



Memo

To: Commissioners, First 5 Ventura County

From: Jennifer Johnson, Director of Operations (on behalf of the Administration/Finance Committee)

Date: April 23, 2020

Re: Recommendation to Approve Policy to Comply with the Families First Coronavirus Response Act

Background

The Families First Coronavirus Response Act (FFCRA or Act) included the Emergency Paid Sick Leave Act, which requires public employers and private employers with fewer than 500 employees to provide their employees with paid sick leave, and the Emergency Family and Medical Leave Expansion Act, which expanded family and medical leave for specified child care reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020. According to the Department of Labor, the Act's paid leave requirements are in addition to an employees' preexisting leave entitlements.

Paid sick time provided under this Act does not carry over from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

Certain limits on the daily rate of pay and caps in the aggregate are mandated under the Act, however, business can elect to exceed these limits/caps. Consistent with the Commission's regular sick leave policy, the policy proposes that employees eligible for Emergency Paid Sick Leave be paid at their regular rate of pay.

The proposed policy is as follows:

PAID SICK LEAVE

In accordance with the requirements of the Emergency Paid Sick Leave Act, First 5 Ventura County (F5VC) will provide to all employees:

Two weeks (up to 80 hours*) of emergency paid sick leave at the employee's regular rate of pay if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

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);
5. is caring for a child (under 18 years of age) whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

*A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

EXPANDED FAMILY AND MEDICAL LEAVE

In accordance with the requirements of the Emergency Family and Medical Leave Expansion Act, First 5 Ventura County (F5VC) will provide to employees who have been employed for at least 30 days:

- Up to 12 weeks of family and medical leave where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.
 - The first two weeks of such leave are unpaid (but could overlap with the two weeks of paid leave under the Emergency Paid Sick Leave Act).
 - For the remaining 10 weeks of such leave, the employee is entitled to be paid at two-thirds the employee's regular rate of pay, up to \$200 per day and \$10,000 in the aggregate.
- The expansion of family and medical leave rights only adds another covered basis for leave; it does not entitle any employee to more than 12 weeks of covered leave per year.
- The 30-day period for eligibility for leave for covered child care reasons is 30 calendar days immediately prior to the day leave would begin.

F5VC may require an employee to submit documentation to support leave requests. To the extent permissible by the Act, F5VC may allow intermittent use of paid sick leave or expanded paid family leave. An employee may elect to substitute or supplement any pre-existing accrued vacation leave, personal leave, or medical or sick leave for partial paid leave up to their normal earnings. F5VC will continue to provide health care coverage for enrolled employees during the period of leave.

F5VC will not discharge, discipline, or otherwise discriminate against any employee who takes paid sick leave under the FFCRA and files a complaint or institutes a proceeding under or related to the FFCRA.

Recommendation

The recommended action is to adopt the proposed policy to comply with the Families First Coronavirus Response Act, which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act, effective from April 1, 2020 through December 31, 2020.