### 3.32.1—LICENSED PERSONNEL COVID EMERGENCY LEAVE

In accordance with Commissioner's Memo COM-21-014, the District provides up to an additional ten[1] (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]
   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
2. The employee's job duties are not able to be performed remotely.

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 leave selection until the earlier of the expiration of the quarantine or isolation order or the exhaustion of the employee's selected leave;
  · The District shall automatically switch the employee to the other form of leave, if available, should the employee's quarantine or isolation order last longer than the employee's selected 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 ten[1] (10) days. The ten[1] (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 ten[1] (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 ten[1] (10) days of paid leave under this policy due to:[4]

o        The need to care for another individual due to the individual's positive COVID test, quarantine order, or isolation order; or
o        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 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 Federl 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.

[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.

[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 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