

### **8.23.1—CLASSIFIED PERSONNEL COVID EMERGENCY LEAVE**

The District provides up to an additional ten<sup>1</sup> (10) days of paid leave for its employees who meet both of the following requirements:

1. The employee:
  - a. Is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:
    - i. Testing positive for COVID-19;
    - ii. Experiencing COVID-19 symptoms and seeking a medical diagnosis; or
    - iii. Is a probable close contact or close contact.; ~~and~~ or
    - b. Needs to care for a dependent who is subject to a quarantine or isolation order; and
2. The employee's job duties are not able to be performed remotely.

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) and this policy.

If an employee has applicable leave under the FFCRA and this policy:

- § The District shall use available leave under the FFCRA first§ The District shall use the employee's available FFCRA leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's FFCRA leave;
- § The District shall automatically switch the employee to use leave under this policy, if available,<sup>2</sup> should the employee's quarantine or isolation order last longer than the employee's FFCRA 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 or this policy.

If an employee has applicable leave under the FFCRA 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 or this policy.

If an employee has no leave remaining under this policy or applicable leave under the FFCRA, then the District shall use another form of applicable District provided paid leave, if available.

An employee who receives COVID Emergency Leave shall be paid the employee's full daily rate of pay for up to ten<sup>1</sup> (10) days. The ten<sup>1</sup> (10) 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.<sup>3</sup> The ten<sup>1</sup> (10) days of paid leave provided under this policy shall be used for eligible leave before other forms of District provided paid leave are used, including sick leave, personal leave, and vacation.

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

Notes: <sup>1</sup> The funding provided by Commissioner's Memo COM-21-014 expired on December 18, 2020; however, DESE has authorized districts to continue providing the leave but districts will be required to use local or Federal funds to cover the leave. Districts may choose to have the number of days eligible for an employee consider the number of days an employee used in the Fall or may choose to provide all employees a new round of paid days. Be sure to specify your choice in the policy adoption motion. Commissioner's Memo COM-21-061 does not set a maximum number of days that a district may choose to offer employees under this policy so the ten (10) days included in the policy is only a suggestion.

<sup>2</sup> If you choose to reset the number of days your employees have available under this policy, remove this clause.

<sup>3</sup> AN employee's quarantine or isolation period may fall at such a time period that part of the quarantine or isolation period is on days when the school would ordinarily be closed for paid holidays. The remaining COVID Emergency Leave days that were not used due to the holiday would continue to be available should the employee be ordered into another quarantine or to isolate unless one of the Policy's sunset provisions was triggered before the new quarantine or isolation order.

Cross References:

8.5—CLASSIFIED PERSONNEL SICK LEAVE

8.7—CLASSIFIED PERSONNEL PERSONAL AND  
PROFESSIONAL LEAVE

8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE ACT

Legal References:

Commissioner's Memo COM-21-061

29 C.F.R. Part 826

Date Adopted: September 9, 2020

Last Revised: January 7, 2021

February 11, 2021

