

# Human Resources Policy Bulletin

Lancaster County

Number: 2021-2

Date: January 2021

<b>Reference:</b>	<b>Title:</b>
	Emergency Paid Sick Leave

## I. PURPOSE

The purpose of this policy is to provide for the administration of Emergency Paid Sick Leave during the COVID-19 pandemic for the period January 1, 2021, through January 31, 2021.

## II. APPLICABILITY

This policy applies to all County employees, including probationary employees, who have not exhausted Emergency Paid Sick Leave under Human Resources Bulletin 2020-3 (April, 2020).

## III. EMERGENCY PAID SICK LEAVE

A. An employee shall be entitled to Emergency Paid Sick Leave when the employee is unable to telework and:

1. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
2. The employee has been advised by a health care provider or Federal, State, or local health authority to self-quarantine due to concerns related to COVID-19.
3. The employee is subject to a Federal, State, or local quarantine order related to COVID-19.
4. The employee is caring for an individual who:
  - a. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or
  - b. has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

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The individual being cared for in Section III.A.4.a and 4.b must be an immediate family member, roommate, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person.

5. The employee is caring for the employee's son or daughter if the school or place of care of the employee's son or daughter has been closed, or the child care provider of the employee's son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is subject to a Federal, State, or local isolation order related to COVID-19.

B. For an employee who has not exhausted Emergency Paid Sick Leave under Human Resources Bulletin 2020-3 (April, 2020), an employee shall be entitled to Emergency Paid Sick Leave during the period January 1, 2021, through January 31, 2021.

1. An employee shall be entitled to the following amounts of Emergency Paid Sick Leave:
  - a. For a use described in Section III.A.1, 2, 3, 4, and 5:
    1. A full-time employee is entitled to eighty (80) hours of Emergency Paid Sick Leave.
    2. A part-time employee is entitled to a number of hours of Emergency Paid Sick Leave equal to the number of hours that such employee works, on average, over a 2-week period.
    3. A part-time employee with a varying weekly work schedule, including an on-call employee, is entitled to a number of hours of Emergency Paid Sick Leave equal to fourteen times the average number of hours that the employee was scheduled to work per calendar day over a 6-month period ending on the date which the employee takes Emergency Paid Sick Leave.

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b. For a use described in Section III.A.6:

1. A full-time employee is entitled to eighty (80) hours of Emergency Paid Sick Leave. If a full-time employee exhausts the eighty (80) hours of Emergency Paid Sick Leave and continues to be isolated by order of a Federal, State, or local public health authority or a health care provider, then such employee shall be entitled to up to eighty (80) additional hours of Emergency Paid Sick Leave.
  2. A part-time employee is entitled to paid Emergency Paid Sick Leave in an amount equal to the number of hours that such employee works, on average, over a 2-week period. If a part-time employee exhausts Emergency Paid Sick Leave in the amount equal to the number of hours that such employee works, on average, over a 2-week period, and such employee continues to be isolated by order of a Federal, State, or local public health authority or a health care provider, then such employee shall be entitled to additional hours of Emergency Paid Sick Leave in an amount equal to the number of hours that such employee works, on average, over a 2-week period.
  3. A part-time employee with a varying weekly work schedule, including an on-call employee, is entitled to a number of hours of Emergency Paid Sick Leave equal to fourteen times the average number of hours that the employee was scheduled to work per calendar day over a 6-month period ending on the date which the employee takes Emergency Paid Sick Leave.
2. The amounts of Emergency Paid Sick Leave in Section III.B.1(a) and (b) shall be decreased by any Emergency Paid Sick Leave utilized by an employee pursuant to Human Resources Bulletin 2020-3 (April 2020).
  3. If an employee exhausts paid Emergency Paid Sick Leave prior to January 31, 2021, the employee shall be entitled to use:

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- a. For any of the uses described in Section III.A.1, 2, 3, and 6, any accrued sick, vacation, and personal holiday (“Paid Leave”).
  - b. For the use described in Section III.A.4:
    - i. If the individual being cared for qualifies as an immediate family member under the Family and Medical Leave Act, any Paid Leave.
    - ii. If the individual being cared for does not qualify as an immediate family member, accrued vacation and personal holiday.
  - c. For the use described in Section III.A.5, any accrued vacation and personal holiday.
- C. An employee who utilizes Emergency Paid Sick Leave for a use described in Section III.A.1, 2, 3, 4, and 6:
- 1. Who is eligible for Family and Medical Leave will be required to comply with the County’s Family and Medical Leave Policy except that the employee will be allowed to utilize any applicable Emergency Paid Sick Leave before being required to utilize accrued Paid Leave.
  - 2. Who is ineligible for Family and Medical Leave will be required to provide documentation from a health care provider that she or he is experiencing symptoms of COVID-19 and is seeking treatment therefor. An employee who is ineligible for Family and Medical Leave will also be required to provide medical certification that she or he is fit to return to duty.

## VI. SUPPORTING DOCUMENTATION

- A. An employee requesting Emergency Paid Sick Leave shall provide the following documentation in her or his written request:

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1. The employee's name;
  2. The date or dates for which leave is requested;
  3. A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and
  4. A statement that the employee is unable to work or telework because of the COVID-19 related reason.
- B. In the case of a leave request for Emergency Paid Sick Leave for a use described in Section III.A. 2, 3, 4, and 6, the written request should include the health care provider or Federal, State, or Local health authority ordering quarantine or isolation, or advising self-quarantine, and, if the person subject to quarantine, isolation, or advised to self-quarantine is not the employee, that person's name and relation to the employee.
- C. In the case of a leave request for Emergency Paid Sick Leave for use described in Section III.A.5., the written request should include the name and age of the child (or children) to be cared for, the name of the school that has closed or place of care that is unavailable, and a representation that no other person will be providing care for the child during the period for which the employee is receiving Emergency Paid Sick Leave, and, with respect to the employee's inability to work or telework because of a need to provide care for a child older than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.

## TELEWORK

For purposes of this policy, telework is when the County, as an employer, has permitted or allowed an employee to perform work while the employee is at home or at a location other than the employee's normal workplace. If an employee is able to telework, the employee is not eligible for Emergency Paid Sick Leave. Department Heads and Elected Officials are authorized to utilize telework consistent with department needs and requirements. Employees are encouraged to discuss telework options with their supervisors.

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## VII. SCOPE

Where the provisions of this policy conflict with the Lancaster County Personnel Rules, any Resolutions adopted by the Lancaster County Board of Commissioners, or any labor contracts, the provisions of this policy shall control.

## VIII. DURATION

This policy is effective January 1, 2021. This policy is temporary in nature, and the benefits described herein shall be applicable only during the period during which this policy is effective. Nothing in this policy shall be construed as creating a vested benefit: there shall be no financial or other reimbursement to an employee upon the termination of this policy or upon the employee's termination, resignation, retirement, or other separation from employment for Emergency Paid Sick Leave that has not been used by such employee. This policy shall terminate on January 31, 2021.

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Doug McDaniel  
Human Resources Director

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Date

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Sean Flowerday, Chair  
Board of County Commissioners

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Date