

3.32.1—LICENSED PERSONNEL COVID EMERGENCY LEAVE (M)

The District provides up to ten¹ (10) (state) days (up to 8 hours per day) of paid leave for its employees, to the extent that the employee is unable to work, who meet one of the following requirements:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee is ordered by the district, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for a dependent who is subject to an order as described in item 1 or has been advised as described in item 2.
5. The employee is caring for their child whose school or place of care is closed for reasons related to COVID-19; and

The employee is responsible for providing the District proof that the employee or the employee's dependent has received a quarantine or isolation order. The proof may be in any of the following forms, as applicable:

- A positive test result;
- Proof of receipt of a PCR test;
- A written quarantine or isolation order from the employee's or the employee's dependent's treating physician, the ADH, or the District's Point Of Contact (POC); or
- Written notification of close contact or potential close contact status from ADH, the District POC, or another district's POC if the close contact is from another district.

In addition to other appropriate documentation, employees who intend to take leave under this policy due to the need to care for a dependent must submit a written statement indicating the relationship with the dependent, the dependent's age, and that the employee is the only individual capable of caring for the dependent.

Upon notification that an employee has received a quarantine or isolation order, the District shall review whether the employee has applicable leave remaining under the Families First Coronavirus Response Act (FFCRA) as it applies to the temporary paid sick leave act (EPSLA) and this policy. The district's intent is to extend to June 30, 2021 the FFCRA-EPSLA (Federal 10 days) to those working under contract for the district as of December 31, 2020.

- If an employee has applicable leave under the FFCRA-EPSLA (Federal 10 days) and this policy:
 - The District shall use available leave under the FFCRA-EPSLA (Federal 10 days) first
 - The District shall use the employee's available FFCRA-EPSLA (Federal 10 days) leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's FFCRA-EPSLA (Federal 10 days) leave;
 - The District shall automatically switch the employee to use leave under this policy, if available,² should the employee's quarantine or isolation order last longer than the employee's FFCRA-EPSLA (Federal 10 days) leave; and
 - The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA-EPSLA or this policy.
- If an employee has applicable leave under the FFCRA-EPSLA or this policy but not both:

- The District shall use the employee's available leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's available leave; and
- The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA-EPSLA (Federal 10 days) or this policy.
- If an employee has no leave remaining under this policy or applicable leave under the FFCRA-EPSLA (Federal 10 days), then the District shall use another form of applicable District provided paid leave, if available.

An employee who receives COVID Emergency Leave for qualifying circumstances 1, 2, and 3 listed above shall be paid the employee's full daily rate of pay for up to ten¹ (10) (state) days. An employee who receives COVID Emergency Leave for qualifying circumstances 4 and 5 shall be paid at partial rates listed below. The ten¹ (10) (state) days of COVID Emergency Leave may, but is not required to, run consecutively. An employee shall not have days charged against the number the employee is eligible for under this policy for days when the employee is not expected to perform duties, such as holidays.³ The ten¹ (10) (state) days of paid leave provided under this policy may be used for eligible leave before other forms of District provided paid leave are used, including sick leave, personal leave, and vacation.

A full-time employee is eligible for up to 8 hours per day of COVID Emergency Leave. A part-time employee is eligible for the number of hours that is equal to the number of contracted hours that the employee works, on average, over a 2-week period.

For qualifying circumstances 1, 2 and 3, the COVID Emergency Leave is paid at an hourly rate equal to the employee's regular rate of pay. For qualifying circumstances 4 and 5, the COVID Emergency Leave is paid at an hourly rate equal to two-thirds of an employee's regular rate of pay. Notwithstanding the hourly rates, the pay received by an employee for COVID Emergency Leave may not exceed the following daily and aggregate limitations –

- a) \$511 per day and \$5,110 in the aggregate for one or more of the qualifying circumstances 1, 2 or 3; or
- b) \$200 per day and \$2,000 in the aggregate for one or more of the qualifying circumstances 4 and 5.

An employee's eligibility to receive paid leave under this policy expires on June 30, 2021.

Cross References: 3.8—LICENSED PERSONNEL SICK LEAVE
 3.11—LICENSED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE
 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE ACT

Legal References: Commissioner's Memo COM-21-061
 29 C.F.R. Part 826

Date Adopted: 8/20/2020
 Last Revised: 1/21/2021