

## Subdivision X. – Families First Coronavirus Response Act

### Sec. 82-647. - Purpose.

- (a) This Subdivision has been adopted to comply with the Families First Coronavirus Response Act (FFCRA) signed into law on March 18, 2020. This Subdivision is effective from April 1, 2020 to December 31, 2020.
- (b) This policy establishes guidelines for the use of leave provided pursuant to the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act.

### Sec. 82-648.-Definitions

- (a) *Child Care Provider*-A provider who receives compensation for providing child care services on a regular basis.
- (b) *COVID -19* - A disease caused by a strain of coronavirus that was discovered in 2019.
- (c) *COVID-19 Emergency Leave* –Paid leave available for employees to use for certain reasons related to COVID-19.
- (d) *COVID-19 FMLA Leave* – FMLA leave when an employee is unable to work (or telework) due to the need for leave to care for a son or daughter under 18 years of age because a school or place of care has been closed or the child care provider is unavailable due to a Public Health Emergency.
- (e) *Emergency Responder*-An employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19, such as law enforcement officers, correctional institution personnel, fire fighters, physicians, nurses, public health personnel, emergency management personnel, 911 operators, public works personnel, and persons with 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. Emergency responders are employees reporting to certain Dallas County departments, including but not limited to: Marshal Service/Building Security, Facilities Management, Road and Bridge operations, Public Works, Constables, Fire Marshal’s Office, Juvenile Department residential and/or detention operations, Office of Homeland Security and Emergency Response, and Sheriff’s Department. Dallas County may designate additional personnel as emergency responders consistent with guidance provided by the Department of Labor or as circumstances dictate during this pandemic.
- (f) *Health Care Provider*-Anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions. Medical Providers are employees reporting to certain Dallas County departments, including but

not limited to: Dallas County Health and Human Services and Southwestern Institute of Forensic Sciences. Dallas County may designate additional personnel as Medical Providers consistent with guidance provided by the Department of Labor or as circumstances dictate during this pandemic.

(g) *Public Health Emergency*-An emergency with respect to COVID-19 declared by a Federal, State, or local authority.

(h) *Son or Daughter*-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 or who is 18 years of age or older and incapable of self-care because of a mental or physical disability.

#### Sec. 82-649.-Emergency Family and Medical Leave Expansion Act

FFCRA amends the Family and Medical Leave Act of 1993 (FMLA) to add an additional qualifying condition for FMLA leave for employees who encounter child care disruptions due to a Public Health Emergency and provides partial paid leave for employees who take FMLA leave for this reason. Unlike FMLA leave taken for other qualifying reasons, an employee is eligible to use COVID-19 FMLA Leave after the employee has been employed by the County for at least thirty (30) calendar days. COVID-19 FMLA Leave counts against an employee's total FMLA leave entitlement.

#### Sec. 82-650. – Eligibility

An employee is eligible for COVID-19 FMLA Leave if the employee has been employed by Dallas County for at least thirty (30) days. Emergency responders and health care providers are not eligible for COVID-19 FMLA Leave.

#### Sec. 82-651- FMLA Leave Protections

As with other FMLA leave, COVID-19 FMLA Leave is job-protected leave, which means that a department must return the employee to the same position or to an equivalent position upon the employee's return to work and that a department may not interfere with the employee's right to take COVID-19 FMLA Leave or take other actions prohibited by the FMLA.

#### Sec. 82-652-FMLA Leave for a Qualifying Need Related to a Public Health Emergency

An eligible employee who is unable to work (or telework) due to a need for leave to care for the employee's son or daughter because the son's or daughter's school or place of care has been closed or because the child care provider of such son or daughter is unavailable due to a Public Health Emergency may take any available FMLA leave continuously and in full-day increments, subject to the following:

(a) *Notice Requirement*-An employee who needs COVID-19 FMLA Leave must notify the employee's department of the need as soon as practicable and file all FMLA claims in accordance with standard Dallas County procedures. (Departments may require employees to follow the department's call-in procedures for reporting absences while taking leave.)

(b) *Documentation Requirement*-An employee must provide appropriate documentation in support of the leave request, such as a closure notice that has been posted on a government, school, or

day care website, or in a published newspaper, or sent via email from an employee or official of the school, place of care, or child care provider.

(c) *First ten (10) work days of COVID-19 FMLA Leave*-For the first ten (10) work days of COVID-19 FMLA Leave, an employee may elect to take unpaid leave or substitute any accrued vacation time, compensatory time, or COVID-19 Emergency Leave time.

(d) *After first ten (10) work days of COVID-19 FMLA Leave*-After the first ten (10) work days of COVID-19 FMLA Leave, an employee will be paid two-thirds (2/3) of the employee's regular hourly rate of pay based on the number of hours the employee is regularly scheduled to work. Wages for COVID-19 FMLA Leave will be paid until either: (1) the employee's FMLA leave entitlement is exhausted, or (2) the employee is paid \$10,000 in the aggregate, whichever occurs first. An employee on COVID-19 FMLA Leave cannot substitute any other available paid leave in order to receive the employee's full regular rate of pay after the first ten work days of COVID-19 FMLA leave.

#### Sec. 82-653-COVID-19 Emergency Leave

(a) *Eligibility*-An employee who is not a health care provider or an emergency responder and who is unable to work (or telework) due to certain COVID-19-related reasons is eligible to take COVID-19 Emergency Leave. Eligible employees may take COVID-19 Emergency Leave for 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 an order as described in subparagraph (1) or has been advised as described in paragraph (2);

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions; or

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

(b) *Amount of Leave* -Eligible full-time employees may take up to 80 hours of COVID-19 Emergency Leave. Part-time employees may take up to 60 hours of COVID-19 Emergency Leave. COVID-19 Emergency Leave runs continuously and in full day increments. In no event shall pay for COVID-19 Emergency Leave exceed:—

(i) \$5,110 in the aggregate for a use described in paragraph (a) above, subparagraph (1), (2), or (3).

(II) \$2,000 in the aggregate for a use described in paragraph (a) above, subparagraph (4), (5), or (6).

*(c) Notice Requirement*-An employee who needs to take COVID-19 Emergency Leave must notify the employee's department of the need for leave as soon as practicable. (Departments may require an employee to follow the department's call-in procedures for reporting an absence while taking leave.)

*(d) Documentation Requirement*-An employee who takes COVID-19 Emergency Leave must provide documentation sufficient to support the reason for leave to the payroll department.

*(e) Prohibited Acts*—A department may not discriminate against an employee who takes COVID-19 Emergency Leave or who filed a complaint, caused a proceeding to be instituted, or testified in a proceeding under or related to the Emergency Paid Sick Leave Act.