
Sample
COVID-19 PAID SICK LEAVE POLICY
Pursuant to the Emergency Paid Sick Leave Act
Enacted as part of the Families First Coronavirus Response Act (“FFCRA”)

Effective Date: April 1, 2020 until December 31, 2020

Section: [insert appropriate section number]

The purpose of this Policy is to create paid sick leave for COVID-19-related absences in compliance with the Emergency Paid Sick Leave Act (“EPSLA”) which was enacted as part of the Families First Coronavirus Response Act (“FFCRA”) and to educate employees as to their eligibility for paid sick leave due to an inability to work (or telework) for COVID-19 related issues.

Eligible Employee Defined:

Only “eligible” employees may utilize paid sick leave pursuant to this Policy. Except as provided in this section, an eligible employee is any employee of [insert jurisdiction name], regardless of duration of employment. Full and part-time employees are eligible for paid sick leave pursuant to this Policy.

[Whether to exempt “Emergency Responders” from employees eligible to take the paid sick leave is a decision which must be made by each jurisdiction.]

The Act does not define “Emergency Responders.” As of the printing of this sample policy, the DOL has issued guidance on EPSLA, but did not provide a definition of the term.

The Homeland Security Act (6 U.S.C. §101) defines “emergency response providers” to include “Federal, State, and local governmental and nongovernmental emergency public safety, fire, law enforcement, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies, and authorities.”

The Homeland Security Presidential Directive HSPD-9 defines “First Responders” to include the “emergency response providers” including in the Homeland Security Act Definition “as well as emergency management, public health, clinical care, public works, and other skilled support personnel (such as equipment operators) that provide immediate support services during prevention, response, and recover operations.”

Jurisdictions who decide to exempt “Emergency Responders” should define that term in their policy. This policy limits the application to police officers, firefighters, paramedics, EMTs, dispatchers, and others included in the definition of “emergency responders,” if any created by the DOL.

Emergency responders (i.e. police officers, firefighters, paramedics, EMTs, dispatchers, and others included in the definition of “emergency responders,” if any, created by the Department of Labor pursuant to the EPSLA) are exempt from the definition of “eligible employees” and are not entitled to paid sick leave pursuant to this Policy.]

Basis for Paid Sick Leave:

An eligible employee is entitled to take paid leave pursuant to this Policy if he/she is unable to work (or telework) because:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
- (5) The employee is caring for his/her child if the school or place of care of the child has been closed, or the child care provider of such child is unavailable, due to COVID-19 precautions.
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Duration of Paid Sick Leave:

Eligible employees are entitled to the following amount of paid sick leave pursuant to this Policy:

- (1) For full-time employees: eighty (80) hours. For full-time employees who do not work standard forty (40) hour work weeks, the number of hours the employee would have worked under his/her normal schedule if leave had not been requested.
- (2) For part-time employees: a number of hours equal to the number of hours that the employee works, on average, over a two (2) week period.
 - a. If the employee has a varying schedule, the calculation of paid sick leave will be made by determining the average number of hours the employee was scheduled to work per day over the six (6) month period ending on the date on which the employee started the paid sick leave (including any hours for which the employee was on paid leave during that period).
 - b. If the employee was not employed by **[insert jurisdiction name]** for the last six (6) months, the calculation of paid sick leave will be made by determining the average number of hours per day which was reasonably expected by the employee to be his/her normal work schedule at the time of his/her hiring.
 - i. If the employee and **[insert jurisdiction name]** did not have a reasonable expectation of work hours at

the time of the employee's hiring or if the employee actually worked more than those expected hours, the calculation of paid sick leave will be made by determining the average number of hours per day the employee was scheduled to work over the entire term of his/her employment.

Rate of Pay for Paid Sick Leave:

Sick Leave Related to Employee's Own Health Condition: An employee utilizing paid sick leave pursuant to this Policy because he/she is unable to work or telework because he/she:

- (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 due to concerns related to COVID-10; or
- (3) is experiencing symptoms of COVID-19 and is seeking medical diagnosis

will be paid his/her regular rate of pay (or the applicable minimum wage, whichever is higher) with no premium for overtime hours for the sick leave utilized pursuant to this Policy.

Sick Leave Related to Employee's Need to Care for Others: An employee utilizing paid sick leave pursuant to this Policy because he/she is:

- (1) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (2) caring for an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (3) caring for his/her child whose school or place of care has been closed (or when the child care provider is unavailable) due to COVID-19 precautions; or
- (4) experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor

will be paid at two-thirds (2/3) of his/her regular rate of pay (or two-thirds (2/3) of the applicable minimum wage, whichever is higher) with no premium for overtime hours for the sick leave utilized pursuant to this Policy.

Maximum Pay Thresholds:

Sick Leave Related to Employee's Own Health Condition: If the employee takes leave related to his/her own health condition as listed above, the employee will receive maximum compensation in the amount of \$511 per day or \$5,110 in total for leave taken pursuant to this Policy.

Sick Leave Related to Employee's Need to Care for Others: If the employee takes leave related to the employee's need to care for others as listed above, the employee will receive maximum compensation in the amount of \$200 per day or \$2,000 in total for leave taken pursuant to this Policy.

Election of Qualifying Reason for Paid Sick Leave:

Pursuant to the EPSLA, employees may use the paid sick leave provided in this Policy for any combination of the qualifying reasons outlined above. However, each employee is only entitled to a maximum of two (2) weeks or ten (10) days of paid sick leave pursuant to this Policy, regardless of the number of qualifying reasons he/she may have for such leave. Employees entitled to leave under two (2) or more of the qualifying reasons outlined above will be required to designate the basis for their leave request at the time the request is made.

Sequencing of Paid Sick Leave with Other Forms of Accrued Leave:

Pursuant to the PSLA, employees must first use the paid sick leave provided by this Policy before utilizing any other type of paid leave, including leave provided by the Emergency Family Medical Leave Expansion Act (Section [\[insert section number\]](#)).

Sequencing of Paid Sick Leave and Leave Taken Pursuant to the Emergency Family and Medical Leave Expansion Act:

The paid sick leave entitlement outlined in this Policy runs concurrent with the twelve (12) week leave entitlement provided by the Emergency Family Medical Leave Expansion Act (Section [\[insert section number\]](#)). Accordingly, after the conclusion of two (2) weeks of Paid Sick Leave pursuant to this Policy, an employee who is eligible for leave pursuant to the Emergency Family and Medical Leave Expansion Act will be entitled to an additional ten (10) weeks of leave pursuant to Section [\[insert section number\]](#).

Carryover of Paid Sick Leave:

The paid sick leave entitlement outlined in this Policy is only provided for 2020 and cannot be carried over, "banked" or paid out at the end of the year or upon the termination of the employee's employment for any reason.

Notice Requirements:

Employees who wish to utilize paid sick leave pursuant to this Policy must notify [\[insert relevant job title\]](#) of their need for paid sick leave pursuant to this Policy no later than the conclusion of their first day away from work. Employees must provide information as to the specific purpose of the leave to ensure entitlement to the leave and should provide their expectation regarding the duration of the leave requested, where possible.

Anti-Discrimination; Anti-Retaliation Statement:

Employees are protected from coercion, intimidation, interference, or any form of retaliation for taking paid sick leave pursuant to this Policy or for raising a complaint or assisting in an investigation related to a violation of this Policy. Any instances of such retaliation shall be immediately reported to the [\[insert relevant job title\]](#) and will, if validated, be grounds for disciplinary action, up to and including termination.

Questions:

Employees with questions concerning the EPSLA and/or this Policy are encouraged to contact [insert relevant job title].

INTERPRETATION OF OR EXCEPTIONS TO THIS POLICY:

The [insert relevant job title] is authorized to make interpretations of this Policy. There shall be no exceptions to this Policy.