



WASHOE COUNTY

Families First Coronavirus Response Act Policy

- I. POLICY
 - A. Eligibility
 - B. Emergency Paid Sick Leave (EPSLA)
 - C. Emergency Family and Medical Leave Expansion Act (E-FMLA)
 - D. Approval Required
 - E. Documentation Required
 - F. Employees with Symptoms Consistent with COVID-19 may be Required to use EPSLA Leave
 - G. Sources

I. POLICY

Washoe County will provide eligible employees with emergency paid sick leave and expanded family and medical leave for specified reasons related to the coronavirus (COVID-19) pandemic consistent with the following provisions of the Families First Coronavirus Response Act (FFCRA):

Emergency Paid Sick Leave Act (EPSLA) establishes the immediate availability of up to 2 weeks of paid leave to an eligible employee who is unable to work or telework due to reasons related to COVID-19.

Emergency Family and Medical Leave Expansion Act (E-FMLA) allows up to 12 weeks of partially paid family and medical leave to an eligible employee to care for a child whose school or childcare is closed due to reasons relating to the COVID-19 or other designated public health emergency.

This policy is effective April 1, 2020 and remains in effect through December 31, 2020. It does not apply retroactively.¹

A. Eligibility

1. *EPSLA* - All employees except emergency responders are eligible for up to 2 weeks (80 hours for full-time employees, or for part-time employees, based on average number of hours worked) of leave for COVID-19 related reasons.
2. *E-FMLA* - An employee must have worked at least 30 days for Washoe County prior to the leave request in order to qualify for E-FMLA.
3. *Not be an Emergency Responder* – An “emergency responder” is exempted from the leave provisions of the FFCRA. **Examples** of “emergency responders” are, sheriff deputies, emergency dispatchers, EMS and paramedics, correctional officers, water, sewer and electrical utility workers, social workers, health care providers, public works employees, health district employees, animal services employees and other essential emergency response employees.

¹ Washoe County shall provide leave in accordance with the law. This policy is not meant to be an exhaustive statement of the County's or its employees' rights and duties. The leave has no cash value and is not subject to payout under the collective bargaining agreements or Washoe County Code 5.255.

The Department Head shall be responsible for determining which employees are “emergency responders” after consultation with Patricia Hurley, Director of Human Resources (Human Resources).

4. Human Resources will work with all departments and employees, including emergency responders, to balance an employee’s need for leave with maintaining government operations and services.

B. Emergency Paid Sick Leave (EPSLA)

1. *Qualifying reasons* - An eligible employee is entitled to take leave related to COVID-19 if the employee is unable to work, including telework, due to the following:
 - a. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
 - b. The employee has been advised by a health care provider to self-quarantine related to COVID-19;
 - c. The employee is experiencing COVID-19 symptoms AND is seeking a medical diagnosis;
 - d. The employee is caring for an individual subject to an order described in (a) or self-quarantining as described in (b);
 - e. Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons or other emergency specified by the Secretary of Health and Human Services.
2. *Amount of Leave* - An employee is entitled to take up to a total of 2 weeks of leave (80 hours for a full-time employee/pro-rated for a part-time employee) for reasons (a) through (e). An employee is not entitled to 2 weeks for each reason.
3. *Compensation* - Employees will receive up to 2 weeks of leave at their regular rate of pay. Washoe County will not apply any pay caps to leave taken under the EPSLA because Washoe County supports the health of its employees and their families.

4. Upon approval by Human Resources and the department head, EPSLA leave may be taken on an intermittent or part-time basis or an employee may work reduced hours. Intermittent leave must be taken in at least 1-hour increments.
5. Employees on alternative work schedules must be changed to an 8 hour per day/5 days per week schedule while on EPSLA leave.

C. Emergency Family and Medical Leave Expansion Act (E-FMLA)

1. *Qualifying Reason* - The following shall be a qualifying reason for E-FMLA leave for any eligible employee who has been employed for at least 30 days:

The employee is unable to work (or telework) due to a need for leave to care for their child under 18 years of age if the school or place of care has been closed, or the child care provider is unavailable, due to the declaration of any federal, state, or local state of emergency with respect to COVID-19.

2. *Process* - Employees seeking E-FMLA leave to care for a child shall submit a request via email or telephone to their Department HR Representative who shall forward it to Patricia Hurley, Director of Human Resources. Human Resources will work with the department and may request additional documentation.
3. *Compensation* - The first 10 days of E-FMLA are unpaid. However, employees may use their other leave during the first 10 days, including EPLSA. Weeks 2 through 12 will be paid at two-thirds (2/3) of the employee's regular rate of pay with a cap of \$200 per day up to \$10,000.
4. *Amount of Leave* - Eligible employees may take an aggregate of 12 weeks of FMLA leave in a rolling 12-month period as set forth in the Washoe County FMLA policy. E-FMLA leave is included in, and not additional to, an employee's total 12-week FMLA leave allotment during a rolling 12-month period for FMLA. This policy does not change eligibility criteria and/or procedural requirements associated with other qualifying reasons for FMLA leave.
5. Upon approval by Human Resources and the department head, E-FMLA leave may be taken on an intermittent or part-time basis or an employee may

work reduced hours. Intermittent leave must be taken in at least 1-hour increments.

6. Employees on alternative work schedules must be changed to an 8 hour per day/5 days per week schedule while on E-FMLA.
7. Vacation and sick leave accruals will not accumulate on hours taken as leave pursuant to the E-FMLA.
8. E-FMLA leave is available through December 31, 2020.

D. Approval Required.

1. Employees who need leave for any of the qualifying reasons must obtain approval—in advance, where practicable—from their department head and Human Resources Department.
2. The leave may be taken in a continuous block or intermittently as necessary and upon approval by the department head and Human Resources. Intermittent leave must be taken in at least 1-hour increments.
3. All employees are expected to work flexibly and in good faith to determine the amount of leave that is reasonably needed.

E. Documentation Required

1. Employees must support leave requests with appropriate information as required by Human Resources, including the employee's name, a statement that the employee is unable to work or telework, leave dates requested, as well as the qualifying reason for leave.
2. Employees must provide documentation supporting the qualifying reason for the leave, such as a copy of the quarantine or isolation order, or written documentation from a health care provider advising self-quarantine. For employees using leave to care for a child, examples of supporting documentation include a notice posted on a government, school, or day care website, or published in a newspaper, or an email from an employee of the school, place of care, or childcare provider. Human Resources will determine adequacy of documentation.

F. Employees with Symptoms Consistent with COVID-19 may be Required to use EPSLA Leave

1. COVID-19 Symptoms. The EEOC has confirmed that employers may ask employees if they are experiencing symptoms consistent with COVID-19, including fever, chills, cough, shortness of breath, or sore throat. If the employee identifies symptoms, then the employee may be sent home and shall use Emergency Paid Sick Leave (EPSL) pursuant to this policy. The employer should advise employees who were in contact with this employee of the exposure or potential exposure. The employer should not identify the affected employee or release any additional medical information. Employees exposed to that employee where risk of infection may exist will be sent home for any imposed quarantine period. These employees shall use Emergency Paid Sick Leave (EPSL) pursuant to this policy.
2. Employee may be Required to Test or Quarantine. An employer who has objective evidence and a reasonable belief that an individual has been exposed to or infected with COVID-19 may require the employee to submit to a medical exam to determine whether they are infected with COVID-19. In lieu of requiring a medical exam, the employer can require the employee to quarantine for the 14-day quarantine period recommended by the CDC. The employer can also require the employee to tell the employer of all the employee's contacts during the previous 14-day work period. The employee shall use Emergency Paid Sick Leave (EPSL) pursuant to this policy.
3. Return to Duty. At the end of the quarantine period, an employee who appears symptom-free should be required to confirm they are not infected and are fit to return to duty. Because the health care systems are strained, if an employee has been in quarantine for 14 days and is asymptomatic, then medical documentation certifying an employee's fitness to return to work may be waived by the department head.
4. Medical Information Confidential. An employee's personal medical information, which includes a positive test for COVID-19, will not be disclosed. Any medical documentation received will be maintained as confidential and separate from the personnel file.
5. Travel: Employees are cautioned not to travel. Upon dissemination of this Policy, employees who travel may not be able to work when they return. Employees who travel may not receive authorization for leave of absence, if

applicable, from work hours if the employer is confident based on available information that such travel presents risks harmful to the organization, fellow employees, and/or the public.

G. Sources

[DOL COVID-19 and the American Workplace](#)

[DOL FFCRA Questions and Answers](#)

[FFCRA Poster](#)