

# NYE COUNTY AGENDA INFORMATION FORM

Action    
  Presentation    
  Presentation & Action

<b>Department: Human Resources</b>		<b>Agenda Date:</b>	
<b>Category: Regular Agenda Item</b>		<b>September 15, 2020</b>	
<b>Contact: Danelle Shamrell</b>		Phone:	Continued from meeting of:
<b>Return to:</b>	<b>Location: Pahrump</b>		Phone:
<b>Action requested:</b> (Include what, with whom, when, where, why, how much (\$) and terms) Discussion and deliberation to adopt the Emergency Family and Medical Leave Policy.			
<b>Complete description of requested action:</b> (Include, if applicable, background, impact, long-term commitment, existing county policy, future goals, obtained by competitive bid, accountability measures)  Staff recommends adoption of this policy which went into effect due to COVID-19.			
Any information provided after the agenda is published or during the meeting of the Commissioners will require you to provide 20 copies: one for each Commissioner, one for the Clerk, one for the District Attorney, one for the Public and two for the County Manager. Contracts or documents requiring signature must be submitted with three original copies.			
<b>Expenditure Impact by FY(s):</b> (Provide detail on Financial Form)			
			<input checked="" type="checkbox"/> No financial impact

**Routing & Approval** (Sign & Date)

1. Dept	Date	6.	Date
2.	Date	7. HR <i>D. Shamrell</i>	Date 08/20/2020
3.	Date	8. Legal	Date N/A
4.	Date	9. Budgets	Date N/A
5.	Date	10. County Manager <input checked="" type="checkbox"/> Place on Agenda	Date

MG    
 ITEM # 41

## **Emergency Family and Medical Leave (EFML)**

### **1. Policy**

This policy complies with the Families First Coronavirus Response Act (FFCRA) to grant eligible employees protected leave for qualified reasons.

Public employers are covered under the Emergency Family and Medical Leave Expansion Act (EFMLEA) and will comply with the requirements of the EFMLEA and advise employees if they meet the eligibility requirement.

Employers are required to post and keep posted Form WH-1422: *Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under the Families First Coronavirus Response Act* in a conspicuous place that can readily be seen by employees and applicants alike, even if no employees are eligible.

This policy is effective at 12:01 a.m. on April 1, 2020, and will remain in effect until 12:00 p.m. on December 31, 2020. It does not apply retroactively.

### **2. Eligibility**

Employees who have been employed by Nye County for 30-calendar days are eligible for EFML leave. All employees meeting the above qualification qualify for EFML, regardless of their employment, status.

### **3. Duration of Leave**

Any eligible employee, as defined above, may be granted a total of 12 weeks of FMLA leave, including EFML leave during a 12-month period. A "week" is defined as a calendar week, regardless of the number of days the employee normally works. Twelve weeks does not entitle a part-time employee working three days a week to 60-leave days, but rather 12 weeks.

### **4. Reasons for Leave**

EFML may be granted for the following reason:

The employee is unable to work or telework due to a need for leave to care for a his/her son or daughter whose school or place of care has been closed, or the childcare provider is unavailable, for reasons related to COVID-19 only if no other suitable person is available to care for the son or daughter during the period of such leave.

### **5. Compensation During Leave**

The first two weeks of EFML leave will be unpaid leave unless the employee has accrued paid leave and is otherwise eligible to use the leave. Employees who are eligible for Emergency Paid Sick Leave may elect to use EPSL during the first two weeks.

Weeks 3 through 12 of EFML leave will be compensated at 2/3 the employee's regular rate of pay, up to \$200 a day and \$10,000 in the aggregate. Employees are required to substitute accrued leave for the pay not covered by EFML.

When substituting accrued paid leave for the pay not covered by EFMLEA, the employee must comply with Nye County's procedural requirements, terms, and conditions of the paid leave policy as appropriate; once accrued leave is depleted, the remainder of the leave period will then consist of unpaid leave for the pay not covered by EFMLEA.

## **6. Intermittent Leave**

Employees may take EFML leave intermittently while working at the regular worksite or teleworking, and leave may be taken in any increments agreed upon by the employer and employee. Intermittent leave may be taken in 0.50 increments.

## **7. Notice of Leave**

An employee intending to take EFML leave shall give notice as soon as practicable.

## **8. Certification of Leave**

Employees requesting leave under this policy are required to provide the following supporting documentation:

- The employee's name.
- The date(s) for which leave is requested.
- Qualifying reason for requesting leave.
- Statement that the employee is unable to work, including telework, for that reason.
- The name of the Son or Daughter being cared for.
- The name of the school, place of care, or childcare provider that has closed or become unavailable; and
- A representation that no other suitable person will be caring for the child during the period for which the employee takes EFML leave.

## **9. Benefits Coverage During Leave**

During a period of EFML leave, an employee will be retained on Nye County's health plan under the same conditions that would apply if the employee was not on EFML leave. An employee who has used all accrued paid leave and is still within the twelve (12) week period, allowed by law, but in a leave without pay status, will have his/her health care benefits continued and paid for through the rest of the twelve (12) week period. If the employee has dependent coverage or any voluntary deductions, they will be responsible to pay that at the beginning of each month.

## **10. Anti-Retaliation**

An employee shall not be retaliated against for utilizing the leave described in this section. Any employee who believes s/he has been retaliated against in any manner whatsoever should immediately notify the EEO Officer or alternative EEO Officer. Nye County will promptly investigate and deal appropriately with any allegation of retaliation.

### **Related Forms:**

**Request for Emergency Family and Medical Leave**

**Notice of Eligibility and Rights and Responsibilities**

**Designation Notice for Emergency Family and Medical Leave**