

3.32.1—LICENSED PERSONNEL COVID EMERGENCY LEAVE

~~In accordance with Commissioner's Memo COM-21-014,~~ The District provides up to an additional ten¹ (10) days of paid leave for its employees who meet both of the following requirements:

1. ~~The employee is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:²~~
 - a. Is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:
 - i. Testing positive for COVID-19;
 - ii. Experiencing COVID-19 symptoms and seeking a medical diagnosis; or
 - iii. Is a probable close contact or close contact.; ~~and~~ or
 - b. Needs to care for a dependent who is subject to a quarantine or isolation order; and
2. The employee's job duties are not able to be performed remotely.

The employee is responsible for providing the District proof that the employee or the employee's dependent has received a quarantine or isolation order. The proof may be in any of the following forms, as applicable:

- A positive test result;
- Proof of receipt of a PCR test;
- A written quarantine or isolation order from the employee's or the employee's dependent's treating physician, the ADH, or the District's Point Of Contact (POC); or
- Written notification of close contact or potential close contact status from ADH, the District POC, or another district's POC if the close contact is from another district.

In addition to other appropriate documentation, employees who intend to take leave under this policy due to the need to care for a dependent must submit a written statement indicating the relationship with the dependent, the dependent's age, and that the employee is the only individual capable of caring for the dependent.

Any employee qualifying for paid leave under this policy must also provide a written statement indicating they have been ordered to quarantine or isolate under one of the provisions of this policy and are therefore requesting the district apply up to 10 days of paid leave from the ESSERII funds. This written and signed statement shall be signed and dated by the employee and must be scanned and emailed to the district office along with scanned copies of the qualifying documentation listed in this policy.

Employees should NOT assume COVID leave is automatically applied in the event of quarantine or isolation. Employees MUST provide the required documentation including the written request for COVID leave in order for this policy to apply.

Upon notification that an employee has received a quarantine or isolation order, The District shall review whether the employee has applicable leave remaining under the Families First Coronavirus Response Act (FFCRA) and this policy.

- If an employee has applicable leave under the FFCRA and this policy:
 - ~~The District shall ask the employee if the employee wishes to use the applicable FFCRA leave or the COVID Emergency Leave first;~~
 - The District shall use available leave under the FFCRA first if the employee is unable or unwilling to make an alternative selection;

- The District shall use the employee's available FFCRA leave selection until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's selected FFCRA leave;
- The District shall automatically switch the employee to ~~the other form of use leave under this policy~~, if available,² should the employee's quarantine or isolation order last longer than the employee's selected FFCRA leave; and
- The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA or this policy.
- If an employee has applicable leave under the FFCRA or this policy but not both:
 - The District shall use the employee's available leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's available leave; and
 - The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA or this policy.
- If an employee has no leave remaining under this policy or applicable leave under the FFCRA, then the District shall use another form of applicable District provided paid leave, if available.

An employee who receives COVID Emergency Leave shall be paid the employee's full daily rate of pay for up to ten¹ (10) days. The ten¹ (10) days of COVID Emergency Leave may, but is not required to, run consecutively. An employee shall not have days charged against the number the employee is eligible for under this policy for days when the employee is not expected to perform duties, such as holidays.³ The ten¹ (10) days of paid leave provided under this policy shall be used for eligible leave before other forms of District provided paid leave are used, including sick leave, personal leave, and vacation.

~~An employee shall not be eligible to receive the ten¹ (10) days of paid leave under this policy due to:⁴~~

- ~~○ The need to care for another individual due to the individual's positive COVID test, quarantine order, or isolation order; or~~
- ~~○ The closure of the school or place of care of the employee's child.~~

~~An employee's eligibility to receive paid leave under this policy expires on June 30, 2021. the earlier of:~~

- ~~a. Governor Hutchinson or the Arkansas General Assembly declares an end to the COVID-19 state of emergency; or~~
- ~~b. The expiration of the FFCRA or the expiration of the subsequent Federal Act, if any, extending the provisions of the FFCRA.~~

Notes: ¹ The funding provided by Commissioner's Memo COM-21-014 is based on the same amount of paid leave requirement under subdivision E of the FFCRA, which is titled the "Emergency Paid Sick Leave Act". Districts who are on a four-day school week schedule may change this to be nine (9) days instead of ten (10). If the district chooses to continue to provide the tenth (10th) day, the district would have to use funds other than those provided through Commissioner's Memo COM-21-014 to cover the final day of leave. expired on December 18, 2020; however, DESE has authorized districts to continue providing the leave but districts will be required to use local or Federal funds to cover the leave. This policy shall be applied retroactively to January 01, 2021. This policy shall be available to all district employees regardless of any paid leave received under the now expired policies from DESE.

~~³ While an order from ADH may be for any of these reasons, an order from a medical professional may only be used for items i or ii and a district order may only be for item iii to be reimbursable.~~

~~² If you choose to reset the number of days your employees have available under this policy, remove this clause.~~

~~³ AN employee's quarantine or isolation period may fall at such a time period that part of the quarantine or isolation period is on days when the school would ordinarily be closed for paid holidays. The remaining COVID Emergency Leave days that were not used due to the holiday would continue to be available should the employee be ordered into another quarantine or to isolate unless one of the Policy's sunset provisions was triggered before the new quarantine or isolation order.~~

~~⁴ These categories are were not covered by Commissioner's Memo COM-21-014. There are some Federal paid leave requirements for these categories under the Emergency Paid Sick Leave Act. A qualifying employee must receive the lesser of two hundred dollars (\$200) or two thirds (2/3) of the employee's regular rate of pay per day until the earlier of either the employee is able to return to work or the employee's FMLA leave is exhausted. A district may require, which ASBA model FMLA Policy 3.32 does in the policy's default language, that an employee use their accumulated leave as necessary to bring their pay up to their full daily rate of pay for these absences.~~

Cross References: 3.8—LICENSED PERSONNEL SICK LEAVE
 3.11—LICENSED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE
 3.32—LICENSED PERSONNEL FAMILY MEDICAL LEAVE ACT

Legal References: Commissioner's Memo COM-21-014~~6~~1
 29 C.F.R. Part 826

Date Adopted:
Last Revised:

8.23.1—CLASSIFIED PERSONNEL COVID EMERGENCY LEAVE

~~In accordance with Commissioner's Memo COM-21-014,~~ The District provides up to an additional ten¹ (10) days of paid leave for its employees who meet both of the following requirements:

1. The employee: ~~is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:²~~
 - a. Is ordered by the District, a medical professional, or the Arkansas Department of Health (ADH) to quarantine or isolate due to COVID-19 for one of the following reasons:
 - i. Testing positive for COVID-19;
 - ii. Experiencing COVID-19 symptoms and seeking a medical diagnosis; or
 - iii. Is a probable close contact or close contact.; ~~and~~ or
 - b. Needs to care for a dependent who is subject to a quarantine or isolation order; and
2. The employee's job duties are not able to be performed remotely.

The employee is responsible for providing the District proof that the employee or the employee's dependent has received a quarantine or isolation order. The proof may be in any of the following forms, as applicable:

- A positive test result;
- Proof of receipt of a PCR test;
- A written quarantine or isolation order from the employee's or the employee's dependent's treating physician, the ADH, or the District's Point Of Contact (POC); or
- Written notification of close contact or potential close contact status from ADH, the District POC, or another district's POC if the close contact is from another district.

In addition to other appropriate documentation, employees who intend to take leave under this policy due to the need to care for a dependent must submit a written statement indicating the relationship with the dependent, the dependent's age, and that the employee is the only individual capable of caring for the dependent.

Any employee qualifying for paid leave under this policy must also provide a written statement indicating they have been ordered to quarantine or isolate under one of the provisions of this policy and are therefore requesting the district apply up to 10 days of paid leave from the ESSERII funds. This written and signed statement shall be signed and dated by the employee and must be scanned and emailed to the district office along with scanned copies of the qualifying documentation listed in this policy.

Employees should NOT assume COVID leave is automatically applied in the event of quarantine or isolation. Employees MUST provide the required documentation including the written request for COVID leave in order for this policy to apply.

Upon notification that an employee has received a quarantine or isolation order, The District shall review whether the employee has applicable leave remaining under the Families First Coronavirus Response Act (FFCRA) and this policy.

- If an employee has applicable leave under the FFCRA and this policy:
 - ~~The District shall ask the employee if the employee wishes to use the applicable FFCRA leave or the COVID Emergency Leave first;~~

- The District shall use available leave under the FFCRA first if the employee is unable or unwilling to make an alternative selection;
- The District shall use the employee's available FFCRA leave selection until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's selected FFCRA leave;
- The District shall automatically switch the employee to the other form of use leave under this policy, if available,² should the employee's quarantine or isolation order last longer than the employee's selected FFCRA leave; and
- The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA or this policy.
- If an employee has applicable leave under the FFCRA or this policy but not both:
 - The District shall use the employee's available leave until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's available leave; and
 - The District shall automatically switch the employee to another form of applicable District provided paid leave, if available, should the employee's quarantine or isolation order last longer than the employee's available leave under the FFCRA or this policy.
- If an employee has no leave remaining under this policy or applicable leave under the FFCRA, then the District shall use another form of applicable District provided paid leave, if available.

An employee who receives COVID Emergency Leave shall be paid the employee's full daily rate of pay for up to ten¹ (10) days. The ten¹ (10) days of COVID Emergency Leave may, but is not required to, run consecutively. An employee shall not have days charged against the number the employee is eligible for under this policy for days when the employee is not expected to perform duties, such as holidays.³ The ten¹ (10) days of paid leave provided under this policy shall be used for eligible leave before other forms of District provided paid leave are used, including sick leave, personal leave, and vacation.

An employee shall not be eligible to receive the ten¹ (10) days of paid leave under this policy due to:⁴

- ~~The need to care for another individual due to the individual's positive COVID test, quarantine order, or isolation order; or~~
- ~~The closure of the school or place of care of the employee's child.~~

An employee's eligibility to receive paid leave under this policy expires on June 30, 2021, the earlier of:

- a. ~~Governor Hutchinson or the Arkansas General Assembly declares an end to the COVID-19 state of emergency; or~~
- b. ~~The expiration of the FFCRA or the expiration of the subsequent Federal Act, if any, extending the provisions of the FFCRA.~~

Notes: ¹ The funding provided by Commissioner's Memo COM-21-014 is based on the same amount of paid leave requirement under subdivision E of the FFCRA, which is titled the "Emergency Paid Sick Leave Act". Districts who are on a four day school week schedule may change this to be nine (9) days instead of ten (10). If the district chooses to continue to provide the tenth (10th) day, the district would have to use funds other than those provided through Commissioner's Memo COM-21-014 to cover the final day of leave. expired on December 18, 2020; however, DESE has authorized districts to continue providing the leave but districts will be required to use local or Federal funds to cover the leave. This

policy shall be applied retroactively to January 01, 2021. This policy shall be available to all district employees regardless of any paid leave received under the now expired policies from DESE.

² ~~While an order from ADH may be for any of these reasons, an order from a medical professional may only be used for items i or ii and a district order may only be for item iii to be reimbursable.~~

² If you choose to reset the number of days your employees have available under this policy, remove this clause.

³ AN employee's quarantine or isolation period may fall at such a time period that part of the quarantine or isolation period is on days when the school would ordinarily be closed for paid holidays. The remaining COVID Emergency Leave days that were not used due to the holiday would continue to be available should the employee be ordered into another quarantine or to isolate unless one of the Policy's sunset provisions was triggered before the new quarantine or isolation order.

⁴ ~~These categories are were not covered by Commissioner's Memo COM-21-014. There are some Federal paid leave requirements for these categories under the Emergency Paid Sick Leave Act. A qualifying employee must receive the lesser of two hundred dollars (\$200) or two thirds (2/3) of the employee's regular rate of pay per day until the earlier of either the employee is able to return to work or the employee's FMLA leave is exhausted. A district may require, which ASBA model FMLA Policy 3.32 does in the policy's default language, that an employee use their accumulated leave as necessary to bring their pay up to their full daily rate of pay for these absences.~~

Cross References: 8.5—CLASSIFIED PERSONNEL SICK LEAVE
 8.7—CLASSIFIED PERSONNEL PERSONAL AND PROFESSIONAL LEAVE
 8.23—CLASSIFIED PERSONNEL FAMILY MEDICAL LEAVE ACT

Legal References: Commissioner's Memo COM-21-01461
 29 C.F.R. Part 826

Date Adopted:

Last Revised: