

Category: 300
Number: 365
Subject: COVID-19 Emergency Paid Sick Leave Act Policy

1. PURPOSE: The purpose of this policy is to define paid sick leave provided to the employees of Saginaw County during the pandemic outbreak of COVID-19, Coronavirus, as required by H.R. 6201, the “Families First Coronavirus Response Act” of 2020, which includes the FMLA Expansion Act and the Emergency Paid Sick Leave Act. This policy will be in effect from April 1, 2020, until March 31, 2021.
2. AUTHORITY: The Saginaw County Board of Commissioners
3. APPLICATION: This policy applies to all qualifying Saginaw County regular full-time and part-time employees as defined by the Act, with the exception of Elected Officials, Health Care Providers and Emergency Responders (i.e. Health Department [only those employees who meet the definition of healthcare provider and Sheriff’s Department employees.]
4. RESPONSIBILITY: The Controller/CAO will have responsibility for implementing and administering this policy.
5. DEFINITIONS: “Child” means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or is 18 or older and incapable of self-care because of a mental or physical disability.

“Individual” means an immediate family member, roommate or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined. Additionally, the individual being cared for must: a) be subject to a federal, state or local quarantine or isolation order as described above; or b) have been advised by a health care provider to self-quarantine based on a belief that he or she has COVID-19, may have COVID-19 or is particularly vulnerable to COVID-19.

“Healthcare Provider” means personnel employed who are capable of providing, and employed to provide diagnostic, preventative or treatment services or services that are integrated with and necessary to diagnostic, preventive or treatment services and, if not provided, would adversely impact patient care. It is not enough that an employee works for an entity that provides healthcare services.

“Diagnostic Services” include taking or processing of samples, performing or assisting in the performance of x-rays, or other diagnostic tests or procedures, and interpreting tests or procedure results.

“Preventative Services” include screenings, check-ups, and counseling to prevent illnesses, disease, or other health problems.

“Treatment Services” include performing surgery or other invasive or physical interventions, administering or providing prescribed medications, and providing or assisting in breathing treatments.

Services that are integrated with and necessary to diagnostic, preventative, or treatment services and if not provided would adversely impact patient care include taking vital signs, setting up medical equipment for procedures, and transporting patients and samples.

6. POLICY: It shall be the policy of Saginaw County to provide leave in accordance with the Emergency Paid Sick Leave Act for all eligible employees.
7. ADMINISTRATIVE PROCEDURES: In accordance with the Emergency Paid Sick Leave Act (EPSLA), the county will provide all employees, including new hires, with paid sick leave, separate from any normal PTO leave accruals, for the following reasons:
 1. is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
 2. has been advised by a health care provider to self-quarantine related to COVID-19;
 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
 5. is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or
 6. is experiencing any other substantially-similar condition specified by the US Department of Health and Human Services.

7.1 If the employee meets any of the aforementioned criteria, which will be determined after submitting a form requesting Emergency Paid Sick Leave (EPSL) to the Controller’s Office, EPSL will be approved and PTO will not be deducted from the employee’s accrued leave banks. For full-time employees up to eighty (80) hours of paid leave will be granted. Part-time employees will receive paid leave for the number of hours that employee works on average during a two-week period. Said average will be determined based on the two most recent two-week pay periods.

If the employee does not meet the criteria for EPSL, the county will grant paid leave from the employee’s accrued paid leave banks in accordance with the employee’s corresponding collective bargaining agreement or personnel policy, if non-union.

7.2 If the employee is seeking leave for qualifying needs 1, 2 or 3, the employee’s compensation is capped at \$511 per day or \$5,110 total. If the employee is seeking leave for qualifying needs 4, 5, or 6, the employee’s compensation shall be two-thirds (2/3) of their regular rate of pay, capped at \$200 per day and \$2,000 in the aggregate.

7.3 Employees requesting EPSL shall complete the EPSLA Request Form, as soon as possible, following occurrence of the potentially qualifying reason for leave. All EPSL is subject to approval by the Controller’s Office.

- 7.4 Approved EPSL shall be reported on employee time sheets as “COVID-19 SL.”
- 7.5 Per EPSLA, this policy shall take effect April 1, 2020 and expire December 31, 2020.
- 7.6 When working from home, employees may take emergency paid sick leave intermittently and in any increment agreed to with their manager. For those not teleworking and currently working onsite, an employee may only take intermittent leave for reason 5 above, to care for his or her child when the school or place of care is closed, or the caregiver is unavailable due to COVID-19-related reasons. Per the regulations, as all other reasons for emergency paid sick leave could potentially expose an employee or others in the workplace to the virus, employees must either use the full amount of paid sick leave or use it in full-day increments until the reason for leave is over and it is safe for the employee to return to work.
- 7.7 The employee may use EPSL under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use EPSL concurrently with that leave. EPSL may also be used when an employee is on leave under traditional FMLA for his or her own COVID-19-related serious health condition or to care for a qualified family member with such a condition.

Once EPSL has begun, the employee and his or her manager must determine reasonable procedures for the employee to report periodically on the employee’s status and intent to continue to receive paid sick time.

- 7.8 EPSL under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.
- 7.9 No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:

Approved as to Legal Content

Saginaw County Controller/CAO

Saginaw County Civil Counsel

ADOPTED: April 21, 2020
AMENDED: December 15, 2020; January 19, 2021