



Memo

TO: Jackson County Board of Commissioners

FROM: Kathleen Breedlove, Human Resources Director

DATE: April 7, 2020

SUBJECT: Summary of Leave Provisions of the Families First Coronavirus Response Act (FFCRA)
Emergency Paid Sick Leave Act Policy
Emergency Family and Medical Leave Expansion Act Policy
Temporary Modification to Human Resources Manual Sick Leave Policy
Telework Policy

The Families First Coronavirus Response Act (FFCRA) FFCRA provides leave options under the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) for eligible employees who are unable to perform their essential job functions on or off-site for specified reasons related to COVID-19.

The leave acts went into effect April 1, 2020, and permit a specified number of weeks/hours of either unpaid, paid, or partially paid leave. An eligible full or part-time employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, providing specific criteria are met under the provisions of the EPSLA or EFMLEA. As the employer, Jackson County, will be exempt from paying the employer FICA portion on the paid leave entitlement provided to the employee.

A brief summary of the leave provisions is attached along with temporary leave policies for your approval. Additionally, a temporary modification is requested for the current Jackson Human Resources Sick Leave Policy (Use of Sick Leave section) as follows:

Allow an employee the option to use accrued paid sick leave to supplement their Emergency Family and Medical Leave Expansion Act (EFMLEA) entitlement in order to provide care for their school-age child whose school or regular paid childcare provider is closed and unavailable due to COVID-19 related reasons. This provision expires 12/31/2020.

EPSLA and EFMLEA qualifying criteria relate to an employee's inability to work, including telework. Jackson County does not currently have a Telework Policy in place and this seems the appropriate time to institute such a policy, which will allow identified and authorized employees to continue providing operational coverage from a remote work location on their normal work schedule. Attached is a Telework Policy for your review and consideration. Also provided for your reference, but not incorporated into the policy are a Temporary Teleworking Agreement and a Telework Location Compliance Checklist.

It is recommended the Jackson County Board of Commissioners approve the following:

Emergency Paid Sick Leave Act Policy
Emergency Family and Medical Leave Expansion Act Policy
Temporary Modification to Human Resources Manual Sick Leave Policy
Telework Policy



Summary of Leave Provisions of the Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act (FFCRA) addresses issues that may prevent an employee from being able to perform their essential job functions on or off-site. The FFCRA is designed to help both employees and their employers by providing Paid Sick Leave and Expanded Family and Medical Leave for specified reasons related to COVID-19.

Effective April 1, 2020, the Jackson County will be providing the following additional leave benefits in compliance with FFCRA. This includes the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA).

The benefits described in this document are subject to change based on clarification and guidance from the Department of Labor and/or changes to the law. Additionally, these benefits are in effect for as long as a federal, state, or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

Eligibility

Emergency EFMLEA must be offered to any employee who has been on the payroll for at least 30 calendar days. Please note that eligibility under EFMLEA does not change eligibility requirements for other FMLA categories. EFMLEA adds a new qualifying reason for job-protected leave to the previous categories under the FMLA.

Qualifying Event Criteria	Leave Entitlement	Supplemental Leave Options
Employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:		
5 is caring for his or her school-age child whose school <u>or</u> regular <u>paid</u> childcare provider is closed and unavailable due to COVID-19 related reasons; or	unpaid two-week waiting period	Leave is unpaid unless the employee elects to use accrued comp time, annual, sick, bonus leave, State of Emergency Leave at the full daily rate or EPSLA leave up to the limited cap
	paid leave after a two-week waiting period at 2/3 for qualifying reason #5 for up to \$200 daily and \$10,000 total	Employee may supplement the 2/3 EFMLEA Paid Leave Entitlement with the use of accrued comp time, annual, sick, bonus or State of Emergency leave

Maximum Period for Leave

All FMLA leave combined, including EFMLEA leave, is available for up to a total of 12 weeks within any 12-month period. Employees who have already used up their FMLA allotment for the current Fiscal Year are not entitled to EFMLEA. However, if a federal, state, or local COVID-19 state of emergency is in effect and the need exists after the beginning of the fiscal year on 7/1, the 12 weeks of EFMLEA would be available through 12/1/2020. Employees are to provide as much advance notice of the need for the leave as is practicable.

Emergency Paid Sick Leave Act

Eligibility

Effective April 1, 2020, all employees (full-time and part-time) are eligible for Emergency Paid Sick Leave (EPSLA) with no waiting period for one of the numbered qualifying events listed below. Emergency Paid Sick Leave is limited to two weeks (80 hours) for full-time employees and leave is prorated for part-time employees in accordance with their regular weekly schedule.

Qualifying Event Criteria		Paid Leave Entitlement	Supplemental Leave Options
Employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:			
1	is subject to a Federal, State or local quarantine or isolation order related to COVID-19;	paid at 100% for qualifying reasons #1 - 3, up to \$511 daily and \$5,110 total;	None
2	has been advised by a health care provider to self-quarantine related to COVID-19		
3	is experiencing COVID-19 symptoms and is seeking a medical diagnosis;		
4	is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)	paid at 2/3 for qualifying reasons #4 and 6, up to \$200 daily and \$2,000 total;	Employee may supplement the 2/3 EPSLA Paid Leave Entitlement with the use of accrued comp time, annual, sick, bonus or State of Emergency leave
5	is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or	paid at 2/3 for qualifying reason #5 for up to \$200 daily and \$2,000 total	
6	is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services	paid at 2/3 for qualifying reasons #4 and 6, up to \$200 daily and \$2,000 total;	

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their 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.

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



Jackson County
Emergency Paid Sick Leave Act Policy

Purpose

The Families First Coronavirus Response Act (FFCRA) requires Jackson County to provide full-time and part-time employees with emergency paid sick leave for specified reasons related to COVID-19. This policy is considered temporary and effective for the period of April 1, 2020 – December 31, 2020.

Eligibility

Effective April 1, 2020, all employees (full-time and part-time) are eligible under the Emergency Paid Sick Leave Act (EPSLA) with no waiting period for one qualifying event.

Eligibility Exclusions

29 CFR 826.30(c) allows employers to exclude employees who are health care providers or emergency responders from taking Emergency Paid sick leave; similarly, the Secretary of Labor has the authority to exclude by rulemaking “certain health care providers and emergency responders” from the requirements of the EPSLA.

It is not the intent of Jackson County to exclude health care providers or emergency responders as defined in the FFCRA from using emergency paid sick leave under this policy. If operational needs were to dictate the need for an exclusion, the County Manager or designee would be authorized to enact an exclusion specific to EPSLA only.

Qualifying Criteria and Entitlement

Emergency Paid Sick Leave is limited to two weeks (80 hours) for full-time employees and leave is prorated for part-time employees in accordance with their regular weekly schedule.

An eligible Employee is entitled to take Emergency Paid Sick Leave related to COVID-19 if the Employer has work available for the Employee to perform; but the Employee is unable to work, including unable to telework, because the Employee meets one of the specific Qualifying Event Criteria on the chart below:

Qualifying Event Criteria		EPSLA Paid Leave Entitlement	Supplemental Leave Options
1	is subject to a Federal, State or local quarantine or isolation order related to COVID-19;	paid at 100% for qualifying reasons #1 - 3, up to \$511 daily and \$5,110 total;	None
2	has been advised by a health care provider to self-quarantine related to COVID-19;		
3	is experiencing COVID-19 symptoms and is seeking a medical diagnosis;*		
4	is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);	paid at 2/3 for qualifying reasons #4 and 6, up to \$200 daily and \$2,000 total;	Employee may supplement the 2/3 EPSLA Paid Leave Entitlement with the use of accrued comp time, annual, sick, bonus or State of Emergency leave
5	is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or	paid at 2/3 for qualifying reason #5 for up to \$200 daily and \$2,000 total	
6	is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services	paid at 2/3 for qualifying reasons #4 and 6, up to \$200 daily and \$2,000 total;	

* Limited to time the employee is unable to work because the employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting for an appointment for a test for COVID-19.

Usage Guidelines

- Leave may be taken for only one of the six criteria stated above.
- EPSLA leave must be used in full-day increments unless employee is teleworking. Once EPSLA leave has begun for a qualifying reason (1, 2, 3, 4, or 6) it must continue each consecutive workday until either (1) the full amount of EPSLA is used or (2) the qualifying reason for taking EPSLA has ended.
- If the employee is teleworking, EPSLA leave may be used intermittently as long as it is approved by the employee's supervisor and/or department head to alter the normal work schedule.

Employee Notice of Need for Leave

Where the need for leave is foreseeable, employees must provide the County with as much advance notice as practicable. Employees who need to take EPSLA leave shall notify their supervisor and Human Resources as soon as possible. Normal call-in procedures apply to all absences from work.

Employee Required Documentation of Need for Leave and Retention

- a. 29 CFR 826.100 states an employee is required to provide Jackson County the following information prior to taking Paid Sick Leave under the EPSLA as follows:
 1. Employee's name;
 2. Date(s) for which leave is requested;
 3. Qualifying reason for the leave; and
 4. Oral or written statement that the Employee is unable to work because of a qualified reason for leave.
- b. To take Paid Sick Leave for a qualifying COVID-19 related reason under § 826.20(a)(1)(i), an Employee must additionally provide the Employer with the name of the government entity that issued the Quarantine or Isolation Order.
- c. To take Paid Sick Leave for a qualifying COVID-19 related reason under § 826.20(a)(1)(ii) an Employee must additionally provide the Employer with the name of the health care provider who advised the Employee to self-quarantine due to concerns related to COVID-19.
- d. To take Paid Sick Leave for a qualifying COVID-19 related reason under § 826.20(a)(1)(iii) an Employee must additionally provide the Employer with either:
 1. The name of the government entity that issued the Quarantine or Isolation Order to which the individual being cared for is subject; or
 2. The name of the health care provider who advised the individual being cared for to self-quarantine due to concerns related to COVID-19.
- e. To take Paid Sick Leave for a qualifying COVID-19 related reason under § 826.20(a)(1)(v) or Expanded Family and Medical Leave, an Employee must additionally provide:
 1. The name of the Son or Daughter being cared for;
 2. The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and
 3. A representation that no other suitable person will be caring for the Son or Daughter during the period for which the Employee takes Paid Sick Leave.

Section 826.140 explains that an employer is required to retain all documentation provided pursuant to § 826.100 for four years, regardless of whether leave was granted or denied. If an Employee provided oral statements to support his or her request for paid sick leave or expanded family and medical leave, the employer is required to document and retain such information for four years.

Definitions

As extracted from 29 CFR 826.10

Child Care Provider – means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based 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 as described 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.

COVID-19. The term "COVID-19" has meaning as listed in section 506 of the Coronavirus Preparedness Response Supplemental Appropriations Act, 2020: Sec 506. In this Act, the term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

EPSLA. The term "EPSLA" means the Emergency Paid Sick Leave Act, Division E of the FFCRA.

FFCRA. The term "FFCRA" means the Families First Coronavirus Response Act, Public Law 116-127.

School. The term "School" means an "elementary school" or "secondary school" as such terms are defined below, in accordance with section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801). "Elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law. "Secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

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.

Subject to a Quarantine or Isolation Order. For the purposes of the EPSLA, a quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the Employee to be unable to work even though his or her Employer has work that the Employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of Employees to be unable to work even though their Employers have work for them.

Telework. The term "Telework" means work the Employer permits or allows an Employee to perform while the Employee is at home or at a location other than the Employee's normal workplace. An Employee is able to Telework if: (a) his or her Employer has work for the Employee; (b) the Employer permits the Employee to work from the Employee's location; and (c) there are no extenuating circumstances (such as serious COVID-19 symptoms) that prevent the Employee from performing that work. Telework may be performed during normal hours or at other times agreed by the Employer and Employee. Telework is work for which wages must be paid as required by applicable law and is not compensated as paid leave under the EPSLA or the EFMLEA. Employees who are teleworking for COVID-19 related reasons must be compensated for all hours actually worked and which the Employer knew or should have known were worked by the Employee. However, the provisions of 29 CFR § 790.6 shall not apply to Employees while they are teleworking for COVID-19 related reasons.

Expiration

EPSLA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020.

Jackson County

Emergency Family and Medical Leave Expansion Act Policy (EFMLEA)

Purpose

The Families First Coronavirus Response Act (FFCRA) requires Jackson County to provide full-time and part-time employees with expanded emergency family and medical leave for a specified reason related to COVID-19. This policy is considered temporary and effective for the period of April 1, 2020 – December 31, 2020.

Eligibility

Effective April 1, 2020, all employees who have worked for Jackson County for at least 30 calendar days prior to the need for the designated leave are eligible.

Eligibility Exclusions

29 CFR 826.30 allows employers to exclude employees who are health care providers or emergency responders from taking EFMLEA; similarly, the Secretary of Labor has the authority to exclude by rulemaking “certain health care providers and emergency responders” from the requirements of the EFMLEA.

It is not the intent of Jackson County to exclude health care providers or emergency responders as defined in the FFCRA from using EFMLEA under this policy. If operational needs were to dictate the need for an exclusion, the County Manager or designee would be authorized to enact an exclusion that would be specific to EFMLEA only.

Qualifying Criteria

Twelve weeks of job-protected leave may be taken under the EFMLEA when an employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the **paid** child care provider of such son or daughter is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state or local authority.

Leave taken under EFMLEA is paid leave after a two-week waiting period. An employee may choose to use the following types of accrued paid leave for the two-week waiting period: Emergency Paid Sick Leave (EPSLA) – if eligible, comp time, annual, sick, bonus or State of Emergency (SOE) leave.

After the two-week waiting period, the employee will be paid not less than two-thirds of their regular rate of pay for the number of hours the employee would otherwise normally be scheduled. The employees who work a part-time or an irregular schedule are entitled to be two-thirds of pay based on the average number of hours the employee worked for the six months prior to taking leave. Employees who have worked for less than six months prior to leave are entitled to two-thirds pay for the employee’s reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work. Under the EFMLEA, employers may pay employees more than two-thirds of their regular rate and more than \$200 per day if an employee elects to supplement the two-thirds of their regular rate of pay EFMLEA entitlement with the use of accrued comp time, annual, sick, bonus, or State of Emergency leave. However, the employer social security tax exemption will be limited to \$200 per day and \$10,000 total.

Usage Guidelines

- Employees are limited to a total of twelve weeks of FMLA and EFMLEA combined within a 12-month period.
- Employees who have already used up their FMLA allotment for the year are not entitled to EFMLEA leave.
- EFMLEA may be taken intermittently with authorization from Human Resources, supervisor and/or department head.

Employee Notice of Need for Leave

Where the need for leave is foreseeable, employees must provide the County with as much advance notice as practicable. Employees who need to take EFMLEA leave shall notify their supervisor and Human Resources as soon as possible. Normal call-in procedures apply to all absences from work.

Employee Required Documentation of Need for Leave and Retention

- a. 29 CFR 826.100 states an employee is required to provide Jackson County the following information prior to taking EFMLEA as follows:
 1. Employee's name;
 2. Date(s) for which leave is requested;
 3. Qualifying reason for the leave; and
 4. Oral or written statement that the Employee is unable to work because of a qualified reason for leave.
- b. To take Paid Sick Leave for a qualifying COVID-19 related reason under § 826.20(a)(1)(v) or Expanded Family and Medical Leave, an Employee must additionally provide:
 1. The name of the Son or Daughter being cared for;
 2. The name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; and
 3. A representation that no other suitable person will be caring for the Son or Daughter during the period for which the Employee takes Paid Sick Leave.

Section 826.140 explains that an employer is required to retain all documentation provided pursuant to § 826.100 for four years, regardless of whether leave was granted or denied. If an Employee provided oral statements to support his or her request for paid sick leave or expanded family and medical leave, the employer is required to document and retain such information for four years.

Definitions

As extracted from 29 CFR 826.10

Child Care Provider – means a provider who receives compensation for providing child care services on a regular basis. The term includes a center-based 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 as described 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.

COVID-19. The term "COVID-19" has meaning as listed in section 506 of the Coronavirus Preparedness Response Supplemental Appropriations Act, 2020: Sec 506. In this Act, the term "coronavirus" means SARS-CoV-2 or another coronavirus with pandemic potential.

EPSLA. The term "EPSLA" means the Emergency Paid Sick Leave Act, Division E of the FFCRA.

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School. The term "School" means an "elementary school" or "secondary school" as such terms are defined below, in accordance with section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801). "Elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under State law. "Secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

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.

Subject to a Quarantine or Isolation Order. For the purposes of the EPSLA, a quarantine or isolation order includes quarantine, isolation, containment, shelter-in-place, or stay-at-home orders issued by any Federal, State, or local government authority that cause the Employee to be unable to work even though his or her Employer has work that the Employee could perform but for the order. This also includes when a Federal, State, or local government authority has advised categories of citizens (e.g., of certain age ranges or of certain medical conditions) to shelter in place, stay at home, isolate, or quarantine, causing those categories of Employees to be unable to work even though their Employers have work for them.

Telework. The term "Telework" means work the Employer permits or allows an Employee to perform while the Employee is at home or at a location other than the Employee's normal workplace. An Employee is able to Telework if: (a) his or her Employer has work for the Employee; (b) the Employer permits the Employee to work from the Employee's location; and (c) there are no extenuating circumstances (such as serious COVID-19 symptoms) that prevent the Employee from performing that work. Telework may be performed during normal hours or at other times agreed by the Employer and Employee. Telework is work for which wages must be paid as required by applicable law and is not compensated as paid leave under the EPSLA or the EFMLEA. Employees who are teleworking for COVID-19 related reasons must be compensated for all hours actually worked and which the Employer knew or should have known were worked by the Employee. However, the provisions of 29 CFR § 790.6 shall not apply to Employees while they are teleworking for COVID-19 related reasons.

Expiration

EFMLEA leave is available only as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020. In addition, EFMLEA leave cannot be carried over after December 31, 2020.

Section 3. Sick Leave

Sick leave is a privilege and not a right.

Amount Earned - A full-time permanent or probationary employee who is in pay status earns sick leave at the rate of one day per month as listed below. If an employee is not in a pay status the entire payroll period, amount of sick leave is pro-rated based on hours worked. Permanent part-time employees earn sick leave on a pro rata basis.

Hours Worked Per Day	Hours Earned Per Pay Period	Hours Earned Annually	Days Earned in One Year	Accrual Limit
8	3.69	96	12	none
10	4.62	120	12	none
12	5.54	144	12	none

Accumulation - Sick leave is cumulative indefinitely when earned during employment with the County.

Advancement - The County Manager at the recommendation of the Department Head may advance sick leave not to exceed the amount an employee can earn during the current fiscal year.

Use of Sick Leave - Sick may be used for:

- Personal illness or injury;
- Medical or dental appointments of employee or immediate family member;
- Temporary disability due to pregnancy, childbirth, miscarriage, abortion or recovery therefrom;
- To care for an immediate family member,
- Donations to an immediate family member who is an approved voluntary shared leave recipient, and adoption of a child; and
- Care for a covered service member with a serious injury or illness if the employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).
- Allow an employee the option to use accrued paid sick leave to supplement their Emergency Family and Medical Leave Expansion Act (EFMLEA) entitlement in order to provide care for their school-age child whose school or regular paid childcare provider is closed and unavailable due to COVID-19 related reasons. This provision expires 12/31/2020.

For the purposes of sick leave, immediate family includes spouse, mother, father, guardian, child, brother, sister, grandparent, grandchild and all in-law, step, half and adoptive/foster relationships that can be made from the preceding list.

Verification of Sick Leave - The Department Head may require a statement from a medical doctor or other acceptable proof that the employee was unable to report to work due to injury and or illness for each occasion on which an employee uses sick leave in excess of three (3) consecutive days. Any restrictions of duty must be prescribed (in detail) by the employee's physician and submitted on the treating physician's letterhead. The Department Head may also require a statement from a medical doctor or other acceptable proof that the employee was unable to report to work for less than three (3) days if they suspect abuse of sick leave privileges.

Leave Charges - Only scheduled workdays shall be charged in calculating the amount of leave taken. Holidays shall not be counted as sick leave.

Transfer of Sick Leave - Unused sick leave may be transferred from Jackson County to another state or local agency if the agency to which the transfer is being made will accept the leave; this includes the State of North Carolina, any of its political subdivisions, any local government entity or authority, or municipality in North Carolina. An accumulated sick leave balance can be transferred to Jackson County from other state or local government agency described above if the state or local government agency was the immediate past employer and the employee has not requested, or is receiving retirement benefits from the North Carolina Retirement System. The employee must request this transfer within 90 days of the beginning of employment with Jackson County, and it is the responsibility of the employee to provide bona-fide documentation of the amount of unused sick leave from the immediate past employer. Upon verification of the unused sick leave by Human Resources, the employee will be credited with the transferred sick leave.

Separation -

1. Sick leave is not allowable in any terminal leave payments when an employee is separated from service.
2. Should an employee be separated before they have earned all the sick leave taken, deductions shall be made from their salary check for the amount of the overdrawn leave.
3. Sick leave shall be exhausted before going on leave without pay because of extended illness. While an employee is exhausting sick leave, they shall earn all benefits for which employees are entitled.

Telework Policy

Telework is defined as an arrangement that allows an employee to work from a remote site other than their primary work location, such as where they reside. The purpose of the Jackson County Telework Policy is to provide a continuity of services for the citizens of Jackson County. The Jackson County Manager or designee may authorize telework for episodic use during a utility disruption, communicable disease outbreak, specific health risks or other approved situations.

Telework in Jackson County is at the sole discretion of the County Manager or designee and is not an employee right. The employee must self-disclose proof of a safe telework location via completion of a Teleworking Agreement and a Telework Location Compliance Checklist. The County reserves the right to inspect a telework location at any time. Telework is not to be completed until approved by the County Manager or designee.

Telework Approval:

1. The County Manager or designee shall provide a Department Head management and information technology staff approval via a signed Temporary Teleworking Agreement.
2. Department Heads shall provide an employee management and information technology staff approval to telework via a signed Temporary Teleworking Agreement.

Telework Conditions:

1. The employee must sign a Teleworking Agreement that outlines the telework schedule at the alternate location and is required to follow all applicable work-related policies and procedures.
2. Teleworking at an alternate location, does not change the employee's classification or rate of pay. Employees are to only log hours in which they conduct County business and their normal work hours are not typically altered by the Teleworking Agreement. Employees may request use of leave and should follow the same request process as they do when on-site.
3. Employees recognize that they must have approval to work overtime if applicable.
4. Employees agree to safeguard any County equipment and to use the equipment only for official County business.
5. Employees, upon receiving authorization to telework, agree that the County will not be liable for damages to any personal or real property at the employee's telework location.
6. Employees agree to provide a telework area adequate for the performance of official duties.

7. Employees agree to safeguard the County records from disclosure or access by unauthorized individuals and will comply with all confidentiality and privacy laws, rules, regulations, and policies applicable to their position and the handling of the records and information related thereto.
8. Employees agree they shall not bring clients, customers, vendors or other persons to his/her telework location to conduct County business.
9. Employees agree that telework authorized pursuant to this Policy does not entitle them to telework at will. Employees will return to their designated work location upon completion of the approved telework assignment.
10. Eligibility for telework lies solely at the discretion of the County Manager or designee.
11. An employee must be available by phone and email during their agreed upon telework schedule.
12. Employees must adhere to all County and departmental rules and policies.
13. No expense reimbursements will be provided to employees for a telework location.
14. Prior to and continuously throughout a teleworking assignment, an employee must maintain a safe and ergonomic telework location.
15. The telework environment shall be conducive to work performed in an office setting, with personal disruptions kept to a minimum.



JACKSON COUNTY
Human Resources Department
401 Grindstaff Cove Road, Suite A-218, Sylva, NC 28779
Phone 828.631.2212 • Fax 828.631.2266

Temporary Teleworking Agreement

This Agreement is between Jackson County and _____ (“Employee”). This agreement must be approved by county management staff and information technology departmental staff with notification to the Human Resources office. Teleworking is a cooperative arrangement between the employee and Jackson County based on the needs of the county.

Duration

This agreement is considered temporary. At the discretion of the county, this agreement may altered or terminated at any time. Successful engagement in temporary teleworking pursuant to this Agreement does not obligate Jackson County to provide future teleworking opportunities.

Teleworking Schedule

Temporary teleworking will coincide with the employee’s normal work schedule unless modified by the employee’s supervisor or Department Head. Teleworking does not change the basic terms and conditions of employment including salary, job responsibilities and county-sponsored benefits. Employees requesting use of leave should follow the same request process as they do when on-site. Non-exempt teleworking employees are not authorized to work overtime without prior supervisory approval. Teleworking is not a substitute for child care, and as such the employee’s priority during telecommunicating must be on work. Extended time spent on childcare should not be counted as hours worked.

Telework Assignment, Accountability and Performance

The employee agrees to maintain a visible presence while teleworking. Such presence may be maintained using available technology such as: computer, mobile phone, email, messaging application, videoconferencing, instant messaging and/or text messaging at all times during the time Jackson County requires the employee to work. It is expected the employee will maintain productivity, performance, communication and responsiveness as if at the regular work location. Physical attendance at scheduled work meetings may be requested or required. The employee is obligated to comply with all applicable federal, state, local and county policies and procedures.

Equipment and Security

The employee agrees to protect county-owned resources from theft, damage, or unauthorized use. This includes maintaining data security and record confidentiality in the same manner as when working onsite. The employee must comply with all IT policies regarding equipment and acceptable use. The employee bears sole responsibility for the ergonomic and safe configuration of the teleworking workspace and costs associated with internet service, electricity, etc.

Liability

The county will not be liable for damages to the employee's property or injuries to any other person at the teleworking site. The employee is responsible for maintaining the teleworking space in a safe condition, free from hazards or other dangers.

If the employee is injured in the course of performing official duties at the teleworking location, the injury is required to be reported to Human Resources. A subsequent determination by the county's workers' compensation carrier will determine if the actual injury is compensable in accordance with the Workers' Compensation Act.

Employee Agreement

I, the undersigned employee, confirm I have read, understand, comprehend and agree to comply with all the provisions of this Temporary Teleworking Agreement.

_____ Printed Employee Name	_____ Employee Signature
_____ Employee Position / Department	_____ Date Signed

Management Approval (department head or county manager)

_____ Printed Name	_____ Signature
_____ Position / Department	_____ Date Signed

Information Technology Staff Approval

_____ Printed IT Staff Name	_____ IT Staff Signature
_____ Date Signed	_____ Date of Termination of Temporary Teleworking Agreement

Jackson County

Telework Location Compliance Checklist

_____ The telework location is away from noise, distractions, and is devoted to work needs

_____ The telework location accommodates workstation, equipment and related material

_____ Floors are clear and free from hazards

_____ File drawers are not top-heavy and do not open into walkways

_____ Phone lines and electrical cords are secure under a desk or along a wall and away from heat source

_____ Temperature, ventilation and lighting are adequate

_____ All stairs with four or more steps are equipped with handrails

_____ Carpets are well-secured to the floor and free from frayed or worn seams

_____ There is a working smoke detector at the telework location

_____ Walkway aisles and doorways are unobstructed

_____ The telework space is free of trash, clutter and flammable liquids

_____ All radiators and portable heaters are located away from flammable items

_____ There exists an evacuation plan in the event of a fire

_____ Sufficient electrical outlets are available and accessible

_____ Computer equipment is connected to a surge protector

_____ Electrical system is sufficient to power office equipment

_____ All electrical plugs, cords, outlets and panels are in good condition, no exposed wires

_____ Equipment is placed close to electrical outlets

_____ Extension cords and power strips are not daisy-chained and no permanent extension cords will be used

_____ Equipment is turned off when not in use

_____ Chair caster (wheels) are secure and the rungs and legs of the chair are sturdy

_____ Chair height is adjustable to ensure meet employee's ergonomic needs

Employee Compliance Certification

I, the undersigned employee, via initialed items above and signature below, certify that my telework location complies with Telework Location Compliance Checklist requirements stated above.

Printed Employee Name

Employee Signature

Employee Position / Department

Date Signed