



**Washington County School
District**
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Saint George, Utah 84770
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Administrative Letter A157

Employee COVID Emergency Paid Sick Leave

Based on current COVID-19 trends, the Department of Health and Human Services (HHS) is planning for the federal Public Health Emergency (PHE) for COVID-19, declared under Section 319 of the Public Health Service (PHS) Act, to expire at the end of the day on May 11, 2023.

<https://www.hhs.gov/about/news/2023/05/09/fact-sheet-end-of-the-covid-19-public-health-emergency.html#:~:text=Based%20on%20current%20COVID%2D19,day%20on%20May%2011%2C%202023.>

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Employee COVID Emergency Paid Sick Leave

funded by ARP - ESSER

Purpose

The American Rescue Plan (ARP) for Elementary and Secondary School Emergency Relief (ARP ESSER) allocates funds to school districts to help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the nation's students. Of major concern to the District is the impact of a COVID illness upon an employee who does not normally receive paid leave (personal, vacation or sick leave). All employees, benefited or not, should not come to work if they are experiencing symptoms of COVID, including symptoms such as fever, chills, cough, shortness of breath, or sore throat. The purpose of this Administrative Letter is to allocate available ESSER funds to assist employees with a diagnosed COVID illness or who are experiencing COVID symptoms and awaiting a diagnosis who do not have access to paid leave or have exhausted all available paid leave including short term disability benefits, vacation, personal leave, comp time, and sick leave. This policy is subject to and limited by available ESSER funding. All provisions of this policy will end with or without notice when available funding is exhausted. During and at the conclusion of this Policy all provisions of Policy 1332 FMLA, ADA, and District Sick Leave continue to apply.

Employee Paid COVID Sick Leave

Eligibility

All full and part-time employees who are not eligible for paid leave or who have exhausted all available paid leave and are unable to work because of the employee's COVID illness or who are experiencing symptoms of COVID pending the results of a COVID test will be eligible for up to 10 days of paid COVID Sick Leave from ESSRA funds to the extent such funds remain allocated and available for payment under this policy. Having a positive COVID test or awaiting a COVID diagnosis while experiencing COVID symptoms are the qualifying reasons for paid COVID Sick Leave for eligible employees. Employees are not eligible for paid COVID Sick Leave to care for a dependent who is experiencing COVID symptoms or a COVID illness.

Amount of Paid COVID Sick Leave for Part-Time Employees

Part-time employees are entitled to the number of hours contracted to work over a two-week period.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- 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 leave to calculate the two-week period;
- or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day for the two-week period.

Interaction with Other Paid Leave

The employee must use all available accrued paid leave prior to receiving paid Covid Sick Leave under this policy. Further, if an employee has subscribed to and becomes eligible for paid benefits under a short term or other disability benefit program the employee must apply for and seek benefits under that policy before they will be considered for paid Covid Sick Leave. If an employee's application for disability benefits is approved and the employee was paid COVID Sick Leave pending the application process the amount of paid COVID Sick Leave under this policy will be deducted from future compensation. If short term disability benefits are denied, and no other leave is available, the employee may receive paid COVID Sick Leave under this policy for the qualifying reasons stated above.

Utilization priority for employees that accrue paid leave:

- 1) Use available paid sick leave hours;
- 2) Apply for short term disability benefits or other disability policy (if applicable);
- 3) Use available personal leave hours or vacation leave hours (to include personal cost of sub leave);
- 4) Use available compensatory time;
- 5) If short term disability is denied, use paid COVID Sick Leave; and,
- 6) If paid COVID Sick Leave ends, apply for donated leave (for those who qualify).

Utilization priority for employees that do not normally accrue paid leave:

- 1) Use available paid COVID Sick Leave; and,
- 2) If leave has to be extended beyond 10 contract days, leave becomes LWOP (leave without pay) for up to four additional weeks.

Procedure for Requesting Paid COVID Sick Leave

Employees must notify the Benefits Manager at tammara.robinson@washk12.org or amanda.amaya@washk12.org of the need and specific reason for paid COVID Sick Leave under this policy. Verbal or email notification will be accepted until practicable to provide documentation as described below.

Once paid COVID Sick Leave has begun, the employee and his or her principal/manager must determine reasonable procedures for the employee to report periodically on the employee's status. Any change must be reported immediately to HR and the payroll department .

Documentation Required to Support Paid COVID Sick Leave

Employees must submit documentation in support of the reasons for paid COVID Sick Leave within 15 days of requesting leave. Documentation must include the following information:

- 1) The employee's name;

2) the date(s) for which leave is requested;

3) the COVID qualifying reason for leave; AND,

4) a statement signed by a qualified healthcare provider that the employee has tested positive for COVID (or) copy of a positive COVID test result.

Failure to provide documentation as described above will result in denial of benefits and/or deduction of the amount of paid benefits from the employee's future compensation.

All existing certification requirements under the FMLA remain in effect if an employee is taking leave for one of the existing qualifying reasons under the FMLA. For example, if an employee takes leave beyond the two weeks of paid COVID sick leave because of a medical condition for COVID-related reasons which rises to the level of a serious health condition. Employees must continue to provide medical certifications.

Job Protections

No employee who appropriately utilizes paid COVID Sick Leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Unemployment Benefits

Employees receiving leave under any part of this policy are considered employed by the District and are not eligible to receive unemployment benefits.

Please contact the HR department with any questions.