



## LEAVE PLAN

### 606.17 – DISASTER LEAVE – COVID-19

**Policy Purpose:** To establish a policy that creates emergency leave benefits for absences relating to the COVID-19 public health emergency and establishes procedures for the administration of those benefits, similar to the Families First Coronavirus Response Act, which allows health care providers and emergency responders to opt out of the Act. While the District chose to opt out of the Families First Coronavirus Response Act as approved by congress, certain portions of the Act were voluntarily adopted by the District, and in some instances, the benefits were enhanced.

**Policy Coverage:** This policy is applicable to all employees, both represented and non-represented, of the East Fork Fire Protection District.

**Adopted Date:** 05/19/2020

**Revised Date:** N/A

**Policy #:** 606.17

*\*\*The procedure established in this policy will be superseded and have no effect when covered by a similar or conflicting provision in a Collective Bargaining. For detailed information, please refer to your Collective Bargaining Agreement.*

#### 1. Policy:

##### A. Effective Date

This policy is effective as of 12:01 am on April 1, 2020 and will remain in effect until December 31, 2020. It does not apply retroactively prior to April 1, 2020.

##### B. Emergency Leave Benefits

#### 1. Paid Leave For Absences Relating To The COVID-19 Public Health Emergency – Disaster Sick Leave (DSL)

Employees not able to work or telework during their assigned shift(s) or any portion thereof because of a qualifying reason related to the COVID-19 public health emergency are eligible for Disaster Sick Leave (DSL) (refer to qualifying reason list). Full-time 40-hour employees may be granted up to a maximum of 80 hours of DSL and 56-hour employees may be granted up to a maximum of 96 hours of DSL. The maximum

available DSL leave for part-time and casual employees shall be determined on a pro rata basis. In no event shall any employee receive more than his or her maximum available DSL leave; however, nothing herein restricts an employee from using other accrued paid leave (e.g., sick, vacation, compensatory time, etc.) as appropriate upon the exhaustion of DSL leave by following the appropriate policy or collective bargaining agreement related to the use of that leave.

For the purpose of this section, a “qualifying reason related to the COVID-19 public health emergency,” for which DSL leave may be granted, means the following:

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 COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. The employee is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury (note: this qualifying event is paid at 2/3 regular rate of pay)

Employees who need DSL leave for any of the above reason(s) must obtain approval—in advance, where practicable—from the Duty Chief or the Executive Office Manager. The request for DSL should be submitted in writing (e-mail is acceptable) and must explain the circumstances surrounding the need for DSL. Additional documentation may be requested to substantiate the need for leave, including a note or email from a healthcare provider justifying the need for DSL Leave. All employees are expected to work flexibly and in good faith with the East Fork Fire Protection District to determine the amount of DSL leave that is reasonably needed. Failure to do so, or failure to provide information requested by the East Fork Fire Protection District, may result in denial of DSL leave.

DSL Leave will not extend past December 31, 2020, regardless of the start date, unless approved by the District Fire Chief and ratified by the District’s Board of Directors.

Employees approved for DSL leave shall have a supervisor or Battalion Chief enter DisSL-40 (40 hours employees) or DisSL-56 (56 hours employees) leave in Telestaff for all assigned work time missed due to one of the qualifying reasons above, up to the maximum applicable to that employee (refer to DSL /DFL Chart). Employees will receive their full base rate of pay for all time on DSL leave. Use of DSL leave will not affect employee’s leave accrual calculations.

Employees approved for DSL leave are not required to:

- Use accrued paid leave (e.g., sick, vacation, compensatory time, etc.) before using DSL leave.
- Find a replacement to cover the employee's assigned work hours while on DSL leave.

## **2. Child Care Obligations Arising from the COVID-19 Public Health Emergency – Disaster Family Leave (DFL)**

The following shall be a qualifying reason for DFL leave for any East Fork Fire Protection District 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 a child under 18 years of age due to closure of school, place of child care, or the unavailability of child care provider for reasons related to COVID-19 as approved by the Executive Office Manager or the District Fire Chief.*

Employees seeking DFL leave for this reason must request approval from the Duty Chief or the Executive Office Manager in writing (e-mail is acceptable) and explain the circumstances surrounding the need for DFL leave. Additional information or documentation may be requested to determine approval.

Once approved, eligible employees may take an aggregate of 12 weeks of DFL leave until December 31, 2020. DFL Leave will not extend past December 31, 2020, regardless of the start date, unless approved by the District Fire Chief and ratified by the District's Board of Directors.

Employees approved for DFL leave shall have the Executive Office Manager enter DisFL-40 (40 hours employees) and the Battalion Chief enter DisFL-56 (56 hours employees) in Telestaff for all assigned work time missed due to child care related issues related to COVID-19, up to the maximum applicable to that employee (refer to DSL / DFL Chart). DFL leave will be paid by the District at 2/3 the employee's regular rate of pay, or hours if applicable, for a maximum of 12 weeks. The employee may supplement this with accrued sick, vacation, compensatory time, or administrative leave up to the employee's full base pay.

### **C. Anti-Retaliation**

No officer or employee of the East Fork Fire Protection District shall retaliate against any other person who in good faith pursues any benefits created under this emergency leave policy. Any such retaliation must be immediately reported to the Executive Office Manager or District Fire Chief. In the event retaliation is substantiated, the offending officer or employee will be subject to disciplinary action.

### **D. Abuse of DSL or DFL.**

Nothing herein prohibits the East Fork Fire Protection District from taking adverse action against an employee who does not provide truthful information or does not pursue these

benefits in good faith. The East Fork Fire Protection District operates numerous essential services, and it is imperative that employees use this benefit appropriately and responsibly.

**E. Reservations of Right, and Construction with Other Laws, Policies, and Collective Bargaining Agreements**

The East Fork Fire Protection District Board reserves the right to amend or terminate this emergency leave policy at any time. Except as explicitly stated herein, nothing in this emergency leave policy is intended to alter any procedural or substantive right afforded to employees or management under any other applicable law, policy, or collective bargaining agreement.

**DISASTER SICK LEAVE (DSL)/DISASTER FAMILY LEAVE (DFL) CHART**

	<b>REASON FOR ABSENCE</b>	<b>DISASTER LEAVE BENEFIT</b>
1	Employee subject to quarantine or isolation order	80 hours paid leave, (40 Hour Employees) 96 hours paid leave(56 Hour Employees)
2	Employee advised by health care provider to self-quarantine	80 hours paid leave (40 Hour Employees) 96 hours paid leave (56 Hour Employees)
3	Employee experiencing COVID-19 symptoms and seeking medical diagnosis	80 hours paid leave (40 Hour Employees) 96 hours paid leave (56 Hour Employees)
4	Employee caring for an individual subject to an order described in (1) or self-quarantine described in (2)	80 hours paid leave (40 Hour Employees) 96 hours paid leave (56 Hour Employees)
5	Employee caring for minor child whose school or place of care is closed due to COVID	12 weeks of leave at 2/3 regular rate of pay.
6	Employee experiencing substantially-similar condition as specified by applicable authorities	80 hours paid leave at 2/3 regular rate of pay (40 Hour Employees) 96 hours paid leave at 2/3 regular rate of pay (56 Hour Employees)

RESPONSIBILITY FOR REVIEW: The District Fire Chief, or his designee and/or the Executive Office Manager, or his/her designee will review this policy every 3 years or sooner as necessary.