



St. Johns County Board of County Commissioners

Title: Family and Medical Leave Expansion and Emergency Paid Sick Leave Policy Regarding COVID-19

Issue Date: April 1, 2020

Purpose: To ensure compliance with the Families First Coronavirus Response Act (“FFCRA”) and to assist St. Johns County Board of County Commissioners’ (the “Board”) employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. To also establish a separate paid sick leave for Board employees considered Emergency Responders (defined below).

Policy: Requests for expanded family and medical leave, paid sick leave, and paid sick leave for Emergency Responders associated with COVID-19 shall be handled in accordance with this Policy. In accordance with the FFCRA, the County has excluded Emergency Responders from the Emergency Family and Medical Leave Expansion Act and Emergency Paid Sick Leave Act provisions of the FFCRA, but has provided in this Policy for similar paid sick leave for those Emergency Responders who meet certain qualifying reasons. This Policy is subject to modification and clarification due to the unique and changing nature of the current public health emergency. This Policy is intended to comply with the FFCRA and any provisions in conflict shall be construed and applied appropriately to comply with the FFCRA.

Defined Terms:

For purposes of this Policy the following words or phrases will have the following definitions:

- A. *Board* means the St. Johns County Board of County Commissioners.
- B. *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 (1) under 18 years of age; or (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.
- C. *Childcare Provider* means a provider who receives compensation for providing childcare services on a regular basis, including: (1) a center based childcare provider; (2) a group home childcare provider; (3) a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregivers, and in a private residence); (4) other licensed provider of childcare services for compensation; (5) a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.
- D. *Emergency Responder* is defined as anyone necessary for the provision of transport, care,

healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. See **Exhibit A**, attached hereto, for a list of Board job classifications considered Emergency Responders.

- E. *Families First Coronavirus Response Act* or the *FFCRA* including the Emergency Paid Sick Leave Act and the Family and Medical Leave Expansion Act.
- F. *FMLA* means the Family and Medical Leave Act of 1993, 29 USC Chapter 28.
- G. *Health Care Provider* has the same meaning as defined in the FMLA.
- H. *School* means an elementary or secondary school.
- I. *Telework* means work the County allows an employee to perform while at home or at a location other than the employee's normal workplace. Telework is work for which normal wages must be paid and is not compensated under paid leave provisions of the FFCRA.
- J. *Unable to work* means the County has work for the employee to perform and one of the qualifying reasons set forth below prevents an employee from being able to perform that work, either under normal circumstances at the employee's normal worksite or by means of Telework.

Procedure:

I. Expanded FMLA Leave

A. Employee Eligibility:

All full time and part-time Board employees who have been employed with St. Johns County (the "County") for at least 30 days prior to using the expanded FMLA leave, are considered Expanded FMLA Leave (EFMLA) Eligible Employees. Emergency Responders, as defined above, are exempt from EFMLA.

B. Qualifying Reasons:

EFMLA Eligible Employees, as described above, who are unable to work or telework due to a need to care for their child when the school or place of care has

been closed, or the regular childcare provider is unavailable due to a public health emergency associated with COVID-19.

C. Duration of Leave:

EFMLA Eligible Employees as described above will have up to 12 weeks of leave to use from April 1, 2020, through December 31, 2020, for the qualifying reason 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:

1. If an EFMLA Eligible Employee has already taken six weeks of FMLA leave pursuant to Section 408.1 of the Administrative Code, that employee would only be eligible for six additional weeks of FMLA leave pursuant to this Policy, and not an additional 12 weeks of expanded FMLA leave.
2. If an EFMLA Eligible Employee has already taken 12 weeks of FMLA leave pursuant to Section 408.1 of the Administrative Code, that employee would not be eligible for any additional expanded FMLA pursuant to this Policy.

D. Leave Entitlement:

An EFMLA Eligible Employee may take this expanded FMLA leave consecutively or intermittently.

For example:

1. If an employee's child is at home because their school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, the employee may take expanded FMLA leave on Mondays, Wednesdays, and Fridays to care for their child, but work at their normal worksite or telework on Tuesdays and Thursdays, provided that the Department Director agrees to this intermittent leave schedule.
2. If an employee's child is at home because their school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, the employee may take expanded FMLA leave for the hours each day they are unable to work or telework to care for their child, provided that the Department Director agrees to this intermittent leave schedule.

E. Pay During Leave:

This expanded FMLA will be unpaid for the first two weeks of leave; however, an EFMLA Eligible Employee may use any accrued paid vacation or sick leave during this time period. The EFMLA Eligible Employee may also elect to use the

paid sick leave provided under the Emergency Paid Sick Leave (as detailed in Section II below).

After the first 10 days, leave will be paid at two-thirds of the EFMLA Eligible Employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work during this leave. Pay will not exceed \$200 per day, and \$10,000 in total. Any unused portion of this expanded FMLA will not carry over to the next calendar year.

EFMLA Eligible Employees may use any accrued leave to supplement the amount the employee receives up to the employee's normal earnings for the remaining 10 weeks of leave.

F. Employee Status and Benefits during Leave:

When an EFMLA Eligible Employee is on leave, the County will continue the employee's group health insurance coverage and payments of the County's portion of the premium under the same terms that the coverage would have been provided had the employee not taken the leave. The EFMLA Eligible Employee is responsible for payments for the employee's portion of group insurance payments under the same terms that the coverage would have been provided had the employee not taken the leave. If the EFMLA Eligible Employee voluntarily fails to return to work after the approved leave has expired, the employee will be required to reimburse the County for its portion of all of the group insurance premiums paid on the employee's behalf during the unpaid portion of leave.

G. Procedure for Requesting Leave:

All EFMLA Eligible Employees requesting expanded FMLA leave must provide written notice (using EFMLA/EPFL approved form), where possible, of the need for leave to the Personnel Services Department as soon as possible. Verbal notice will otherwise be accepted until written request can be provided. The notice provided by the employee must include a brief statement as to the reason for leave, and if possible, the expected duration. Within five business days after the EFMLA Eligible Employee has provided this notice, the Personnel Services Department will complete and provide the employee with any Department of Labor required notices.

The County may require an EFMLA Eligible Employee on expanded FMLA pursuant to this Policy to report periodically on the employee's status and intent to return to work.

H. Employee Status After Leave:

Generally, an EFMLA Eligible Employee who takes expanded FMLA leave will be able to return to the same position or to a position with equivalent status, pay,

benefits and other employment terms.

II. Emergency Paid Sick Leave

A. Employee Eligibility:

All full and part-time Board employees, unable to work or telework due to one of the qualifying reasons listed below are Emergency Paid Sick Leave Eligible Employees (“EPSL Eligible Employees”). Emergency Responders, as defined above, are exempt from Emergency Paid Sick Leave.

B. Qualifying Reasons:

EPSL Eligible Employees may use the emergency paid sick leave from the Emergency Paid Sick Leave Act for one or more of the following reasons:

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 either number 1 or 2 in this section;
5. The employee is caring for their child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar conditions specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

C. Amount of Paid Sick Leave:

All EPSL Eligible Employees working full-time will have up to 80 hours of paid sick leave available to use for the qualifying reasons listed above. EPSL Eligible Employees working part-time are entitled to the number of hours worked, on average, over a two-week period.

D. Rate of Pay:

This emergency paid sick leave will be paid at an EPSL Eligible Employees’ regular rate of pay, or the minimum wage, whichever is greater, for leave taken for reasons #1-3 in the qualifying reasons listed above. EPSL Eligible Employees taking leave for reasons #4-6 in the qualifying reasons listed above will be compensated at

two-thirds their regular rate of pay, or the minimum wage, whichever is greater. Pay will not exceed:

1. \$511 per day and \$5,110 in total per employee for leave taken for reasons 1-3 in qualifying reasons listed above; or
2. \$200 per day and \$2,000 in total per employee for leave taken for reasons 4-6 in qualifying reasons listed above.

E. Interaction with other Paid Leave:

EPSL Eligible Employees may elect to use Emergency Paid Sick Leave under this Policy before using any other accrued paid time off for any qualifying reason stated above.

EFMLA Eligible Employees on expanded FMLA leave under this Policy, who are also EPSL Eligible Employees, may use emergency paid sick leave during the first 10 days of the unpaid expanded FMLA leave.

EPSL Eligible Employees may elect to use any other accrued paid time off to supplement the amount the employee receives up to the employee's normal earnings for qualifying reasons #4-6 above.

F. Intermittent Leave

This Emergency Paid Sick Leave may be taken intermittently for any of the qualifying reasons in this Section until the EPSL Eligible Employee has (1) used the full amount of the Emergency Paid Sick Leave; or (2) no longer has a qualifying reason for taking Emergency Paid Sick Leave.

G. Procedure for Requesting Leave:

EPSL Eligible Employees must notify their supervisor and the Personnel Services Department of the need for leave and the specific reason for leave under this Policy. Verbal notification will be accepted until practicable to provide written notice using the EFMLA and EPSL form approved.

Once Emergency Paid Sick Leave has begun, the employee and their supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to use this leave.

H. Carryover:

Emergency Paid Sick Leave under this Policy will not be provided beyond December 31, 2020. Any unused Emergency Paid Sick Leave will not carry over to the next calendar year nor will it be paid out to the employee.

I. Return to Work

If an EPSL Eligible Employee qualifies for Emergency Paid Sick Leave under qualifying reasons listed in Section II. (B) #2, 3, 6 listed above, the employee may be required to provide a fitness-for-duty from the employee's treating health care provider prior to resuming work.

J. Job-Protections:

No employee who appropriately uses this Emergency Paid Sick Leave under this Policy will be discharged, disciplined or discriminated against for work time missed due to using this leave.

III. Emergency Paid Sick Leave for Emergency Responders

A. Employee Eligibility:

All full and part-time Emergency Responders who are unable to work due to one of the qualifying reasons listed below are eligible employees for Emergency Paid Sick Leave for Emergency Responders and considered Emergency Responders Eligible Employees. Pursuant to Section 3105 and Section 5102 of the FFCRA, the County has excluded Emergency Responders from Section I (Emergency Family and Medical Leave Expansion Act) and II (Emergency Paid Sick Leave Act) above.

B. Qualifying Reasons:

An Emergency Responders Eligible Employee may use the Emergency Responder Emergency Paid Sick Leave described below for one of the following reasons:

1. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
2. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
3. The employee is caring for an immediate family member who resides with the employee and who is subject to number 1 in this section;
4. The employee is caring for their child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions

C. Amount of Paid Sick Leave:

1. Emergency Responders in Fire Rescue:

All Emergency Responders Eligible Employees employed within the St. Johns County Fire Rescue Department who usually work a 24/48 schedule will have up to 112 hours of paid sick leave available to use for one of the qualifying reasons above. All

Emergency Responders Eligible Employees employed within the St. Johns County Fire Rescue Department who usually work a 40 hour week will have up to 80 hours of emergency paid sick leave available to use for one of the qualifying reasons above. The intention of this provision is to provide the employee with the equivalent of the average of two weeks of paid sick leave for one of the qualifying reasons above.

2. Emergency Responders in Departments other than Fire Rescue:

All Emergency Responders Eligible Employees employed in a County Department other than Fire Rescue will have up to 80 hours of emergency paid sick leave available to use for the qualifying reasons listed above. Part-time Emergency Responders Eligible Employees employed in a County Department other than Fire Rescue will be entitled to the number of hours worked, on average, over a two-week period.

D. Rate of Pay:

This emergency paid sick leave will be paid at an Emergency Responders Eligible Employees' regular rate of pay, or the County's minimum wage, whichever is greater, for leave taken for reasons 1 and 2 in the qualifying reasons listed above. Emergency Responders Eligible Employees taking leave for reason 3 and 4 in the qualifying reasons listed above will be compensated at two-thirds their regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed:

- A. \$511 per day and \$5,110 in total per employee for leave taken for reasons 1 and 2 in qualifying reasons listed above; or
- B. \$200 per day and \$2,000 in total per employee for leave taken for reason 3 and 4 in qualifying reasons listed above.

E. Interaction with other Paid Leave:

Emergency Responders Eligible Employees may elect to use emergency paid sick leave under this Policy before using any other accrued paid time off for the qualifying reasons stated above in Section III (B). Emergency Responder Eligible Employees may elect to use any other accrued paid time off to supplement the amount the employee receives up to the employee's normal earnings, excluding overtime hours.

F. Intermittent Leave:

This emergency paid sick leave may be taken intermittently for any of the qualifying reasons in this Section until the Emergency Responder Eligible Employee has (1) used the full amount of the emergency paid sick leave; or (2) no longer has a qualifying reason for taking emergency paid sick leave.

G. Procedure for Requesting Leave:

Emergency Responders Eligible Employees must notify their supervisor and the Personnel Services Department of the need for leave and specific reason for leave under this Policy. Verbal notification will be accepted until practicable to provide written notice using the emergency paid sick leave form approved (using EFMLA/EPFL approved form).

Once emergency paid sick leave has begun, the employee and their supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to use this emergency paid sick leave.

H. Carryover:

Emergency paid leave under this Section III will not be provided beyond December 31, 2020. Any unused emergency paid sick leave will not carry over to the next calendar year, nor will it be paid out to any employee.

I. Return to Work

If an Emergency Responders Eligible Employees qualifies for emergency paid sick leave under any of the qualifying reasons listed above, the employee may be required to provide a fitness-for-duty report from the employee's treating health care provider prior to returning to work.

Hunter S. Conrad

Hunter S. Conrad
County Administrator

EXHIBIT A: Exempted Postions
 Family and Medical Leave Expansion and Emergency Paid Sick Leave Policy Regarding COVID-19
 This list is subject to change.

Division	Classification	
Emergency Management	ADMINISTRATIVE ASSISTANT	
	DEPUTY EMERGENCY MGMT DIR	
	EMERGENCY MANAGEMENT DIR	
	EMERGENCY MGMT PLANNER	
	EMERGENCY MGNT COORD	
Facilities Management	ADMIN COORDINATOR	
	ADMINISTRATIVE MANAGER	
	BLDG MAINTENANCE ENGINEER	
	BUILDING MAINT SUPT	
	BLDG OPRATONS SPRINTENDNT	
	CUSTODIAL SERVICES SUP	
	CUSTODIAN	
	ELECTRICIAN II	Sheriff's Complex only
	ELECTRICIAN III	
	FACILITIES MANAGEMENT DIR	
	HVAC I	
	HVAC TECH II	
	HVAC TECH II	
	HVAC TECH III	
	LIFE SAFETY/ACCESS TECH	
	LICENSED FM SUPERVISOR	
	MAINT TECHNICIAN III	
	MAINT TECHNICIAN III	
	MAINTENANCE TECHNICIAN	
	MAINTENANCE TECHNICIAN II	
	PLUMBER III	
	PROJECT SPECIALIST	
	PROPERTY MANAGER	Judicial/Admin only
UNLIC FAC MAINT SPVSR		
Fire Rescue	ADMIN COORDINATOR	
	ADMINISTRATIVE ASSISTANT	
	AED TRAINING COORD	
	ANIMAL CARE TECH P/T	
	ANIMAL CARE TECHNICIAN	
	ANIMAL CONTROL MANAGER	
	ANIMAL CONTROL OFFICER	
	ASSIST ANIMAL CONTROL MGR	
	ASSOCIATE MEDICAL DIR	
	ASST COMM/EMD MANAGER	
	BATTALION CHIEF	
	BATTALION CHIEF-40 HR	

EXHIBIT A: Exempted Postions
 Family and Medical Leave Expansion and Emergency Paid Sick Leave Policy Regarding COVID-19
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	CAPTAIN - 40 HR	
	CERT FIRE INSPECTOR	
	COMM OFFICER P/T	
	COMM OFFICER TRAINEE	
	COMMUNICATION EMD MANAGER	
	COMMUNICATIONS OFFICER	
	COMMUNICATIONS SHIFT SUPV	
	DEPUTY CHIEF FIRE RESCUE	
	EMS BILLING COORDINATOR	
	EMS BILLING TECHNICIAN	
	EMS MEDICAL DIRECTOR	
	FIRE CHIEF - SPEC PROJ	
	FIRE INSP SUPERVISOR	
	FIRE INSPECTOR	
	FIRE LOGISTICS COORDINATR	
	FIRE LOGISTIX COORD FLEET	
	FIRE PLANS EXAMINER	
	FIRE PLANS REVIEW SUPVR	
	FIRE RESCUE CAPTAIN	
	FIRE RESCUE CHIEF	
	FIRE RESCUE ENGINEER 112	
	FIRE RESCUE ENGINEER 80	
	FIRE RESCUE LIEUTENANT 80	
	FIRE RESCUE LIEUTENANT112	
	FIREFIGHTER/EMT 112 HRS	
	LOGISTICS TECHNICIAN	
	MARINE RESCUE FF ENG	
	MARINE RESCUE FF LT	
	MECHANIC II	
	OFFICE SPECIALIST	
	RADIO SYSTEMS MANAGER	
	SYSTEMS SUPPORT TECH	
	VETERINARY TECHNICIAN	
Health and Human Services	BEHAV HEALTH COORDINATOR	
	CASE MANAGER	
	CASE MANAGER SUPERVISOR	
	CERT QUALITY SVCS SPEC	
	FEDERAL FUNDING SPEC	
	HEALTH & HUMAN SERVC DIR	
	PLACEMENT COORDINATOR	
	PROGRAM MANAGER	
	QUALITY SERVICE SUPERVISR	
	SENIOR CASE MANAGER	

EXHIBIT A: Exempted Postions
 Family and Medical Leave Expansion and Emergency Paid Sick Leave Policy Regarding COVID-19
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Medical Examiner	ADMIN COORDINATOR	
	ADMINISTRATIVE ASSISTANT	
	ASSOCIATE MEDICAL EXAMINR	
	CHIEF MEDICAL EXAMINER	
	FORENSIC INVESTIGATOR	
	FORENSIC OPS COORDINATOR	
	FORENSICS TECHNICIAN	
Utility Department	ADMIN COORDINATOR	
	ADMINISTRATIVE ASSISTANT	
	ASST UTIL DIR, ENG/OPS	
	ASST UTILITY DIRECTOR	
	BILLING TECH	
	BUYER	
	CUSTOMER SERVICE MANAGER	
	CUSTOMER SERVICE SUPERVSR	
	DIS SYS SUPPORT SPEC II	
	DISTR SYS OPERATOR III	
	DISTRIBUTION SYSTEM COORD	
	ELECTRICIAN III	
	ENVIRONMENTAL MANAGER	
	FIELD SERVICES SPECIALIST	
	INFO SYSTEMS MANAGER	
	INSTRUMENT & CTRL TECH	
	LAB ANALYST	
	LABORATORY SUPERVISOR	
	LD OPERATOR-WASTEWATER B	
	LD UTILITY MAINT TECH	
	LEAD DIST SYS OPERATOR I	
	LEAD DIST SYS OPERATOR II	
	LEAD OPERATOR - WATER A	
	LEAD OPERATOR - WATER C	
	LEAD OPERATR-WASTEWATER C	
	LEAD OPRATR WASTEWATER A	
	METER & BACKFLOW SUPERVSR	
	METER TECHNICIAN	
	OFFICE SPECIALIST	
	PRINCIPAL ADMIN ANALYST	
	RECLAIMED WATER COORD	
	RECLAIMED WATER TECH	
	SCADA MANAGER	
	SCADA TECHNICIAN	
	SENIOR LAB ANALYST	
	SR SCADA TECHNICIAN	
	SR SYSTEMS SUPPORT TECH	

EXHIBIT A: Exempted Postions
 Family and Medical Leave Expansion and Emergency Paid Sick Leave Policy Regarding COVID-19
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	SR UTIL SYS SUPPORT TECH	
	SYSTEMS SUPPORT TECH	
	UTIL MAINT TECH TRAINEE	
	UTILITIES DIRECTOR	
	UTILITY MAINT COORDINATOR	
	UTILITY MAINTENANCE SUPVR	
	UTILITY MAINTENANCE TECH	
	WASTEWATER DIVISION MGR	
	WATER DIVISION MANAGER	
	WT PLANT OPERATOR B	
	WT PLANT OPERATOR C	
	WT PLANT OPERATOR TRAINEE	
	WTP OPERATIONS SUPERVISOR	
	WWT PLANT OPERATOR A	
	WWT PLANT OPERATOR B	
	WWT PLANT OPERATOR C	
	WWT PLANT OPERATR TRAINEE	
	WWT SUPERVISOR	