

SUMMIT COUNTY HUMAN RESOURCE COMMISSION FMLA LEAVE EXPANSION POLICY AND PROCEDURE

POLICY:

The Summit County Human Resource Commission (“HRC”) will comply with the Families First Coronavirus Response Act to assist employees affected by the COVID-19 outbreak with job-protected leave. This policy will be in effect from April 1, 2020, until December 31, 2020.

If not specifically addressed in this policy, all aspects of HRC’s existing FMLA leave policy shall apply. All other reasons for leave outside of this policy shall be governed by HRC’s existing FMLA leave policy.

PROCEDURE:

I. Employee Eligibility

All employees who have been employed with Summit County for at least 30 days shall be eligible for leave under this policy.

II. Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for their child whose school or place of care is closed or their childcare provider is unavailable due to COVID-19 related reasons shall be entitled to leave under this policy.

- “Child” shall have the same definition as defined under the current FMLA policy and shall mean a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:
 - under 18 years of age; or
 - 18 years of age or older and incapable of self-care because of a mental or physical disability.

III. Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the purposes stated above. This time is in conjunction with, and not in addition to, the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for another 6 weeks of FMLA leave under this policy, if eligible.

IV. Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the ***Emergency Paid Sick Leave Act***.

After the first 10 days, leave will be paid at two-thirds of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total. Any unused portion of this pay will not carry over to the next year.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type. Or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

V. Intermittent Leave

Intermittent leave shall not be permitted under this policy unless expressly agreed to by the employee's appointing authority.

VI. Procedure for Requesting Leave

All employees requesting leave under this policy must provide written notice, where possible, of the need for leave to their Human Resource Representative as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five (5) business days after receiving notice, the HRC will complete and provide the employee with any Department of Labor (DOL) required notices.

The notice the employee provides should include a brief statement as to the reason for leave, and if possible, the expected duration.

Employees must provide documentation supporting the absence. Examples include a copy of a notice posted on a government, school or daycare website or published in a newspaper or an email from an employee or official of the school, place of care or childcare provider.

Summit County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.