reasons related to COVID-19 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.

V. Use of Leave

Employees may use emergency paid sick leave immediately, regardless of how long the employee has been employed. However, emergency paid sick time will cease beginning with the employees next scheduled work shift immediately following the conclusion of the employee's need for paid sick time. Emergency

paid sick leave will not carryover from 1 year to another and any unused emergency paid sick leave will not be paid out at termination from employment.

If the County and Employee agree, emergency paid sick leave may be taken intermittently or on a reduced schedule basis only when the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. Otherwise once the employee begins taking emergency paid sick leave, the employee must use the permitted days of leave consecutively until the employee no longer has a qualified reason to take emergency paid sick leave.

VI. Amount of Pay

Employees will be compensated for emergency paid sick time in an amount not less than the greater of the employee's regular rate of pay or the minimum wage rate in effect under applicable federal or state law when the employee is ordered to isolate, quarantine, self-quarantine or is experiencing symptoms related to COVID-19 and is seeking a medical diagnosis. If the employee is using the emergency paid sick time to care for an individual ordered to isolate, quarantine, or self-quarantine or to care for a son or daughter whose school or place of care closed or the child care provider of such son or daughter is unavailable due to COVID-19 related concerns, that employee's compensation shall be 2/3 of the amount the employee would otherwise receive if the employee was sick, seeking medical diagnosis, or has been ordered to isolate, quarantine, or self-quarantine.

Emergency paid sick time is capped at \$511 per day and \$5,110 in the aggregate for use by employees who are sick, seeking medical diagnosis, or have been ordered to isolate, quarantine, or self-quarantine. Emergency paid sick time is capped at \$200 per day and \$2,000 in the aggregate for employees who use the emergency paid sick time to care for an individual ordered to isolate, quarantine, or self-quarantine or to care for a son or daughter whose school or place of care closed or the child care provider of such son or daughter is unavailable due to COVID-19 related concerns.

VII. Emergency Paid Sick Leave Request Process

If you fall into any of the above categories, you must do the following:

- Call off through County call off. Make sure you include the dates you are calling off for and the qualifying reason for the emergency paid sick leave.
- Send an email to EmergencyLeave@co.westmoreland.pa.us. The following is guidance on what needs included in the email requesting emergency paid sick leave:

- If you are subject to a quarantine or isolation order, provide the name of the government entity that issued the quarantine or isolation order.
- If you were directed to self-quarantine due to concerns related to COVID-19, and you are unable to work from home: include in the email the directive provided to you by your doctor or health care provider including the name of the doctor or health care provider and the specified time to self-quarantine.
- If you are diagnosed with COVID-19, include when you were diagnosed and estimated return date. You are required to provide reasonable documentation that the leave is being taken for the permitted purpose.
- If you are symptomatic for COVID-19 and seeking medical diagnosis, include in the email the directive provided to you from your doctor or healthcare provider including the name of the doctor or health care provider.
- If you have a son or daughter whose school or place of care has been closed and there is no other childcare available, and you are unable to work from home: the email should state the age or the son or daughter, the name of the son or daughter, the name of the school, place of care of child care provider that has closed or become unavailable; and a representation that no other suitable person will be caring for the son or daughter during the emergency paid sick leave period.
- If you are unable to work because you are caring for an individual who is subject to a quarantine or isolation order, include in the email the name of the government entity that issued the quarantine or isolation order or the name of the doctor or health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.

This policy will automatically expire on December 31, 2020