

Families First Coronavirus Response Act
Effective April 1, 2020 through December 31, 2020

I. PURPOSE

The Families First Coronavirus Response Act (FFCRA or Act) requires the County to provide 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.

II. SCOPE

The policy provisions for emergency paid sick leave applies to all employees regardless of their position status or length of employment with Fauquier County Government. The expanded family and medical leave applies to all employees who have been employed for at least 30 days prior to their claim for leave.

III. DEFINITIONS

A. Emergency Paid Sick Leave

- Paid leave under the Emergency Paid Sick Leave Act.

B. Expanded family and medical leave (EFMLEA)

- Additional provisions under the Emergency Family and Medical Leave Expansion Act.

C. Eligible employees

- All employees which includes full-time permanent, full-time temporary, part-time permanent and part-time temporary positions. To be considered an eligible temporary, the employee has to have worked (intermittently or continuously) between February 8, 2020, and March 20, 2020 (the most recent bi-weekly temporary pay periods).

IV. PROCEDURES

A. Emergency Paid Sick Leave:

1. All eligible employees may receive:

a) Two weeks of emergency paid sick leave at the employee's regular rate of pay and regular work hours per pay period (75 or 80) where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis up to \$511 per day, whichever is less; or

b) Two weeks of emergency paid sick leave at two-thirds the employee's regular rate of pay up to \$200 per day (whichever is less) because the employee is unable to work because of a bona fide need to care for a qualifying family member subject to quarantine (pursuant to Federal,

State, or local government order or advice of a health care provider), or care for their own child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

c) Part-time employees are eligible for leave hours equal to the average number of hours for any two week pay period calculated from the hours worked over the six month period of October 1, 2019 through March 30, 2020.

B. Emergency Family Medical Expansion Act Leave:

1. Employees that have been employed for at least 30 days prior to their claim for leave may receive EFMLEA leave.

a) Up to 12 weeks of EFMLEA leave where an employee is unable to work due to a bona fide need for leave to care for their own child under the age of 18 whose school or child care provider is closed or unavailable for reasons related to COVID-19.

b) The first 10 days of leave under this EFMLEA leave is unpaid. The employee may opt to use any accrued leave or emergency paid sick leave for this 10 day period.

c) After the first 10 days, the employee may receive two-thirds of the employee's regular rate of pay up to \$200 per day, whichever is less.

d) This EFMLEA leave is not in addition to any FMLA leave the employee is permitted to take. The employee is not entitled to exceed more than 12 weeks of combined EFMLEA and FMLA leave over a 12 month period.

C. The County's Responsibility under the Families First Coronavirus Response Act

1. The County is required to provide all employees with 75/80 hours of emergency paid sick time and part time employees with paid sick leave on a pro-rated basis for a specified qualified reason related to COVID-19.

2. Employees in temporary or other positions whose hours vary will receive pay equivalent to their average earnings per pay period over the six month period of October 1, 2019 and March 30, 2020.

3. The first 10 days of EFMLEA leave will be taken as unpaid leave, or the employee can substitute emergency paid sick leave or any accrued personal, sick or annual leave for the unpaid portion. The County will provide paid leave for the subsequent 10 weeks of leave at a rate that is capped at \$200/day and \$10,000 in total.

3. These provisions are available in addition to all other Fauquier County paid leave policies.

4. The County cannot require employees to use other paid leave before using the emergency paid sick leave provided by this law. Additionally, Fauquier County cannot require employees as a condition of providing emergency paid sick leave that the employee finds a replacement to cover their hours.