

## Yuba Community College District

### Leave and Excused Absence Options During COVID-19 Pandemic

**Families First Coronavirus Response Act:** On March 18, 2020, the Families First Coronavirus Response Act was signed into law. Among other things, the Act provided for 80 hours of paid leave for coronavirus related reasons. The reasons are specified in the Act. This leave is in addition to other leaves the District provides. The leave can only be used for the specified reasons, it does not accrue, and cannot be carried over. The District may elect to exclude leave for any health care provider or emergency responder. The leave is only available through December 31, 2020. The leave is protected, and employers may not discharge, discipline, or discriminate against employees who take the leave or who file any complaint or institute proceedings under the act. The Families First Coronavirus Response Act was silent on whether employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay. [Families First Coronavirus Response Act](#)

#### Emergency Paid Sick Leave

From April 1, 2020 through December 31, 2020, any employee can take Emergency Paid Sick Leave as follows:

- a. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay if they are unable to work or telework for 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.
  3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- b. Employees are entitled to Emergency Paid Sick Leave at two-thirds of the employee's regular rate of pay if they are unable to work or telework because:
  1. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described in subparagraph (1) or has been advised as described in paragraph (2).
  2. 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.

3. 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.

### **Emergency Paid Sick Leave terms**

1. Leave taken as Emergency Paid Leave is in addition to any other leave accrued and does not accrue beyond 80 hours. Unused leave does not carryover for any employees.
2. Emergency Paid Sick Leave is subject to the following caps:
  - \$511/Day and \$5,110 in the Aggregate for the Following Employee-Related COVID-19 Absence Reasons
    - a. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
    - b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
    - c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
  - \$200/Day and \$2,000 in the Aggregate for the Following Reasons Related to the Employee Taking Leave to Care for an Individual or Son or Daughter
    - a. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
    - b. 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.
    - c. 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
3. Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.
4. The District may deny this leave to any health care provider or emergency responder.
5. An employee using Emergency Paid Sick Leave must certify the reason for the leave.

6. Emergency Paid Leave is protected when used for the reasons specified in sections (a) and (b).

### **Family and Medical Care Leaves**

Beginning on April 1, 2020, in addition to reasons allowed under the Family and Medical Leave Act, leave is permitted due an inability to work (or telework) due to the care of a child under the Emergency Family and Medical Leave Expansion Act on the following terms. (Sec. 110 (a)(2)(A).)

- a. **Eligibility**

Employees are eligible for up to 12 weeks of job-protected Public Health Emergency Leave if the following requirements are met:

- The employee has worked for the District for at least 30 calendar days, (FMLA Sec. 110(a)(1)(A);
- The employee is unable to work (or telework) due to a need to care for the son or daughter (under 18 years of age) who's school or place of care has been closed, or who's child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority, (FMLA Sec. 110(a)(2)(A) & (B)); and
- The employee provided reasonable notice of the need for the leave.
- Protected Health Emergency Leave is a form of FMLA leave and is not in addition to any other FMLA leave.

- b. **Paid Leave**

The first 10 days of Emergency Family Medical Leave may consist of unpaid leave unless the employee elects to utilize accumulated leaves, including Emergency Paid Sick Leave in section 804.1 above. For the remaining 10 weeks, an employee is entitled to paid leave at two-thirds of the employee's regular rate of pay. (FMLA Sec. 110(b).) However, paid leave is subject to a cap of \$200 per day and \$10,000 total.

- c. **Restoration to Prior Position**

Employees out on Emergency Family and Medical Leave are entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave. (FMLA Sec. 110 (d).)

If the District is unable to restore the employee to an equivalent position to the employee's prior position, the District will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employees address on file.

- d. **Expiration**

The provision of this section shall expire on December 31, 2020 or when the Emergency Family and Medical Leave Expansion Act is no longer effective.

- e. Employees shall request leave as soon as practicable and shall certify the need for leave in writing at the time of the request.
- f. The District may deny this leave to any employee who is a health care provider or emergency responder.

### **Staff Training**

Yuba Community College District prioritizes the safety and the health of our students, classified and professional staff, faculty, and our communities we serve. We are Family....Families are the heart of everything we do, so as the Coronavirus (COVID-19) continues to affect our communities, YCCD would like to remind you of all the training resources that are available. Below are a list of available training materials:

- [World Health Organization Coronavirus Resources](#)
- [CDC: Social Distancing Training](#)
- [Keenan Safe Colleges](#)
  - Cleaning and Disinfecting Your Workplace
  - Managing Stress and Anxiety
  - Coronavirus Awareness
  - CDC Guidelines to Making and Using Cloth Face Coverings
  - Transitioning to a Remote Workforce

### **Privacy of Students, Faculty, and Staff**

Consistent with applicable law, to protect the privacy of people at [higher risk for severe illness](#) regarding underlying medical conditions in compliance with applicable federal and state privacy and confidentiality laws, Yuba Community College District students and staff are protected under privacy in the context of COVID-19 as they consider the disclosure of personally identifiable information (PII) from student education records to individuals and entities who may not already have access to that information. Below are links to the various privacy laws:

- [FERPA](#)
- [HIPAA](#)