

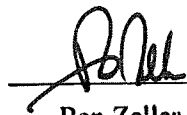
EXTENSION
of
COUNTY OF VICTORIA
TEMPORARY POLICY AND PROCEDURES:
Families First Coronavirus Response Act (FFCRA) including:
Emergency Paid Sick Leave Act (EPSLA) & Emergency Family and Medical Leave
Expansion Act (EFMLEA)

Whereas, the Families First Coronavirus Response Act (FFCRA) was not extended by Congress and expired on December 31, 2020. The Department of Labor has issued guidance allowing employers to continue a voluntary extension of the Act. The County of Victoria desires to extend our County of Victoria Temporary Policy and Procedures adopted April 13th, 2020 to provide employees continued ability to seek guidance and instruction on how to manage time away from work if a leave of absence is needed in accordance with the Emergency Paid Sick Leave Act (EPSLA) and/or the Emergency Family and Medical Leave Expansion Act (EFMLEA) for those meeting the definitions and guidelines under the prior temporary policy and procedures following the Families First Coronavirus Response Act.

As our nationwide emergency continues to the level resulting in school dismissals, child care program closures, quarantine, and the like, this policy will continue to address time away from work for employees to provide care for their children, themselves, and/or other individuals in a manner allowing for the continuity of the required County operations and service delivery.

The FFCRA emergency expansion act and our Temporary Policy and Procedures became effective on April 1, 2020 and expired on December 31, 2020. Our Temporary Policy and Procedures will be extended effective January 1, 2021 and will continue until December 31, 2021 unless future action is taken by the Victoria County Commissioners Court to terminate this extension to the temporary plan for FFCRA.

Adopted this 11th day of January 2021.



Ben Zeller, County Judge




Danny Garcia, Commissioner Pct. #1



Kevin M. Janak, Commissioner Pct. #2



Gary Burns, Commissioner Pct. #3



Clint C. Ives, Commissioner Pct. #4

COUNTY OF VICTORIA
TEMPORARY POLICY AND PROCEDURES:
Families First Coronavirus Response Act (FFCRA) including:
Emergency Paid Sick Leave Act (EPSLA) & Emergency Family and Medical Leave
Expansion Act (EFMLEA)
(Policy may be amended due to further federal guidance)

PURPOSE

The purpose of this policy is to provide guidance and instruction to employees on how to manage time away from work if a leave of absence is needed in accordance with the Emergency Paid Sick Leave Act (EPSLA) and/or the Emergency Family and Medical Leave Expansion Act (EFMLEA). When a nationwide emergency rises to the level resulting in school dismissals, child care program closures, quarantine, and the like, this policy addresses time away from work for employees to provide care for their children, themselves, and/or other individuals in a manner allowing for the continuity of the required County operations and service delivery.

Leave under this policy is paid at the employee's regular rate of pay and employees who qualify have certain job protections under the Families First Coronavirus Response Act (FFCRA).

SCOPE

This emergency expansion becomes effective, as does this policy, on April 1, 2020 and continues until December 31, 2020.

The EPSLA and the EFMLEA provide paid leave to full-time and part-time employees when they are unable to work for reasons outlined in this policy. Under federal law, employees are entitled to paid leave at a rate of 2/3 their regular rate of pay for certain types of leave; however, the County has decided it will pay employees' regular rate of pay for all leave addressed in this policy.

In addition, due to the nature of their work, federal law permits employers to exclude health care providers and emergency responders from coverage under the law. The County has exempted all health care provider and emergency responder employees that ensure the welfare and safety of our community from leave provided by the EPSLA and the EFMLEA. However, exempt health care providers and emergency responder employees who have symptoms of COVID-19 or have been diagnosed with COVID-19 including exposure involving immediate family members are eligible to use up to 80 hours of paid sick leave, as described in the policy below. Description of health care providers and emergency responders follows on page two under definitions. Questions regarding eligibility for leave under the FFCRA should be directed to Human Resource Director.

Any paid leave provided by the County of Victoria before the effective date of April 1, 2020 cannot be credited against the employee's paid leave time under the EPSLA. In addition, hours cannot be carried over after December 31, 2020.

All full-time or part-time employees who have been on the County's payroll for 30 calendar days are eligible for EFMLEA leave under this policy. All full or part-time employees are eligible for EPSLA leave regardless of tenure, so long as they had started work with the County.

Employees on unpaid leave for reasons unrelated to COVID-19 are not eligible for paid leave under EPSLA and/or EFMLEA.

In the event this policy conflicts with any local, state or federal laws, the federal, state or local laws control.

Employees will not be subject to harassment or retaliation for taking paid leave under this policy. If an employee believes they are subject to harassment or retaliation in the workplace, they must contact the County's Human Resource department immediately.

DEFINITIONS

- **Quarantine/Isolation**- a requirement set forth by local, state or federal government or healthcare provider requiring an individual to seclude themselves from contact with others by remaining in their home for a specified time period.
- **Child Care Provider** – a provider who provides childcare services on a regular basis. Elementary or secondary schools are included for purposes of this policy.
- **Son or daughter** - under the FFCRA, a “son or daughter” is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child. A “son or daughter” is also an adult son or daughter (i.e., one who is 18 years of age or older), who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.
- **Health Care Providers** – this includes but is not limited to 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.
- **Emergency Responders** - this includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, and public works personnel, and persons with skills or training in operating specialized equipment or other 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. The rule defines emergency responder as anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19.

EMPLOYEE RESPONSIBILITIES

Employees who wish to apply for leave under this policy must notify their supervisor and/or Human Resources as soon as possible. Employees are required to provide appropriate documentation to support the usage of leave for this policy. Employees who are on leave due to the reasons outlined within this policy must contact their supervisor on a weekly basis, unless a medical professional has stated a longer period of definite leave, such as a 14-day quarantine, to provide updated work status information, such as whether they have been able to arrange for childcare, or if a quarantine or doctor's order has been lifted. Employees may agree with their supervisor on a different interval of time for check-ins.

The employee may not take leave, or refuse to work, simply to avoid possible exposure to a causative agent in the workplace. Employees who have concerns about their own health condition that creates an increased risk associated with the COVID-19 pandemic are encouraged to notify Human Resources to discuss a solution, which may include reasonable accommodations in accordance with the Americans with Disabilities Act.

POLICY - Emergency Paid Sick Leave Act (EPSLA)

Under EPSLA, the County of Victoria will provide paid sick leave to the following employees who are unable to work (including an inability to telework or work alternate shifts, if offered) because of COVID-19:

1. Employees subject to a Federal, State or local quarantine or isolation order related to COVID-19.
2. Employees who have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. Employees experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. Employees caring for an individual who is the subject of a quarantine order or has been advised to self-quarantine due to COVID-19.
5. Employees caring for a son or daughter if the son or daughter's school or place of care has been closed, or the childcare provider of such son or daughter is unavailable due to COVID-19 precautions.
6. Is experiencing any other substantially similar condition specified by the U.S. Department of Health and Human Services.

Employees are not eligible for EPSLA leave when the County does not have work for them to perform.

In compliance with the EPSLA, the County allows for up to 80 hours of paid sick leave for full time employees. For part-time employees, the amount of paid sick leave will be determined by a prorated amount equivalent to the number of work hours in a two-week period based on their normal schedule averaged out over the prior six-month period if their schedule varies. Part time employees may take emergency paid sick leave for this number of hours per day for up to a two-week period. Employees may take expanded family and medical leave (depending on eligibility) for the same number of hours per day up to ten weeks after that.

Health care provider and emergency responder employees are exempt from EPSLA leave; however, should they have symptoms of COVID-19 or be diagnosed with COVID-19, the County

will allow use of paid sick leave up to 80 hours for full time employees and a prorated amount of sick leave for part time employees using the same method of calculation described above.

Employees requiring leave beyond allowed hours due to the above reasons other than reason no. 6 pertaining need to care for their child because the child's regular care (school or otherwise) is unavailable due to COVID-19 may utilize their accumulated paid time off, comp, or other available leave per County policies to cover the remaining time. Employees must request and are subject to the Family and Medical Leave Act.

Employees must provide the following documentation to support their eligibility for emergency paid sick leave:

- qualifying reason for requesting leave with supporting documentation (e.g. source of any quarantine or isolation order, name of health care provider who advised self-quarantine, notice posted on a government, school, or daycare website or in a newspaper, or an email from an employee or official of the school, place of care, or childcare provider);
- a statement that the employee is unable to work (including telework); and
- the dates for which leave is requested.

If employees have remaining paid sick leave under the EPSLA, they can take any remaining paid sick leave at a later time until December 31, 2020, if another qualifying reason occurs related to COVID-19.

POLICY- Emergency Family and Medical Leave Expansion Act (EFMLEA)

The EFMLEA expands the existing Family Medical Leave Act (FMLA) to require that employers provide FMLA leave when an employee is unable to work (including an inability to telework or work alternate shifts, if offered by employer) because they need to care for their child because the child's regular care (school or otherwise) is unavailable due to COVID-19. All full-time or part-time employees who have been on the County's payroll for 30 calendar days are eligible for EFMLEA leave under this policy.

Employees are eligible for EFMLEA leave only if telecommuting or alternate work scheduling is not an option for the employee to continue productive work and if the County has work for them to perform.

In compliance with the EFMLEA, the County will provide up to 12 workweeks of leave for qualifying full and part time employees, ten weeks of which are paid. Employees may elect for paid leave under the EPSLA policy outlined above to run concurrently, for a total of 12 weeks of paid leave. If an eligible employee has already used some FMLA leave during the twelve-month period, the eligible employee may take up to the remaining portion of the twelve workweeks leave for EFMLEA.

Employees *must* provide the following documentation to support their eligibility for EFMLEA leave:

- qualifying reason for requesting leave with supporting documentation (e.g. notice posted on a government, school, or daycare website or in a newspaper; an email or letter from an employee or official of the school, place of care, or childcare provider);
- a statement that the employee is unable to work (including telework); and
- the dates for which leave is requested.

Intermittent EFMLEA leave is available to employees on a case by case basis. Intermittent EFMLEA may also be used for employees who are working remotely on a case-by-case basis. The county Human Resources and your supervisor have the discretion to determine whether intermittent leave is available.

Under the EFMLEA, the first ten days of EFMLEA leave are **unpaid**, during which time the employee **may** substitute any other accrued paid leave (i.e. paid time off, comp. time and other leave, *including emergency paid sick leave under EPSLA per County Policy*). **After the first ten days**, the county will provide the employee's regular rate of pay for the remaining time needed for EFMLEA.

For employees eligible for traditional FMLA, having a serious health condition or caring for a family member may be covered as "regular" unpaid FMLA (as well as the EPSLA if the serious health condition is COVID-19 related). All existing certification requirements under the FMLA remain in effect if an employee takes regular FMLA leave.

Consult with the county's Human Resource department for details on regular paid or unpaid FMLA.

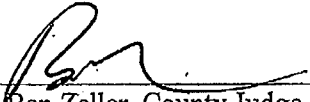
PROCEDURES

As soon as practical, employees must notify their supervisor of their need for Emergency Paid Sick Leave or Expanded Family and Medical Leave. The supervisor will have the employee complete the request form and submit that form to Human Resources. The supervisor will work with the employee to determine if there are any alternate solutions (telecommuting, adjusting work schedules, etc.) to meet the needs of both the employee and the County. If no alternate solution is available, the employee must request leave through their supervisor or Human Resources Department. Human Resources will be tasked with a second review to ensure no alternate solution is available.

Once approved for leave under this policy, the employee is responsible for notifying their supervisor of their status on a weekly basis, unless a medical professional has stated a longer period of definite leave, such as a 14-day quarantine. Employees who are under quarantine, but not ill are expected to work from home whenever possible, and to notify their supervisor of this status and return to work if allowed with subsequent negative test result. Notification requirements will be determined by the supervisor and may be more or less frequently than weekly.

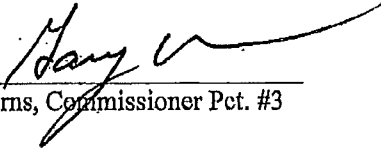
Violation of any part of this policy, failure to follow the requirements of this policy, and/or falsification of any information or documentation related to this policy, will be subject to corrective action up to and including separation of employment.


THEREFORE, BE IT RESOLVED, that the Commissioners' Court of Victoria County, Texas does approve the foregoing Temporary Policy and Procedure for the Families First Coronavirus Response Act by unanimous vote on the 13th day of April, 2020.


Ben Zeller, County Judge


Danny Garcia, Commissioner Pct. #1


Kevin M. Janak, Commissioner Pct. #2


Gary Burns, Commissioner Pct. #3


Clint C. Ives, Commissioner Pct. #4