



**Human Resources Department
Employee Policy and Procedure**

**AMENDED COVID 19 - EXPANDED FMLA AND
EMERGENCY PAID
SICK LEAVE**

Policy Statement

The American Rescue Plan Act (ARPA), signed into law on March 11, 2021, provides for Emergency Paid Sick Leave and Extended Family Medical Leave for COVID-related absences and leave. In the interest of public health and safety for our employees and residents, the Township has chosen to provide these benefits to its employees through September 30, 2021.

A. EXPANDED FMLA COVERAGE

The Federal Government has expanded coverage for FMLA benefits to all eligible employees. An eligible employee is an employee who works for an employer with fewer than 500 employees and has been the job for at least 30 days. The Township will provide paid leave at an amount not less than two-thirds of an employee's regular rate of pay up to \$200 per day or \$12,000 in the aggregate. See Human Resource Department for details and regular rate.

Expanded FMLA may be used only for a COVID-related need. A qualifying need for use of expanded FMLA coverage is: a) employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age; b) if the school or place of care has been closed; and c) child care provider of such son or daughter is unavailable due to a public health emergency.

Employees who take expanded FMLA leave are not automatically entitled to the return of their original position if the employer has fewer than 25 employees. Please see Human Resource Department regarding this status.

If you have questions regarding expanded FMLA, please see Human Resources.

B. EMERGENCY PAID SICK LEAVE

Macomb Township is extending the hours of the emergency paid leave until September 30, 2021.

The Township has voluntarily elected to provide EPSL to its employees, under the provisions of the American Rescue Plan Act (ARPA). Full-time employees are **eligible for 80 hours** of paid emergency leave. Part-time employees are entitled to the number of hours that the employee works, on average, over a two-week period. Paid Sick Leave is available for immediate use by employees. To utilize EPSL, employees must complete the EPSL/EFMLA form and submit it to Human Resources.

It is important to note that emergency paid sick leave is to be used only for COVID-related absences. Use of ESPL ends once the COVID-related condition creating the basis for the leave has ended and the employee has returned to work. Leave that is not COVID-related should be utilized under the normal leave provisions.

For those employees that have exhausted their allotted EPSL hours, you will be required to utilize banked time to cover a qualifying reason listed below. If you have exhausted all banked time you may be eligible for unpaid time for the duration of the qualifying reason.

Emergency paid sick leave may be provided to an individual who is unable to work due to one of qualifying reasons related to COVID-19:

- The employee is subject to a Federal, State, or local quarantine or isolation order related to the coronavirus;
- The employee has been advised by a health care provider to self-quarantine due to concerns related to the coronavirus;
- The employee is experiencing symptoms of coronavirus and is seeking a medical diagnosis; the employee is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of COVID-19 and such employee has been exposed to COVID-19 or the employee's employer has requested such test or diagnosis, or the employee is obtaining immunization related to COVID-19 or recovering from any injury, disability or illness, or condition related to such immunization;
- The employee is caring for an individual who is subject to a quarantine or isolation order or advised to self-quarantine by a health care provider;
- The employee is caring for a child whose school or care provider is closed or unavailable due to coronavirus precautions; and
- The employee is experiencing any other condition substantially similar to the coronavirus, as specified by the U.S. Department of Health and Human Services (HHS).

Paid Leave Rate: Employees who take paid sick leave because they are subject to a COVID-related quarantine or isolation order, have been advised by a health care provider to self-quarantine, or are experiencing coronavirus symptoms and seeking medical diagnosis are entitled to be paid at their regular pay rate or at the federal, state or local

minimum wage, whichever is greater. In these circumstances, the paid sick leave rate may not exceed \$511 per day, or \$5,110 total.

Employees who take paid sick leave to care for another individual or child or because they are experiencing another substantially similar illness (as specified by HHS) are entitled to be paid at two-thirds their regular rate. In these circumstances, the paid sick leave rate may not exceed \$200 per day, or \$2,000 in total.

C. PROHIBITION

It shall be unlawful for any employer to discharge, discipline, or in any other manner discriminate against any employee who:

(1) takes leave in accordance with this Act; and (2) has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act (including a proceeding that seeks enforcement of this Act), or has testified or is about to testify in any such proceeding.

D. JOB RESTORATION:

Generally, eligible employees who take emergency paid leave are entitled to be restored to the position they held when the leave commenced or to obtain an equivalent position with their employer. In such circumstances, if an employee takes emergency leave, then the employer does not need to return the employee to their position if:

- The position does not exist due to changes in the employer's economic or operating condition that affect employment and were caused by the coronavirus emergency;
- The employer makes "reasonable efforts" to restore the employee to an equivalent position; and
- If these efforts fail, the employer makes an additional reasonable effort to contact the employee if an equivalent position becomes available. The "contact period" is the one-year window beginning on the earlier of (a) the date on which the employee no longer needs to take leave to care for the child or (b) 12 weeks after the employee's paid leave commences.

E. EMPLOYEE NOTICE REQUIREMENTS:

Township employees must complete the EPSL/EFMLA request form, which may include additional written documentation in support of the need for EFML and/or EPSL. The request form will require specific information, such as:

- **The employee's name;**
- **The date or dates for which leave is requested;**
- **A statement of the COVID-19 related reason the employee is requesting leave and written support for such reason; and**

- **A statement that the employee is unable to work, including by means of telework for such reason.**

If a request for EPSL is based on a quarantine order, the statement from the employee should include the name of the governmental entity ordering quarantine or the health care professional advising self-quarantine. If the person subject to quarantine or advised to self-quarantine is not the employee, the statement must include the person's name and his/her relationship to the employee.

If the leave request is based on a school closing or child care provider being unavailable, the statement from the employee 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 family medical leave and,**
- **With respect to the employee's inability to work or telework because of a need to provide care for a child other than fourteen during daylight hours, a statement that special circumstances exist requiring the employee to provide care.**

NOTE: For EMFL and EPSL leave requests relating to child care and school closings, the employee requesting leave must be caring for child(ren). If someone else is present for the care for the child(ren), this leave is not available.

After, the first workday (or portion of a day) an employee receives paid sick time, an employer may require the employee to follow "reasonable notice procedures" in order to continue receiving paid sick time.

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