



Covid-19 Related Employment Policies

1. Emergency Family and Medical Leave Expansion Act ("E-FMLA")

In addition to other qualifying Family Care and Medical Leave identified in Yosemite Valley Charter School (the "School")'s Employee Handbook, the School provides Emergency Family and Medical Leave as described below.

Until no longer required by Federal law, the School will provide an eligible employee with up to 12 weeks of leave to care for their children, who are under the age of 18, because of a COVID-19 related school or child care related closure.

Eligible Employee: Eligible employee means an employee who has been employed by the School for at least 30 calendar days and is unable to work (or telework) due to a need for leave to care for that employee's son or daughter if the child's school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Rehired Employees: An employee is considered to have been employed by an employer for at least thirty calendar days if: 1) the employer had the employee on its payroll for the thirty calendar days immediately prior to the day that the employee's leave would begin; or 2) the employee was laid off or otherwise terminated by the employer on or after March 1, 2020, and rehired or otherwise reemployed by the employer on or before December 31, 2020, provided that the employee had been on the employer's payroll for thirty or more of the sixty calendar days prior to the date the employee was laid off or otherwise terminated.

An employee who has been employed by an employer for a least thirty calendar days is eligible for E-FMLA regardless of whether the employee would otherwise be eligible for leave under FMLA.

Paid/Unpaid Leave: For the first 10 days for which an employee takes E-FMLA leave, it will be unpaid unless the employee elects to substitute any accrued vacation leave, personal leave, or medical or sick leave for unpaid leave.

After the first 10 days of leave, the leave shall be paid by the School in accordance with the following calculations:

- No less than two-thirds of an employee's regular rate of pay as determined under 29 U.S.C. § 207(e); and
- The number of hours the employee would otherwise be normally scheduled to work.
- If the employee's schedule varies from week to week to such an extent that the employer is unable to determine with certainty the number of hours the employee would have worked if the employee had not taken leave, the employer shall use the following in place of such number:

- A number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.
- If the employee has not been employed for six months, the average number of hours the employee and the employer agreed at the time of hiring that the employee would work each workday. If there is no such agreement, the scheduled number of hours is equal to the average number of hours per workday that the employee was scheduled to work over the entire period of employment, including hours for which the employee took leave of any time.

If an eligible employee elects or is required to use leave available to the employee under the employer's policies, such as vacation or personal leave or paid time off, concurrently with E-FMLA, the employer must pay the employee a full day's pay for that day. However, the employer is capped at taking \$200 a day or \$10,000 in the aggregate in tax credits for E-FMLA.

An employer shall not be required to pay more than \$200 per day and \$10,000 in the aggregate for each employee for paid E-FMLA leave.

The first two weeks of E-FMLA may be unpaid and the employee may substitute Paid Sick Leave at two-thirds the employee's regular rate of pay or accrued paid leave provided by the employer during the first two weeks.

After the first two weeks of leave, E-FMLA is paid at two-thirds the employee's regular rate of pay, up to \$200 per day per employee. Because this period of E-FMLA is not unpaid, the FMLA provision for substitution of the employee's accrued paid leave is inapplicable, and neither the employee nor the employer may require the substitution of paid leave. However, employers and employees may agree to have paid leave supplement any pay under E-FMLA so that the employee receives the full amount of his or her normal pay. For example, an employee and employer may agree to supplement the E-FMLA by substituting one-third hour of accrued vacation leave for each hour of E-FMLA.

Notice: In any case where the necessity for E-FMLA leave is foreseeable, an employee shall provide the School with such notice of leave as is practicable.

Restoration to Position: An employee who takes E-FMLA leave shall be entitled, on return from such leave, (A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or (B) to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.

Please refer to the Employee Handbook for other details relating to FMLA leave, which are incorporated herein by reference to the extent they do not conflict with this E-FMLA policy.

If an FMLA (not E-FMLA) eligible employee has already taken some FMLA leave for FMLA leave reasons during the twelve-month period, the eligible employee may take up to the remaining portion of the twelve workweek leave for E-FMLA. If an FMLA eligible employee has already taken the full twelve workweeks of FMLA leave during the twelve-month period, the FMLA eligible employee may not take E-FMLA.

2. Emergency Paid Sick Leave (“E-Sick Leave”)

In addition to the School’s Sick Leave policy identified in the Employee Handbook, the School will provide to each employee employed by the School to the extent that the employee is unable to work (or telework) due to a need for leave because of any of the following:

- The employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. This means the employee is experiencing any of the following symptoms: Fever, dry cough, shortness of breath, or any other COVID-19 symptoms identified by the U.S. Centers for Disease Control and Prevention. This sick leave is limited to time the employee is unable to work because the employee is taking affirmative steps to obtain a medical diagnosis, such as making, waiting for, or attending an appointment for a test for COVID-19;
- The employee is caring for an individual who is subject to an order as described in the first bullet or has been advised as described in the second bullet. Caring for an individual means an employee’s immediate family member, a person who regularly resides in the employee’s home or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she were quarantined or self-quarantined. “Individual” does not include persons with whom the employee has no personal relationship;
- 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. In this situation, sick leave is only available if no other suitable person is available to care for the son or daughter during the period of leave;
- 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.

All employees, regardless of how long the employee has been employed by the School, are eligible for E-Sick Leave.

For full-time employees, the School will grant the employee 80 hours of paid E-Sick Leave. Full-time employees are those that are normally scheduled to work at least 40 hours each workweek.) For part-time employees, a number of hours granted will be equal to the number of hours that such employee works, on average, over a 2-week period.

If the employee’s schedule varies from week to week to such an extent that the employer is unable to determine with certainty the number of hours the employee would have worked if the employee had not taken E-Sick Leave, the employer shall use the following in place of such number:

- If the part time employee has been employed for at least six months, the employee is entitled to up to the number of hours of paid sick leave equal to fourteen times the average number of hours that the employee was scheduled to work each calendar day over the six-

month period ending on the date on which the employee takes paid sick leave, including any hours for which the employee took leave of any type.

- For employees employed fewer than six months, the employee is entitled to up to the number of hours of paid sick leave equal to fourteen times the number of hours the employee and the employer agreed to at the time of hiring that the employee would work, on average, each calendar day. If there is no such agreement, the employee is entitled to up to the number of hours of paid sick leave equal to fourteen times the average number of hours per calendar day that the employee was scheduled to work over the entire period of employment, including hours for which the employee took leave of any type.

Unused paid E-Sick Leave does not carry over from 1 year to the next and is not paid out on termination. Once an employee who received paid E-Sick Leave returns to work, the School will not provide the employee any further paid E-Sick Leave.

The School shall not require, as a condition of providing paid E-Sick Leave, that the employee involved search for or find a replacement employee to cover the hours during which the employee is using paid E-Sick Leave.

Paid E-Sick Leave is calculated based on the employee's required compensation and the number of hours the employee would otherwise be normally scheduled to work, except that an employer shall not be required to pay more than \$511 per day and \$5,110 in the aggregate when an employee uses E-Sick Leave for that employee's own COVID-19 related needs, and \$200 per day and \$2,000 in the aggregate when an employee uses E-Sick Leave for caring for another person's COVID-19 related needs or the employee is experiencing any other substantially similar condition as specified above.

3. Intermittent Leave under E-FMLA or Paid Sick Leave

Subject to the conditions and applicable limits, an employee may take E-FMLA or Paid Sick Leave intermittently only if the employer and employee agree. The employer and employee may memorialize in writing any agreement under this provision, but a clear and mutual understanding between the parties is sufficient.

The ability of an employee to take either of these leaves intermittently while reporting to an employer's worksite depends upon the reason for the leave. If the employer and employee agree, the employee may take up to the entire portion of the leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or child care provider is unavailable, because of reasons related to COVID-19. Under such circumstances, intermittent leave may be taken in any increment of time agreed to by the employer and employee.

An employee may not take Paid Sick Leave intermittently if the leave is taken 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 medical diagnosis from a health care provider; 4) the employee is caring for an individual who is subject to 1-3; or the employee has a substantially similar condition as specified by the Secretary of Health and Human Services. Once the Employee begins taking Paid Sick Leave for

one or more reasons, the employee must use the permitted days of leave consecutively until the employee no longer has a qualifying reason to take Paid Sick Leave.

If an employer directs or allows an employee to telework, or the employee normally works from home, the employer and employee may agree that the employee may take Paid Sick Leave for any qualifying reason or E-FMLA intermittently, and in any agreed increment of time (but only when the employee is unavailable to telework because of a COVID-19 related reason).

If an employee takes Paid Sick Leave or E-FMLA intermittently as the employee and employer have agreed, only the amount of leave actually taken may be counted toward the employee's leave entitlements. For example, an employee who normally works forty hours in a workweek only takes three hours of leave each work day has only taken fifteen hours of the employee's Paid Sick Leave or 37.5% of a workweek of the employee's E-FMLA.