

COVID-19 Emergency Paid Leave Policy

The COVID-19 Emergency Paid Leave Policy provides all employees (both full-time and part-time) with up to ten (10) days of paid time off in addition to earned paid vacation and sick leave. The policy was established to comply with the requirements of the Families First Corona Response Act (“FFCRA”). The FFCRA expired on December 31, 2020. The Consolidated Appropriations Act (CAA), 2021, extended employer tax credits for paid sick leave and expanded family and medical leave voluntarily provided to employees until March 31, 2021. The American Rescue Plan Act (ARPA), signed into law on March 11, extends and expands the FFCRA tax credits through September 30, 2021.

It is Bay Haven Charter Academy, Inc.’s belief that in these uncertain times, we should extend Covid leave until September 30, 2021, at which time this policy terminates.

Eligibility to utilize Emergency Paid Leave

Employees who are unable to work from home and meet the following criteria will qualify for Emergency Paid Leave:

- Employees who are required or advised to quarantine or placed on home restrictions by order of a government agency or a healthcare provider, as a result of COVID-19.
- Employees who have a confirmed case of COVID-19.
- Employees who are experiencing COVID-19 symptoms (e.g., fever of 100.4 or higher, cough, shortness of breath, etc.) and seek a medical diagnosis.
- Employees who are caring for a household or family member who is required or advised to quarantine or placed on home restrictions by order of a governmental agency or healthcare provider as a result of COVID-19.
- Employees who are caring for their minor child(ren) (i.e., under the age of 18) as a result of a school or place of care closures (including the unavailability of a child care provider) as a result of COVID-19.
- The employee is getting a COVID-19 vaccine.
- The employee is recovering from complications due to receiving the vaccine.
- The employee is awaiting the results of a COVID-19 test or diagnosis for coronavirus.

These employees will receive up to 10 days of Emergency Paid Leave. The ARPA resets the 10-day limit for the tax credit for paid sick leave under FFCRA as of April 1, 2021. Any days an employee took before that date will not count toward the cap following that date. However, any unused COVID-19 leave for an employee before April 1, 2021, will not roll over and compound. Each employee resets for a cap of ten (10) days. Absences during this time will not count against Bay Haven Charter Academy, Inc.’s attendance policy.

Employees who have COVID-19 absences in excess of approved Emergency Paid Leave

If employees cannot return to work after ten days, any available personal, sick, or vacation accruals may be used to compensate employees for their additional time off.

How to request Emergency Paid Leave

To request Emergency Paid Leave, an employee must complete a [Request for Emergency Paid Sick Leave](#) and submit it to Julie Maddox, Compliance. Please note that Bay Haven Charter Academy, Inc. reserves the right to require the submission of reasonable documentation (e.g., from a health care provider, health department, school, etc.) to substantiate the request for Emergency Paid Leave.

Requirements to return to work

If you have a confirmed case of COVID-19, you must provide a work release from your health care provider or appropriate official (i.e., school nurse, Bay County Department of Health) before returning to work. Bay Haven Charter Academy, Inc. will keep all worker health-related information confidential.

If a health care provider confirms you do not have COVID-19 and recovered from your illness, please return to work as you would typically from a common illness like a cold or flu.

Expanded Emergency Family and Medical Leave

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and pay, where applicable. This policy will be in effect from April 1, 2020, until December 31, 2020. Our existing FMLA leave policy still applies to all other FMLA-qualifying reasons for leave outside of this policy. However, the CAA extended employer tax credits until September 30, 2021.

Employee Eligibility

All current employees who have been employed with Bay Haven Charter Academy, Inc. for at least 30 days and are actively scheduled for work are eligible for leave under this policy.

Reason for Leave

Eligible employees may request leave due to a need to care for their child when a school or place of care has been closed or when the regular child care provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means 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.
- 18 or older and incapable of self-care because of a mental or physical disability.

“Child care provider” means a provider who receives compensation for providing child care services regularly, including:

- A center-based child care provider.
- A group home child care provider.

- A family child care provider (one individual who provides child care services for fewer than 24 hours per day, as the sole caregiver, and in a private residence).
- Other licensed provider of childcare services for compensation.
- A childcare provider that is 18 years of age or older who provides child care services to children who are either the grandchild, great-grandchild, sibling (if such provider lives in a separate residence), niece or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020, through September 30, 2021.

For the purposes stated above, this time is included in 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 six weeks of FMLA leave, that employee would be eligible for another six weeks of FMLA leave under this policy.

Increments & Intermittent Use of Leave

Employees may take expanded FMLA leave intermittently and in any increment agreed to with their manager. For example, an employee may only need 4 hours per day of leave to care for their child or may only need to do so on Tuesdays and Thursdays. Managers and employees are expected to be flexible in scheduling wherever possible.

Pay During Leave

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

After the first ten 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. Compensation will not exceed \$12,000 in total if using emergency paid sick leave for the first two weeks. Any unused portion of this pay will not carry over to the following year.

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

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

Employees may also supplement the two-thirds pay with accrued vacation, personal or sick leave, not exceeding 100% of regular pay. For example, an employee may choose to use one-third of an hour of their accrued leave for each hour of expanded FMLA leave taken to reach 100% of standard pay per hour.

Employee Status and Benefits During Leave

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR department.

If the employee contributes to a life insurance or disability plan, the employer will continue making payroll deductions while the employee is on paid leave. During any portion of unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the employer may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the employer may discontinue coverage during the leave. If the employer maintains coverage, the employer may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

Procedure for Requesting Leave

All employees requesting FMLA leave must complete a Request for Emergency Family and Medical Leave and submit it to Ms. Maddox as soon as practicable.

Notice of the need for leave must include:

- The name and age of the child or children being care for.
- The school's name, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons.
- A statement representing that no other suitable person is available to care for the child or children during the period of requested leave. For children over the age of 14, a statement indicating the special circumstances that require the employee to provide care during daylight hours.

Based on not discriminating against employees on FMLA leave, the company may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.