



# DENMARK TECHNICAL COLLEGE

## INTERIM POLICY #02 (2020) FAMILY FIRST CORONAVIRUS RESPONSE ACT (FFCRA) – EMERGENCY PAID SICK LEAVE ACT (EPSLA)

**Policy Title:** Family First Coronavirus Response Act (FFCRA) – Emergency Paid Sick Leave Act (EPSLA)

**Policy Type:** Interim

**Policy Number:** INT Policy #02 (2020)

**Legal Authority:** Sections 59-53-20 of the 1976 Code of Laws of South Carolina, As Amended; Section 19-712 of the State Human Resources Regulations, As Amended; 29 CFR 825.100 et. seq.

**State Board Policy:** 8-3-103

**Approval Date:**

**Responsible Office:** Office of Human Resources

**Responsible Executive:** AVP for Institutional Advancement and Effectiveness and CHRO

**Applies to:** College Community

### **DISCLAIMER**

**PURSUANT TO SECTION 41-1-110 OF THE CODE OF LAWS OF SC, AS AMENDED, THE LANGUAGE USED IN THIS DOCUMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND DENMARK TECHNICAL COLLEGE. DENMARK TECHNICAL COLLEGE RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.**

### **POLICY STATEMENT**

This policy outlines Denmark Technical College procedures for administering the Emergency Paid Sick Leave Act (EPSLA), a provision of the Families First Coronavirus Response Act (FFCRA) effective April 1, 2020 through December 31, 2020.

Leave provisions of the FFCRA are only for those employees who cannot work, including work-from-home, as a result of COVID-19. Consistent with the Governor’s Executive Order 2020-11, Denmark Technical College (DTC) is committed to offering work-from-home opportunities to employees to the maximum extent possible and to offer the paid leave available under the FFCRA only if work-from-home opportunities have been exhausted.

The Governor’s Executive Order 2020-11 requiring that all non-essential state employees not report to work constitutes a “Federal, State, or local quarantine or isolation order related to COVID-19.” Therefore, all employees who are unable to work-from-home and have been ordered not to report to the worksite would qualify for this leave.

The EPSLA, provides up to eighty (80) hours of paid sick leave for employees for six qualifying reasons related to COVID-19.

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**PROCEDURES**

I. Eligibility

Emergency Paid Sick Leave shall be granted to any employee of Denmark Technical College including employees who do not currently earn leave, including those who hold temporary, temporary grant, and time-limited positions. An employee is eligible from his/her first day of employment. DTC may not require an employee to use other paid leave before the employee uses paid leave under this Act. The employee may, however, choose to use other paid leave available prior to or instead of the leave provided under the Act. DTC may elect to exclude those employees who are considered a health care provider or an emergency responder from leave under this Act.

II. Leave Entitlement

A. Full-time employees (those who are regularly scheduled to work 37.5 or 40 hours per week) are entitled to 80 hours of paid leave. The Emergency Paid Sick Leave Act requires that paid sick leave be provided for the hours the employee would have been normally scheduled to work even if that is more than 37.5 or 40 hours in

a week. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any case, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

- B. Part-time employees, including employees in part-time FTE and part-time temporary positions, are entitled to paid leave for the number of hours equal to the number of hours that such employee works, on average, over a two week period.

### III. Rate of Pay

- A. The rate of pay due depends on the reason for the leave. If leave is taken for any of the qualifying reasons listed in paragraph C.1-3 below, the employee will be paid at their regular rate of pay up to \$511.00 per day or \$5,110 in the aggregate. If leave is taken for any of the qualifying reasons listed in paragraph D.1-3 below, the employee will be paid 2/3 of the employee's regular rate of pay up to a maximum of \$200 per day or \$2,000 in the aggregate. Employees can use any accrued leave to supplement leave taken under the provisions of the Emergency Paid Sick Leave Act up to their regular salary rate. Pay does not include a premium for overtime hours.
- B. Consistent with the EFMLA, for the Emergency Paid Sick Leave Act, if a part-time employee (including a part-time FTE and part-time temporary employee) works a schedule that varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken leave, the employer shall use the following in place of such number:
  - 1. The number equal to the average number of hours that the employee was scheduled to work per day over the six-month period ending on the date on which the employee takes the paid sick time under the Act, including hours for which the employee took leave of any type.
  - 2. If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.
- C. Qualifying reasons for Paid Sick Leave at Regular Rate of Pay up to \$511 Per Day include:
  - 1. The employee is subject to a Federal, State, or local quarantine or isolation orders 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 is seeking a medical diagnosis.
- D. Qualifying reasons for Paid Sick Leave at 2/3 the Regular Rate of Pay up to \$200 Per Day include:
1. The employee is caring for an individual who is subject to an order as described in 1 above or has been advised as described in paragraph 2 above.
  2. 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 childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
  3. The employee is experiencing any other substantially similar condition specified by the U.S Secretary of Health and Human Services in consultation with the U.S. Secretary of the Treasury and the U.S. Secretary of Labor.

#### IV. Using and Scheduling Leave

- A. Leave under the Emergency Paid Sick Leave Act is not retroactive and may not have a beginning date prior to April 1, 2020, the effective date of the Act.
- B. Leave taken under the Emergency Paid Sick Leave Act may qualify as Family Medical Leave Act (FMLA) and/or the Emergency Family Medical Leave Act (EFMLA) and, if so, will run concurrently.
- C. Leave under the Emergency Paid Sick Leave Act can be taken on an intermittent basis in full-day increments.
- D. An employee shall be granted emergency paid sick leave if absent 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 COVID-19.

4. The employee is caring for an individual who is subject to an order as described in paragraph D.1 above or has been advised as described in paragraph D.2 above. The person being cared for does not have to be related to the employee for the employee to qualify for leave.
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 childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the U.S. Secretary of the Treasury and the U.S. Secretary of Labor.

V. Verification

DTC will be flexible in the documentation an employee is required to provide when taking leave under the Act and will not require documentation from a health care provider in order to avoid further burdening health care providers.

**CONTACT(S)**

The President officially interprets this policy and is responsible for matters pertaining to this policy as it relates to Denmark Technical College.

**PUBLICATION**

The policy will be widely distributed to the College community. To ensure timely publication and distribution thereof, the AVP for Institutional Advancement and Effectiveness and CHRO will make every effort to:

- Communicate the policy in writing, electronically, or otherwise to the College community, including current and prospective students within fourteen (14) days of approval;
- Submit this policy for inclusion in the Policy Library within fourteen (14) days of approval;
- Post the policy on the College's webpage and all other related webpages, in the student handbook, and in the College catalog; and
- Educate and train all stakeholders and appropriate audiences on the policy's content as necessary.

**REVIEW SCHEDULE**

- Next Scheduled Review: 12/31/2020
- Approved by College President: 04/20/2020

- Revision History: None
- Supersedes: N/A

#### **RELATED DOCUMENTS**

*There are no related documents associated with this policy.*

#### **FORMS**

*There are no forms associated with this policy.*