

**MINOT-SLEEPER LIBRARY**  
**TEMPORARY POLICY ON LEAVE DUE TO CORONAVIRUS (COVID-19)**  
**Effective as of June 1, 2020**

**Adopted:**

Adopted by unanimous consent of the Board of Trustees on June 1, 2020. This policy amends and replaces all prior existing policies addressing leaves taken due to, or related to, the Coronavirus (COVID-19).

**Policy:**

This policy addresses leaves, as described below, taken due to COVID-19. To the extent a conflict exists between this policy and applicable federal or state law, such law will govern.

**Families First Coronavirus Response Act (FFCRA) - Federal Emergency Paid Sick Leave Act and the Emergency Family Medical Expansion Act.**

In accordance with the Federal Emergency Paid Sick Leave Act and the Emergency Family Medical Expansion Act, employees meeting the criteria set forth in this policy will be eligible for the following leaves. To the extent an employee does not qualify for such leaves, an employee may be eligible for leave under the Library's existing FMLA policy or Sick Leave policy. In the case, where an employee has exhausted leave under this Section A or existing FMLA or Sick Leave policies of the Library, where the such leave is related to COVID-19, please see Section C. below regarding Borrowing Against Future Sick Leave Accruals for COVID-19 related leave.

**A. Emergency Family Medical Leave.**

Eligible full time and part time employees (those who have been employed by the Library for at least thirty (30) days) are permitted to take up to 12 weeks of leave if they are unable to work/telework due to a need to take care of their minor child resulting from:

- (1) school closure due to a public health emergency; or*
- (2) unavailability of a childcare provider due to a public health emergency (A public health emergency is one declared by local, state or federal authorities).*

The total amount of leave available under the FMLA remains 12 weeks. So, for example, an employee who previously used 4 weeks of FMLA leave due to a serious health condition would have 8 weeks of FMLA leave available for the reasons listed above.

The first ten (10) days of an employee's leave under the Emergency FMLA Expansion Act is to be unpaid unless the employee is also eligible for emergency sick leave as described below in Section B., in which case the paid emergency sick leave will be applied. Employees may choose to substitute any employer-provided paid leave during the initial ten (10) days of leave. Other

than emergency sick leave, employees are not required to use Library-provided paid leave at any point during the employee's leave taken under this law.

After the first ten (10) days of leave, an employee is entitled to be paid at a rate of at least 2/3 of the employee's regular rate of pay for the number of hours the employee typically works each week.

If an employee has a varying schedule, the daily rate of pay is to be calculated by taking an average of the number of hours the employee worked per day over a 6-month period. If the employee has not worked for the Library for at least 6 months, then the daily rate is to be calculated based on the reasonable expectation of the employee at the time of hire of the average number of hours the employee would work per day.

Where the need for leave under this provision is foreseeable, the employee must provide as much notice as is practicable.

### **B. Emergency Paid Sick Leave Act.**

Full and part time employees, regardless of the length of their employment, are entitled emergency paid sick leave, in amounts described below, for an absence related to COVID-19 if they are unable to work for any 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 an order as described above or has been advised by a health care provider as described above;

(5) The employee is caring for a minor child if the child's school or place of care has been closed or the child's childcare provider 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.

Where leave is foreseeable, an employee should provide notice of leave to the Library as is practicable. After the first workday of paid sick time, the Library may require employees to follow reasonable notice procedures in order to continue receiving paid sick time.

The Library will not require employees to use employer-provided paid time off before using the leave provided under this law.

## **C. Duration of Leave and Calculation of Pay under Emergency Paid Sick Leave Act.**

### **(1) Duration of Leave:**

For reasons (1) – (4) and (6): A full-time employee is eligible for up to eighty (80) hours of leave, and a part-time employee is eligible for up to the number of hours of leave that the employee works on average over a two-week period.

For reason (5): A full-time employee is eligible for up to twelve (12) weeks of leave (two weeks of emergency paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at forty (40) hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### **(2) Calculation of Pay:**

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).

## **E. Documentation of Leave under FFCRA.**

With leaves under this policy, you must notify the Library Director so that the Library may properly process your leave and file all necessary paperwork, including with Primex if applicable. You may be required to submit documentation evidencing your fitness for duty prior to your return to work.

This temporary policy will expire no later than December 31, 2020 and may be amended from time to time at the discretion of the Board of Trustees.