



## **NORTHWEST MICHIGAN COMMUNITY ACTION AGENCY, INC.**

### **COVID-19 Sick Leave and Family Leave Policy**

#### **American Rescue Plan Act of 2021 (ARPA)**

The American Rescue Plan Act of 2021 (ARPA) was enacted by Congress in continued response to the COVID-19 pandemic. ARPA allows employers to **voluntarily** extend Emergency Paid Sick Leave (EPSL) and Extended Family Leave (EFL). Both were initially enacted with the Families First Coronavirus Response Act of 2020 and expired December 31, 2020. This policy addresses the requirements for EPSL and EFL. It is NMCAA's intent to fully comply with all applicable requirements of the ARPA, which commences April 1, 2021 and lasts through September 30, 2021.

#### **COVID-19 Sick Leave**

As of April 1, 2021 all employees will be provided with paid Emergency Paid Sick Leave (EPSL) and Extended Family Leave (EFL) to be used for qualified COVID-19 purposes when the employee is unable to work (or telework). Such qualified purposes include:

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:
  - a. Experiencing symptoms of COVID-19 and seeking a medical diagnosis;
  - b. Requesting paid time off to receive the COVID-19 vaccine;
  - c. Requesting paid time off to recover from symptoms associated with receiving the COVID-19 vaccine.
4. The employee is caring for an individual who is subject to an order as described in 1) above or has been advised by a health care provider as described in 2) above;
5. The employee is caring for a son or daughter if the school or place of care of the son or daughter has been closed, or the childcare provider of the son or daughter is unavailable, due to COVID-19 precautions; and
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Employees regularly scheduled to work at least 40 hours a week will be awarded 80 hours of EPSL. Employees regularly scheduled to work less than 40 hours a week will be awarded a pro-rata portion of EPSL equal to the number of hours worked, on average, in a two-week period (e.g., an employee working 30 hours a week will be awarded 60 hours of EPSL). Variable hour employees will be awarded EPSL in the amount required by the ARPA.

Requests to use EPSL must be made to the COVID-19 Response Coordinator as soon as practicable. Further, absent unusual circumstances, employees must comply with NMCAA's call-in procedures and standards for giving notice of absences from work. Appropriate documentation may be required to substantiate the existence of a qualified purpose.

Use of EPSL for qualified purposes 1), 2), or 3) will be compensated at 100% of the employee's regular rate of pay, but no less than minimum wage, up to a maximum of \$511 a day and \$5,110 in the aggregate. Use of EFL for qualified purposes 4), 5) or 6) will be compensated at a rate of 2/3rds of the employee's regular rate, provided the regular rate is at least minimum wage, up to a maximum of \$200 a day and \$2,000 in the aggregate.

Unused EPSL as of September 30, 2021 will be forfeited. Further, upon termination of employment for any reason, unused EPSL is **not** paid out.

### **COVID-19 Family Leave**

Note: The 12 weeks of COVID-19 Family Leave under the Act is not in addition to the 12 weeks of leave available to employees under the Family Medical Leave Act ("FMLA"). Employees are not entitled to take more than 12 weeks of combined FMLA leave and COVID-19 Family Leave (other than under qualified military caregiver or exigency leave).

As of April 1, 2021 employees who have worked with NMCAA for at least 30 days are eligible for up to 12 weeks of Extended Family Leave (EFL) if they are unable to work (or telework) because they have to care for their son or daughter under 18 years of age whose school or place of care has been closed, or whose childcare provider is unavailable, due to a COVID-19 emergency.

Requests to use EFL must be made as soon as is practicable. Appropriate documentation may be required to substantiate the need for leave. Further, absent unusual circumstances, employees must comply with NMCAA's call-in procedures and standards for giving notice of absences from work. Failing to provide proper notice may result in delay and/or denial of EFL leave.

NMCAA requires employees on EFL to report periodically on their status and intent to return to work.

The first 10 days of EFL are unpaid, unless the employee elects to use any available paid leave, including but not limited to any available EPSL. Thereafter, the remainder of EFL will be paid at 2/3rds of the employee's regular rate based on the number of hours the employee would have

otherwise been normally scheduled to work. The number of hours paid to a variable hour employee will be calculated in accordance with the requirements of the Act. In no event, shall any payment during EFL exceed \$200 per day and \$10,000 in the aggregate.

During EPSL, NMCAA will maintain any group health insurance coverage that was provided before EPSL on the same terms as if the employee had continued to work. Therefore, if the employee was having medical health premiums deducted from his/her paycheck prior to EFL, such premiums will continue to be deducted from his/her paycheck, if any. Otherwise, the employee will be responsible for submitting premiums, if any, while on unpaid EFL or submitting any shortage in the event any paycheck is not sufficient to cover such premiums, if any.

For any unpaid portion of EFL, the employee will not accrue employee benefits, and will be ineligible to receive any holiday pay, if any, for any recognized holiday that occurs during the leave.

Employees will be restored upon return from EFL in accordance with the requirements of the Act.

Unused EFL as of September 30, 2021 will be forfeited. Further, upon termination of employment for any reason, unused paid EFL is not paid out.

### **Retaliation Prohibited**

NMCAA prohibits any retaliation against an employee for appropriately taking leave under the Act, filing a complaint or instituting a proceeding related to the Act, or testifying in any such proceeding. Further, employees utilizing leave under this policy will not be required to search for or find any replacement to cover the hours during which the employee is on such leave.