

Agenda Summary Report (ASR)

Franklin County Board of Commissioners

DATE SUBMITTED: 5/26/2020	PREPARED BY: Carlee Nave
Meeting Date Requested: 6/2/2020	PRESENTED BY: Carlee Nave
ITEM: (Select One) <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> Brought Before the Board Time needed:	
SUBJECT: Family and Medical Leave Policy	
FISCAL IMPACT: No fiscal impact for the action requested today as these are statutory programs that already exist with corresponding costs, and the leaves are required, regardless of whether or not this policy is adopted.	
BACKGROUND: <p>The existing Family and Medical Leave Act (FMLA) Leave Policy, adopted in 2016, while still good policy, is overly complicated and burdensome. It contains a lot of redundant statutory language and reads more like a disclaimer than a policy meant to help employees and managers understand their rights and responsibilities under the law. While administration of the leave remains complex and nuanced, we have updated the policy to streamline and make it easier for the basic rights and responsibilities to be understood by all stakeholders. The policy still checks all of the applicable compliance boxes, but in an easier to understand package.</p> <p>With the implementation in 2020 of the WA State Paid Family and Medical Leave program, we knew we needed to draft a policy to help employees and managers navigate the new entitlements. We started before the end of 2019, but have been waiting for the Employment Security Department (ESD) to iron-out some of the rules regarding the program, to avoid multiple policy revisions. We were close to completion of the draft in March, when the Families First Coronavirus Response Act (FFCRA) was passed by Congress, presenting two more leave entitlements, including an expansion of FMLA benefits. As we worked through the implementation of the new leaves, it became clear that employees and managers need a one-stop shop for statutory leave programs. The policy does not substantively change how we administer the leave programs, just puts the important information on all family and medical leaves in one place.</p> <p>Specific changes from the existing policy include (other than minor, administrative edits):</p> <p><u>Introduction:</u></p> <ul style="list-style-type: none">• Removes redundant language and clarifies administrative responsibilities for the policy <p><u>Section 1: FMLA</u></p> <ul style="list-style-type: none">• Remove redundant language and add Public Health Emergency Leave (PHEL) benefit• Add paid leave accrual as part of benefits for the purposes of FMLA. This is consistent with recent guidance from the DOL and court cases. This also will make administration easier (and more efficient) for the payroll team. <p><u>Section 2: PFML</u></p> <ul style="list-style-type: none">• New section outlining benefits available from the state through ESD.	

Section 3: EPSL

- New section outlining benefit available for 2020 from the FFCRA.

The additional leaves available under the FFCRA (PHEL and EPSL) currently sunset at the end of 2020. Provided these benefits are not extended, HR will update this policy again in early 2021 reflecting any changes to benefits, including removing the mentions of the 2020 restricted benefits.

RECOMMENDATION: Adopt the Family and Medical Leave Policy as presented.

COORDINATION:

HR consulted with Summit Law Group (through a Washington Counties' Risk Pool scholarship) as well as various counties to draft the sections pertaining to the new leave types, including PFML and the FFCRA leaves.

The policy was sent out to all elected officials and department heads for review and comment. One response was received from M Mahoney, Public Works Director, who supports the policy. Over the last few months while HR worked on developing the policy, we worked closely with P McEnderfer, Assessor, and M Killian, County Clerk, in administering these leave types, so administration questions and feedback they had helped to shape the final product.

The policy was sent to the payroll team for review and comment. Responses were received and some language clarification was added in Section 3 in response to their feedback.

Legal review was completed by J Johnson, Chief Civil Deputy Prosecuting Attorney/Risk Manager.

The policy was sent to union representatives for review as the policy is incorporated into most collective bargaining agreements, via reference. There have been no requests to bargain any changes.

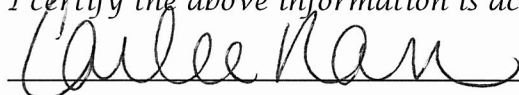
ATTACHMENTS: (Documents you are submitting to the Board)

1. Resolution
2. Family and Medical Leave Policy

HANDLING / ROUTING: (Once document is fully executed it will be imported into Document Manager. Please list name(s) of parties that will need a pdf)

n/a – HR will distribute

I certify the above information is accurate and complete.



Carlee Nave, HR Director

FRANKLIN COUNTY RESOLUTION _____

**BEFORE THE BOARD OF COUNTY COMMISSIONERS, FRANKLIN COUNTY,
WASHINGTON**

ADOPTING FRANKLIN COUNTY FAMILY AND MEDICAL LEAVE POLICY

WHEREAS, resolution 2016-373 adopted a Family Medical Leave Act (FMLA) Policy; and

WHEREAS, changes in state and federal legislation have rendered the current policy inadequate in articulating the requirements and responsibilities for the employer and employee for statutory family leave programs; and

WHEREAS, there is a need for one policy to encompass the web of statutory leave programs; and

WHEREAS, the new Family and Medical Leave Policy is both simpler and more comprehensive to enable employees and managers to better understand rights and responsibilities under the statutory leave programs; and

WHEREAS, the Board of Commissioners constitutes the legislative authority of Franklin County and deems this to be in the best interest of the County.

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners adopts the attached Franklin County Family and Medical Leave Policy.

DATED this _____ day of _____, 2020.

**BOARD OF COUNTY COMMISSIONERS
FRANKLIN COUNTY, WASHINGTON**

Chair

ATTEST:

Chair Pro Tem

Clerk to the Board

Member



FRANKLIN COUNTY FAMILY and MEDICAL LEAVE POLICY

This policy provides Franklin County employees with a general description of their family and medical leave rights under federal and state law. To the extent an issue is not addressed in this policy, the County will administer these programs consistent with applicable laws and regulations. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

This policy will be administered by the Human Resources (HR) Department, in partnership with elected officials, department heads, and the Franklin County Auditor's Office.

SECTION 1 - FEDERAL FAMILY & MEDICAL LEAVE ACT (FMLA) LEAVE

A. GENERAL PROVISIONS

Franklin County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees.

The County shall use a "look forward" method for calculating an eligible employee's 12 week entitlement of FMLA leave during a 12-month period. Using this method an employee is entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken and measured forward 12 months. The next 12-month eligibility period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

B. ELIGIBILITY

To qualify for FMLA leave under this policy, an employee must meet all of the following conditions:

- 1) The employee must have worked for Franklin County for 12 months or 52 weeks which need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years (exceptions may apply for breaks in service due to National Guard or Reserve military service).
- 2) The employee must have *physically* worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. Leave hours do not count toward the calculation of hours worked for the purposes of determining FMLA eligibility.

For 2020: To qualify for the temporary expansion of FMLA due to the COVID-19 pandemic, Public Health Emergency Leave (PHEL):

- 3) The employee must have worked for Franklin County for 30 days prior to the request for PHEL leave with no minimum hour requirement for qualification.

C. TYPE OF LEAVE COVERED

To qualify for FMLA leave under this policy, the employee must be taking leave for one of the following reasons:

- 1) The birth or placement of a child and in order to care for that child.
 - a) This leave must be taken within one year of the birth or placement of the child.
- 2) To care for a spouse, child, or parent with a serious health condition.

- 3) The serious health condition of the employee.
 - a) A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
 - b) This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences.
 - c) Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with HR.
 - d) If an employee takes paid leave for a condition that progresses into a serious health condition, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- 4) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, child, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- 5) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose child, parent or next of kin is a covered service member may take up to 26 weeks leave in a single 12-month period to care for that service member.

In order to care for a covered service member, an eligible employee must be the spouse, child, parent, or next of kin of a covered service member.

- a) The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, or child. The employee may be required to provide confirmation of the family relationship to the covered service member.
- 6) **For 2020:** Public Health Emergency Leave (PHEL) for employees who are parents of minor children and who cannot work/telework due to a school or daycare closure by a federal, state, or local public health authority related to COVID-19.

D. AMOUNT OF LEAVE

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (4) or (6) above under this policy during any 12-month period using the look-forward method.

For military caregiver leave, an eligible employee may take up to 26 weeks for the FMLA during a single 12-month period. FMLA leave already taken for other FMLA qualifying circumstances will be deducted from the total of 26 weeks available.

If both spouses work for the County and each wishes to take leave for the same qualifying event, the spouses may only take a combined total of 12 weeks of leave. If both spouses work for the County and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

E. EMPLOYEE STATUS AND BENEFITS DURING LEAVE

While an employee is on qualified FMLA leave, the County will continue the employee's benefits, including paid leave accrual, during the leave period at the same level and under the same conditions as if the employee had continued to work.

While an employee is on paid FMLA leave, the County will continue to make payroll deductions to collect the employee's share (if any) of benefits premiums for all lines of coverage, including voluntary benefits. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by the Franklin County Auditor's Office by the 15th day of each month for that month's premiums. If at any time a payment is more than 30 days late, the employee's benefits coverage may be cancelled for the duration of the leave. HR will provide 15 days' notification to the employee prior to the employee's loss of coverage.

F. EMPLOYEE STATUS AFTER LEAVE

An employee who takes leave under this policy for their own serious health condition shall be required to provide a fitness for duty (FFD) clearance from the health care provider to Human Resources, except in the case of pregnancy without complications. Return to work will not be scheduled until this clearance has been received and reviewed by HR. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

G. USE OF PAID AND UNPAID LEAVE

An employee who is taking FMLA leave must first use all applicable paid leave prior to being eligible for unpaid leave. Paid leave shall run concurrent with FMLA leave.

For 2020: An employee who chooses to take PHEL shall be paid 2/3 of their regular rate of pay, up to \$200 per day and \$10,000 total, after the first two weeks of the qualified leave. The employee is required to use applicable paid leave available for the first two weeks of PHEL, prior to being eligible for unpaid leave.

H. INTERMITTENT LEAVE OR REDUCED WORK SCHEDULE

An employee may take FMLA leave in consecutive weeks, may use the leave intermittently or, under some circumstances, may use the leave to reduce the workweek or workday.

- 1) Intermittent leave is FMLA leave taken in separate blocks of time for a single illness or injury.
- 2) A reduced work schedule reduces an employee's usual number of working hours per workweek or hours per workday.
- 3) Intermittent or reduced schedule leave will be agreed upon through an interactive dialogue between the employee and the County, and documented in writing.
- 4) Intermittent or reduced schedule leave for a serious health condition may require a physician's certification that the intermittent or reduced schedule leave is medically necessary.

In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

I. CERTIFICATION FOR A SERIOUS HEALTH CONDITION

Franklin County will require credible medical documentation for the employee's or family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be completed using the form(s) provided by the County.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second health care provider, selected by the County. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

J. CERTIFICATION FOR MILITARY FAMILY LEAVE

Franklin County will require certification of the qualifying exigency, or serious injury or illness of the covered service member, for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be completed using the form(s) provided by the County.

K. RECERTIFICATION

Franklin County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, if the employer receives information casting doubt on the reason given for the leave, or if the employee seeks an extension of leave. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

For leaves extending more than twelve months, the County will request recertification at the start of each new FMLA leave year.

L. PROCEDURE FOR REQUESTING FMLA LEAVE

Employees requesting FMLA leave must provide verbal or written notice of the need for the leave to their supervisor, following office/department policy for time off requests, and HR. To protect personal health information, employees are not required to provide specific medical information or documentation to their supervisor when requesting leave, but may state that the leave is for "medical reasons." Details of the medical condition and any supporting documentation should be shared only with HR.

Within five business days after HR becomes aware of an employee's need for leave, the employee will be provided with a Notice of Eligibility and Rights.

Foreseeable Need for Leave: When the need for the leave is foreseeable, the employee must provide the County with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

M. DESIGNATION OF FMLA LEAVE

Within five business days after the employee has submitted the necessary medical documentation, HR will provide the employee with a written response to the employee's request for FMLA leave using the appropriate Designation Notice and notify the employee's Elected Official/Department Head of the Designation. While related, the FMLA designation process is separate from the time off approval process and both should proceed concurrently.

SECTION 2 - WASHINGTON PAID FAMILY & MEDICAL LEAVE (PFML)

A. GENERAL PROVISIONS

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons.

The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate is established by RCW 50A.10.030; employees are responsible for two-thirds of the total premium amount. Should the State modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the County will modify payroll deductions to reflect those changes.

This policy will provide a summary of the program and employees may obtain additional information at www.paidleave.wa.gov.

B. ELIGIBILITY

Employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

- 1) Monetary benefits: In order to be eligible for monetary benefits, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
- 2) Job Protection: In order to be eligible for job protection under PFML, an employee must have worked for the County for at least 12 months and have worked 1250 hours in the last year.

An employee is ineligible for PFML benefits during any period of suspension from employment or any period in which the employee works for remuneration or profit (e.g., outside employment or contracting).

C. TYPE OF LEAVE COVERED

To qualify for PFML, the employee must be taking leave for one of the following reasons:

- 1) For bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care).
- 2) The serious health condition of the employee.
 - a) A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as defined under the FMLA and RCW 50A.05.010.
 - b) An employee is not eligible for PFML benefits if the employee is receiving workers' compensation time loss benefits.
- 3) To care for a covered family member with a serious health condition.
 - a) Covered family members include the employee's child (including in-laws), grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.
- 4) Qualifying military exigency as defined under the FMLA.

D. AMOUNT OF LEAVE

An eligible employee is entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year.

- 1) An additional two weeks of leave may be available in the event the employee's leave involves incapacity due to pregnancy, for a total of up to 18 weeks.

- 2) The claim year begins when an employee files a claim for PFML benefits or upon the birth/placement of a child.

PFML runs concurrently with FMLA leave when an absence is covered by both programs.

E. EMPLOYEE STATUS AND BENEFITS DURING LEAVE

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be on leave without pay for the purposes of the application of County policies and benefits programs. Insurance benefits will be handled in the same manner as other leave without pay, in accordance with County policy and subject to any FMLA or other legal requirements for continuation of coverage.

F. EMPLOYEE STATUS AFTER LEAVE

An employee who takes leave under this policy for their own serious health condition shall be required to provide a fitness for duty (FFD) clearance from their health care provider to HR. Return to work will not be scheduled until this clearance has been received and reviewed by HR, including the determination for accommodation for any restrictions indicated on the form. Generally, an employee who takes PFML will be able to return to the same position or a position with equivalent status, pay, benefits, and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

G. PFML MONETARY BENEFITS

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a formula outlined in RCW 50A.15.020, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum benefit defined in the statute. www.paidleave.wa.gov includes a calculator to assist employees in estimating their weekly benefit amount.

In most cases, PFML benefits are subject to a seven-day waiting period.

- 1) The waiting period does not apply to PFML taken in connection with the birth or placement of a child.
- 2) The waiting period begins on the Sunday of the week in which PFML is first taken.
- 3) The waiting period is counted for the purposes of overall duration of PFML, but no monetary benefits will be paid by ESD for that week.
- 4) Employees may use applicable accrued leave to cover absences during the waiting period.

Monetary PFML benefits received from ESD are not reported for service credit for any Department of Retirement Systems (DRS) retirement plans. Employees may be able to purchase back service credit under certain conditions by contacting DRS.

H. COORDINATION WITH OTHER MONETARY BENEFITS

Disability benefits, available as part of the County employee benefits package, require employees to apply for PFML and disability benefits may be reduced based on PFML benefits received. This applies to employer provided Long Term Disability as well as Long Term Disability Buy-Up and Voluntary Short Term Disability.

Paid leave accruals (PTO, floating holiday, compensatory time, EIT, or any other accrued leave) are not supplemental to PFML benefits. An employee may elect to use such accrued leave during a PFML-covered absence, but receipt of paid leave benefits from the County must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit.

- 1) Failure to report the receipt of paid leave benefits from the County, may result in an overpayment by ESD, which ESD may recoup from the employee.

2) EXAMPLE:

Assume Olivia earns \$1,500/week or \$300/day with a 40-hour work week. Olivia's maximum PFML weekly benefit is \$1,000. Olivia takes five weeks off due to a serious health condition (not related to pregnancy or placement of a child).

Week 1: Waiting period, so Olivia uses 40 hours of accrued leave since eligibility for PFML benefits start after the waiting period. Olivia receives full pay of \$1,500 for the week.

Week 2: Olivia uses no accrued leave. ESD pays full PFML benefit and pay is \$1,000 for the week.

Week 3: Olivia uses two days (16 hours) of accrued leave for \$600 of gross wages. This \$600 must be reported to ESD Olivia files the weekly benefit claim. ESD reduces the weekly benefit by 40%, because wages were received for 2 of 5 days (40%) of the week. Total pay for the week is \$1,200 (\$600 accrued leave plus \$600 PFML benefit).

Week 4: Olivia uses 40 hours of accrued leave. If a weekly benefit claim is filed with ESD, the leave must be reported and ESD pays \$0 in PFML. Total pay for the week is \$1,500.

Week 5: Olivia uses 4 days (32 hours) of accrued leave (\$1,200), which must be reported to ESD. ESD reduces the weekly benefit by 80%, so the amount paid is \$200. Total pay for the week is \$1,400 (\$1,200 accrued leave plus \$200 PFML benefit).

I. INTERMITTENT LEAVE

PFML may be taken intermittently, but there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

- 1) If taking leave intermittently, an employee must notify the County each time PFML is taken so that leave use can be properly tracked and PTO not applied.
- 2) If the leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

J. PROCEDURE FOR REQUESTING PFML

An employee must submit an application to ESD in order to apply for PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

- 1) ESD will temporarily deny PFML benefits if the employee fails to provide required notice to the County (see Section K).

K. NOTIFICATION REQUIREMENTS

An employee must provide written notice to the County of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. If the need for leave is not foreseeable, notice must be given as soon as practicable.

- 1) Written notice must include:
 - a) The type of leave (family or medical);
 - b) Anticipated timing of the leave; and
 - c) Anticipated duration of leave.
- 2) If the employee is unable to provide notice due to incapacitation, another responsible party may provide notice on the employee's behalf.

- 3) Upon notification, HR will advise the employee whether the employee is eligible for benefits under PFML or FMLA, or both.
 - a) HR may request additional information from the employee in order to determine FMLA eligibility. This fact-gathering is separate from any PFML benefits application process for ESD.
- 4) If the leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.
- 5) If the leave is being taken for qualifying military exigency, the employee must provide written notice as soon as practicable, regardless of how far in advance such leave is foreseeable.

If an employee fails to provide proper notice to the County, the employee's benefits will be denied by ESD for the period of time equal to the number of days that notice was insufficient.

- 1) EXAMPLE: If an employee was aware 60 days in advance of a qualifying event, but rather than give 30 days' notice, provided written notice to the County 10 days prior to the scheduled leave, ESD will deny PFML benefits for 20 days.

SECTION 3 – EMERGENCY PAID SICK LEAVE (EPSL) – FOR 2020

A. GENERAL PROVISIONS

In order to minimize the spread of COVID-19, Franklin County will provide ten days of paid leave for certain employee leave related to the COVID-19 pandemic, up to 80 hours, generally used in full-day increments. The benefits under this policy are available beginning on April 1, 2020 and expire in accordance with the Families First Corona Virus Response Act (FFCRA).

B. ELIGIBILITY

All employees of the County are eligible for this leave on April 1, 2020 or on the date of hire, whichever is later.

C. TYPE OF LEAVE COVERED

To qualify for EPSL under this policy, the employee must be taking leave because they are unable to work or telework for one of the following reasons:

- 1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19. This includes a stay-at-home order issued by a federal, state, or local government.
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- 3) The employee is experiencing symptoms of COVID-19 and is in the process of seeking a medical diagnosis.
- 4) The employee is caring for an individual who is self-isolating for one of the reasons listed above.
- 5) The employee is caring for a child because the school or child care provider is closed due to an order by a federal, state, or local government.

D. AMOUNT OF LEAVE

Employees are eligible for up to ten days of paid leave, up to 80 hours, based on the employee's regular work schedule.

- 1) EPSL can be applied for a partial day, however, that usage will count as one day of paid leave used.
- 2) Employees who are scheduled more than eight hours per day will exhaust their EPSL leave in less than ten days, when they reach the 80 hour maximum benefit or the maximum monetary benefit in accordance with Section G.

E. EMPLOYEE STATUS AND BENEFITS DURING LEAVE

When an employee is on EPSL, the County will continue the employee's benefits, including paid leave accrual, during the leave period at the same level and under the same conditions as of the employee had continued to work.

F. EMPLOYEE STATUS AND BENEFITS AFTER LEAVE

An employee who takes leave under this policy for their own condition shall be required to provide documentation of clearance for duty from a health care provider. Return to work will not be scheduled until the clearance has been received and reviewed by HR. Generally, an employee who takes EPSL will be able to return to the same position, or a position with equivalent status, pay, benefits, and working conditions.

G. EPSL MONETARY BENEFITS

If the employee qualifies for EPSL, wages will be paid as follows:

- 1) For the employee's own COVID-19 related qualifying event (leave types 1-3 under section C), the employee will receive their regular rate of pay, up to \$511 per day and \$5,110 total for 10 days.
- 2) For EPSL related to the care of another individual (leave types 4-5 under section C), the employee will receive 2/3 of their regular rate of pay, up to \$200/day and \$2,000 total for 10 days.

H. INTERMITTENT LEAVE

EPSL may only be taken intermittently if the employee is teleworking and/or if an employee is taking EPSL to care for a child whose school/day care is closed. For other EPSL reasons, based on employee election, EPSL may be applied for less than a full day, however, such application will deduct a full day from the EPSL entitlement.

I. NOTIFICATION REQUIREMENTS and CERTIFICATION

Employees must notify the County, in writing, of their request to apply EPSL to their absence. Upon receipt of the request, the County may request certification from a health care provider or other supporting documentation to certify that the absence is due to an EPSL qualifying event.

- 1) If an employee fails to respond to a request for certification or does not provide adequate information to support the reason for the request, EPSL may be denied, and other leave applied in accordance with this and other applicable leave policies and collective bargaining agreements.

SECTION 4 – PROVISIONS APPLICABLE TO ALL FAMILY and MEDICAL LEAVE

A. INTENT TO RETURN TO WORK FROM FAMILY and MEDICAL LEAVE

Franklin County will require all employees on FMLA or PFML leave to report periodically regarding their status and intent to return to work, including any significant changes in circumstances affecting leave. If an employee chooses not to return to work for any reason, the employee should notify the County as soon as possible.

B. WORKING WHILE ON FAMILY and MEDICAL LEAVE

Franklin County employees on paid FMLA or PFML leave may not engage in other employment for the duration of paid leave. During periods of unpaid FMLA leave, an employee's situation may be evaluated on a case by case basis.

C. REPEALER

As of the date of adoption of this policy by the Board of County Commissioners, any and all prior Family Medical Leave Act (FMLA) Leave policies are hereby repealed and superseded by this Family and Medical Leave Policy.