



**NORTH TAHOE PUBLIC UTILITY DISTRICT
Board of Directors Special Meeting Agenda
Via Teleconference**

<https://us02web.zoom.us/j/83057518168>

Meeting ID: 830 5751 8168

(888) 475-4499 (Toll Free)

Friday, January 22, 2021 at 8:30 A.M.

Welcome to a meeting of the North Tahoe Public Utility District Board of Directors

A special meeting of the North Tahoe Public Utility District will be held on Friday, January 22, 2021, 8:30 a.m. via teleconferencing. Teleconferencing access to the meeting and public comment is available by calling: (888) 475-4499 (Meeting ID: 830 5751 8168). No action will be taken at the meeting on any business not appearing on the posted agenda.

The District welcomes you to its meetings. Your opinions and suggestions are encouraged. With a few exceptions, all meetings are recorded and available online after the meeting has concluded. The meeting is accessible to people with disabilities. In compliance with Section 202 of the Americans with Disabilities Act of 1990 and in compliance with the Ralph M. Brown Act, anyone requiring reasonable accommodation to participate in the meeting should contact the North Tahoe Public Utility District office at (530) 546-4212, at least two days prior to the meeting.

Members of the public are encouraged to access the meeting and provide public comment via teleconferencing: (888) 475-4499 (Meeting ID: 830 5751 8168). If you wish to make a public comment, you must RSVP by 8:00 a.m. on January 22, 2021 to mmoga@ntpud.org.

In addition, all written public comments received by 8:00 a.m. on January 22 will be distributed to the District Board Members for their consideration and all written comments will be included in the minutes. Pictures, graphics, or other non-written comments may be included in the minutes at the discretion of the Board of Directors. Written comments may be emailed to mmoga@ntpud.org, mailed or dropped-off at NTPUD's Administrative Offices located at 875 National Ave., Tahoe Vista, CA. 96148.

The Board of Directors may take action upon any item listed on the agenda at any time during the meeting. Scheduled items will be heard at or after the time noted, but the Directors may interrupt or defer discussion in order to deal with other matters.

Pursuant to Executive Order N-29-20, the meeting will be held via teleconference at the number listed above.

TIMED ITEMS ON THIS AGENDA

8:30 A.M. Public Comment and Questions

- A. OPEN SESSION/PLEDGE OF ALLEGIANCE**
- B. REVIEW AGENDA - *Agenda Items may be taken off the agenda or taken out of order.***
- C. PUBLIC COMMENT AND QUESTIONS (8:30 A.M.): *Any person wishing to address the Board of Directors on Items of interest to the District not listed elsewhere on the agenda may do so at this time. Please limit comments and questions to three (3) minutes since no action can be taken on items presented under Public Comment.***
- D. Discuss and Consider Extension of Expired Benefits Provided by the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act**
- E. PUBLIC COMMENT AND QUESTIONS: *See protocol established under Agenda Item C, Public Comment and Questions***
- F. ADJOURNMENT**



**NORTH TAHOE
PUBLIC UTILITY DISTRICT**

DATE: January 22, 2021

ITEM: D

FROM: Office of the General Manager

SUBJECT: Discuss and Consider Extension of Expired Benefits Provided by the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act

RECOMMENDATION:

Discuss, provide direction, and consider approving the *NTPUD EFMLA Leave and Emergency Sick Leave Policy* extending benefits provided by the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act or consider approving the *NTPUD Pandemic Emergency Paid Sick Leave Policy* extending benefits provided by the Emergency Paid Sick Leave Act.

BACKGROUND:

On March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was signed into federal law. Contained within the FFCRA was the Emergency Paid Sick Leave Act (EPSL) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) which mandated the provision of paid sick leave as well as an expansion of Family Medical Leave Act (FMLA) benefits for circumstances related to COVID-19.

The programs benefit District Staff should they contract COVID-19, be required to quarantine due to COVID-19, or be required to care for a qualifying dependent due to COVID-19 related illness or school/daycare closure.

The details of the benefits expansion can be found in the attached *NTPUD FMLA Leave Expansion and Emergency Sick Leave Policy* which was issued by the District on April 1, 2020 in order to comply with the requirements of the FFCRA.

The benefits expansion expired legislatively on December 31, 2020; however, the impacts of the COVID-19 pandemic have not yet abated. As such, District Staff sought direction from the Personnel Committee on January 11, 2021 on whether it is the District's desire to optionally extend the expanded benefits. The Personnel Committee recommended agendaizing the benefits extension for discussion and consideration by the full Board.

If it is the Board's desire to extend the benefits provided by both EPSL and EFMLEA, it should discuss and provide direction on the attached *NTPUD EFMLA Leave and Emergency Sick Leave Policy* including providing input on a proposed end date. The draft policy provides an end date of June 30, 2021, which is intended to serve as a placeholder to facilitate Board discussion and direction prior to possible approval.

It is important to note that as the benefits provided under EFMLEA (paid leave to provide qualifying childcare) no longer qualify under FMLA (due to the expiration of the FFCRA), any benefit provided by optionally extending the EFMLEA benefits must be tracked separately from benefits provided under FMLA (as opposed to concurrently as provided for under the FFCRA). This means the District would be creating a new benefit rather than simply extending the expanded eligibility for an existing benefit.

Therefore, the Board may wish to consider extending only the sick leave benefits provided under EPSL. If so, it should discuss and provide direction on the attached *NTPUD Pandemic Emergency Sick Leave Policy* including providing input on a proposed end date. The draft policy provides an end date of June 30, 2021, which is intended to serve as a placeholder to facilitate Board discussion and direction prior to possible approval.

Both options to extend the expanded benefits are designed to be retroactive to January 1, 2021 to ensure continuity with the expired FFCRA programs.

FISCAL ANALYSIS:

Utilization of the two programs and the financial impact through December 31, 2020 is summarized in the table below.

Program	Number of Staff	Number of Hours	Cost
FMLA Expansion	2	381.25	\$9,064.00
Emergency Sick Leave	15	545.75	\$16,472.42
Total	15*	927	\$25,763.03

*Total Number of Staff reflects overlap in the individual staff members utilizing the two programs.

The financial impact of a program extension will be dependent on which programs are extended and the actual utilization during the extension period.

STRATEGIC PLAN ALIGNMENT:

Objective 6: Maintain Operational Excellence – Goal 6.2: Be Prepared for all scenarios; and – Goal 6.9: Ensure adequate staffing levels

ATTACHMENTS:

- NTPUD FMLA Leave Expansion and Emergency Sick Leave Policy
- Draft NTPUD EFMLA Leave and Emergency Sick Leave Policy
- Draft NTPUD Pandemic Emergency Sick Leave Policy

REVIEW TRACKING:

Submitted By: 
 Bradley A. Johnson, P.E.
 General Manager/CEO



NORTH TAHOE PUBLIC UTILITY DISTRICT

POLICY: FMLA Leave
Expansion and Emergency Paid
Sick Leave Policy

NUMBER:
EFFECTIVE: April 1, 2020
REVISED:

POLICY:

FMLA Leave Expansion and Emergency Paid Sick Leave Policy (Coronavirus)

PURPOSE:

The purpose of this temporary policy is to comply with the Families First Coronavirus Response Act (FFCRA) and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy of the North Tahoe Public Utility District (“the District” will be in effect from April 1, 2020 until December 31, 2020. The FFCRA contained both the Emergency Family and Medical Leave Expansion Act, providing an additional reason for leave under the FMLA and making related changes, and the Emergency Paid Sick Leave Act, creating a new paid leave entitlement. The existing FMLA leave policy still applies to all other reasons for leave outside of this policy, as well as other applicable leave policies. At this time, the Department of Labor (DOL) is expected to issue regulations to provide additional guidance on implementing the FFCRA. Therefore, this policy may be updated based on additional guidance from the DOL.

BACKGROUND INFORMATION AND PROCEDURE:

Family and Medical Leave Expansion

Employee Eligibility

All employees who have been employed with EMPLOYER for at least 30 calendar days.

Qualifying Reason for Leave

Eligible employees who are unable to work (or telework due to a need to care for a child who is under 18 years of age, or a disabled adult child who is unable to care for him/herself, because the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020, for a qualifying reason for leave, stated above. This entitlement to leave is an additional qualifying reason for leave, and not an additional leave entitlement. Therefore, employees will be entitled to a total of 12 weeks in a 12-month period (as measured in the established FMLA Policy) for all qualifying reasons.

For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for the remaining 6 weeks of FMLA leave for a qualifying reason, including to care for a child under this policy.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 10 days, leave will be paid at two-thirds (2/3) of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total.

For part-time employees with varying hours to such an extent that the hours worked cannot be determined with certainty, 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, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

While an employee is on leave, the District will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium (if any). During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR department. These provisions are the same as for all other FMLA leave, as described in the current FMLA Policy.

Procedure for Requesting Leave

All employees requesting FMLA leave must provide written notice, when possible, of the need for leave to HR as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided written or verbal notice, HR will complete and provide the employee with any Department of Labor (DOL) required notices.

The written notice the employee provides shall include a brief statement as to the reason for leave, and if possible, the expected duration.

On a basis that does not discriminate against employees on FMLA leave, the District may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms.

Please contact the HR department with any questions.

Emergency Paid Sick Leave

Emergency Paid Sick Leave, as described below will be available for use beginning April 1.

Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19. (Quarantine and isolation orders are defined by the CDC and do not include "shelter in place" orders.)
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 experiencing symptoms of COVID–19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child under 18 years of age, or a disabled adult child who is unable to care for him/herself, if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID–19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

Amount of Paid Sick Leave

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees will have the number of hours worked, on average, over a two-week period, of paid sick leave available to use for the qualifying reasons above.

For part-time employees with varying hours, to such an extent that the hours worked cannot be determined with certainty, 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, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay.

Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Interaction with Other Paid Leave

The employee may use emergency paid sick leave 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 emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify their department manager or HR of the need and specific reason for leave under this policy. A form will be provided to all employees for certifying the leave request. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave 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.

Employees may be requested to provide medical certification or a medical note supporting the need for leave under appropriate circumstances, but will not be required when not practicable to obtain.

Carryover

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused emergency paid sick leave will not carry over to the next year or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for use of leave under the policy or any request to use leave under this policy.

Please contact the HR department with any questions.



Request for Family and Medical Leave Act Expansion Leave

**To be completed by the employee requesting
FMLA Expansion Leave**

Employee Name

Application Date

Eligibility for Leave: To be eligible for Family and Medical Act Expansion Leave, employee must have worked for NTPUD for thirty (30) days and be unable to work or telework due to the need to care for the employee's minor child(ren), or disabled adult child(ren) unable to care for him/herself, whose school or place of care has been closed (or whose childcare provider is unavailable) arising out of a public health emergency caused by COVID-19.

Requested Leave Start Date: _____ **Estimated End Date:** _____

Reason for Leave:

Employee is caring for the employee's minor child or disabled adult child because the child's school or care provider is closed or unavailable due to COVID-19

Duration of Leave Needed: Due to my primary childcare obligations, I need leave on the following basis (check one):

- I need leave on a full-time basis: I am unable to work or telework any of my standard scheduled shifts due to primary childcare obligations
- I need leave on a part-time basis: Due to my childcare obligations, I am able to work or telework some but not all of my standard scheduled shifts (please complete chart below)
- I need leave on an intermittent basis: Due to my childcare obligations, I am able to work or telework some but not all of my standard scheduled shifts on a rotating basis (please complete chart below)

	Sun	Mon	Tues	Wed	Thurs	Fri	Sat
Available (circle one):	Yes / No						
Hours Available to Work							
Indicate if availability rotates on a periodic basis							

Note: Should any this information change during your leave, you are obligated to submit an updated leave request form.

If you are not available to work your standard scheduled shifts, are you available to work an alternate schedule/hours at the worksite or via telework? Yes No (If you indicated YES, HR or a supervisor will contact you to discuss potential ability to continue work.)

Pay Status: Eligible employees receive 2/3 of their regular rate of pay after the first ten (10) days of leave, up to the cap as provided in the Policy. Regarding usage of other available forms of paid leave during Emergency Family and Medical Leave, please complete the following:

- () During the first ten (10) days of leave, I wish to use all available hours of Emergency Paid Sick Leave;
- () Once all Emergency Paid Sick Leave is exhausted, I wish to supplement my 2/3 pay with any available paid leave (sick leave, vacation, or compensatory time off). (A pro-rata amount of leave will be applied to equal 100% of employee's pay.)
- () Once any Emergency Paid Sick Leave is exhausted, I wish to supplement my 2/3 pay with only the following forms of available paid leave: () sick leave () vacation () compensatory time off, (check the forms of leave you wish to use to supplement). (A pro-rata amount of leave will be applied to equal 100% of employee's pay.)

If you do not check any of the above, your Emergency Family Medical Leave will not be supplemented, and you will receive pay at the 2/3 rate.

During my leave, I can be reached at: _____
(include phone number and email)

Employee Certification:

By submitting this request for Emergency Family Medical Leave, I certify that: all information provided in this request form is true and accurate and that I am eligible for paid leave for the reasons stated; I will update my supervisor and Human Resources if my availability for work changes or if my ability to work or telework changes; I understand I am obligated to return to work (either on a part-time or full-time basis) if my childcare obligations cease or reduce.

Employee's Signature

Date

Human Resources

Date



Request for Emergency Paid Sick Leave

To be completed by the employee requesting Emergency Paid Sick Leave arising out of an eligible reason related to COVID-19

Employee Name

Application Date

Requested Leave Start Date: _____ **Estimated End Date:** _____
(maximum leave duration of EPSL is 80 hours for full-time employees and a pro-rata amount for part-time employees; for emergency FMLA leave arising out of childcare obligations, employees must also complete a Request for FMLA Expansion Leave)

Reason for leave:

- () Employee is subject to a governmental quarantine or isolation order related to COVID-19 (supporting documentation from a governmental authority may be required)
- () Employee has been advised by a healthcare provider to self-quarantine related to COVID-19 (certification from a healthcare provider/doctor's note may be required)
- () Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis (certification from a healthcare provider/doctor's note may be required)
- () Employee is caring for an individual who is subject to governmental quarantine/isolation order or self-quarantine under medical advice related to COVID-19 (supporting documentation from a governmental authority/certification from a healthcare provider/doctor's note may be required)
- () Employee is unable to work or telework due to caring for the employee's minor child, or disabled adult child unable to care for him/herself, because the child's school or child-care provider is closed or unavailable due to COVID-19*

* For leave for this reason, please also submit a Request for FMLA Expansion Leave

During my leave, I can be reached at: _____
(please list telephone number and email)

(continued on next page)

I understand that I will be required to provide timely medical or other certification as a condition of obtaining Emergency Paid Sick Leave, unless the certification cannot practicably be obtained. I understand that it is my obligation to discuss any inability to obtain the requested certification with HR.

Employee Signature/Acknowledgment:

By submitting this request for Emergency Paid Sick Leave, I certify that: all information provided in this request form is true and accurate and that I am eligible for paid leave for the reasons stated; I will update my supervisor and Human Resources if my availability for work changes or if my ability to work or telework changes; I understand that, if I am provided paid sick leave due to childcare obligations, I am obligated to return to work (either on a part-time or full-time basis) if my childcare obligations cease or reduce.

Employee's Signature

Date

Human Resources

Date



NORTH TAHOE PUBLIC UTILITY DISTRICT

POLICY: EFMLA Leave and
Emergency Paid Sick Leave
Policy

NUMBER:

EFFECTIVE: April 1, 2020

REVISED: **January 22, 2021**

POLICY:

EFMLA Leave and Emergency Paid Sick Leave Policy (Coronavirus)

PURPOSE:

The purpose of this temporary policy is to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy of the North Tahoe Public Utility District (“the District”) will be in effect from April 1, 2020 until **June 30, 2021**. On March 18, 2020 the Families First Coronavirus Response Act (FFCRA) was signed into federal law. The FFCRA contained both the Emergency Family and Medical Leave Expansion Act (EFMLA), providing an additional reason for leave under the Family Medical Leave Act (FMLA) and making related changes, and the Emergency Paid Sick Leave Act (EPSL), creating a new paid leave entitlement. The federal requirement to provide these benefits expired on December 31, 2020, however, the North Tahoe Public Utility District has decided to optionally extend these benefits under this temporary policy. The existing FMLA leave policy still applies to all other reasons for leave outside of this temporary policy, as well as other applicable leave policies, subject to the leave limitations under the law. As this policy is temporary and optionally extended beyond the requirements of the FFCRA, the District may modify or terminate this policy at any time at the direction of the Board of Directors.

BACKGROUND INFORMATION AND PROCEDURE:

Family and Medical Leave Expansion - EFMLA

Employee Eligibility

All employees who have been employed with EMPLOYER for at least 30 calendar days.

Qualifying Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for a child who is under 18 years of age, or a disabled adult child who is unable to care for him/herself, because the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020 through **June 30, 2021**, for a qualifying reason for leave, stated above. From April 1, 2020 through December 31, 2020, this entitlement to leave is an additional qualifying reason for FMLA leave, and not an additional leave entitlement. Employees who utilized expanded FMLA leave in 2020 will have it counted toward their regular allotment of FMLA leave (i.e. a total of 12 weeks in a 12-month period, as measured in the established FMLA Policy, for all qualifying reasons). Those who utilize expanded FMLA in 2021 will not have it counted toward such regular FMLA entitlement.

This is not a new benefit, but rather an extended time period to use the original benefit provided under federal law. For example, if an employee has already taken 6 weeks of EFMLA leave, that employee would be eligible for the remaining 6 weeks of EFMLA leave under this policy. Regular FMLA will be tracked and provided in accordance with federal law.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or personal leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 10 days, leave will be paid at two-thirds (2/3) of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total.

For part-time employees with varying hours to such an extent that the hours worked cannot be determined with certainty, 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, including hours for which the employee took leave of any type; or,

- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

While an employee is on leave, the District will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium (if any). During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR department. These provisions are the same as for all other FMLA leave, as described in the current FMLA Policy.

Procedure for Requesting Leave

All employees requesting FMLA leave must provide written notice, when possible, of the need for leave to HR as soon as practicable. Verbal notice will otherwise be accepted until written notice can be provided. Within five business days after the employee has provided written or verbal notice, HR will complete and provide the employee with any Department of Labor (DOL) required notices.

The written notice the employee provides shall include a brief statement as to the reason for leave, and if possible, the expected duration.

On a basis that does not discriminate against employees on FMLA leave, the District may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave

Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms.

Please contact the HR department with any questions.

Emergency Paid Sick Leave - EPSL

Emergency Paid Sick Leave, as described below will be available for use beginning April 1, 2020.

Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19. (Quarantine and isolation orders are defined by the CDC and do not include “shelter in place” orders.)
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 experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child under 18 years of age, or a disabled adult child who is unable to care for him/herself, if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis.

Amount of Paid Sick Leave

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees will have the number of hours worked, on average, over a two-week period, of paid sick leave available to use for the qualifying reasons above.

For part-time employees with varying hours, to such an extent that the hours worked cannot be determined with certainty, 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, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 will be compensated at two-thirds their regular rate of pay.

Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;

- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Interaction with Other Paid Leave

The employee may use emergency paid sick leave 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 emergency paid sick leave during the first 10 days of normally unpaid FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify their department manager or HR of the need and specific reason for leave under this policy. A form will be provided to all employees for certifying the leave request. Verbal notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave 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.

Employees may be requested to provide medical certification or a medical note supporting the need for leave under appropriate circumstances, but will not be required when not practicable to obtain.

Carryover

Paid emergency sick leave under this policy will not be provided beyond **June 30, 2021**. Any unused emergency paid sick leave has no cash value and will not carry over beyond **June 30, 2021** or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for use of leave under the policy or any request to use leave under this policy.

Please contact the HR department with any questions.



NORTH TAHOE PUBLIC UTILITY DISTRICT

POLICY: Pandemic Emergency
Paid Sick Leave Policy

NUMBER:

EFFECTIVE: January 1, 2021

REVISED:

POLICY:

Pandemic Emergency Paid Sick Leave Policy (Coronavirus)

PURPOSE:

The purpose of this temporary policy is to assist employees affected by COVID-19 with pandemic emergency paid sick leave. This policy of the North Tahoe Public Utility District (“the District”) will be in effect from January 1, 2021 until **June 30, 2021**.

Previous federal legislation, the Families First Coronavirus Response Act (FFCRA), created the Emergency Paid Sick Leave (EPSL) entitlement, which expired December 31, 2020, and which as of the writing of this policy, may not be extended or otherwise renewed. This policy is intended to promote a safe working environment and protect employees’ health by providing a temporary Pandemic Emergency Paid Sick Leave program (PEPSL) that tracks the former federal EPSL program.

PEPSL will run concurrently with any other applicable leave programs (e.g. federal Family Medical Leave Act [FMLA], California Family Rights Act [CFRA], etc). Further, other accrued paid leaves (e.g. sick leave, compensatory time off, vacation, etc) remain available as wage replacement for District employees’ use to address COVID-19 illness issues (for themselves or qualifying family members).

BACKGROUND INFORMATION AND PROCEDURE:

Pandemic Emergency Paid Sick Leave

The District’s Pandemic Emergency Paid Sick Leave (PEPSL), as described below, will be available for use beginning January 1, 2021. It is intended as a benefit extending the emergency paid sick leave benefit created by the FFCRA, and if the federal benefit is extended or reinstated in 2021, PEPSL time will run concurrently with such federal emergency sick leave benefits for qualifying employees (i.e. one allotment of up to 80 hours of paid leave benefit except as otherwise required by law).

Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 (Quarantine and isolation orders are defined by the CDC and do not include “shelter in place” orders).
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 experiencing symptoms of COVID-19 or has a known “close contact” exposure to COVID-19, and is seeking a medical diagnosis or test.
4. The employee is caring for an individual who qualified the employee for emergency paid sick leave for caregiver purposes under the FFCRA, or any individual residing in his or her household, who is subject to any of reasons 1-3 above.

Amount of Pandemic Emergency Paid Sick Leave

Under the FFCRA version of EPSL, all eligible full-time employees had up to 80 hours of emergency paid sick leave available to use for the qualifying reasons above. Eligible part-time employees had the number of hours worked, on average, over a two-week period, of paid sick leave available to use for the qualifying reasons above. Under this temporary PEPSL policy, any remaining unused hours of EPSL provided sick leave, as of December 31, 2020, is carried forward to the effective end date of this policy. As such, this is not a new bank of sick leave, but rather an extension of the period of time within which eligible employees may utilize the original leave allotment.

For part-time employees with varying hours, to such an extent that the hours worked cannot be determined with certainty, 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, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Pandemic emergency sick leave will be paid at the employee's regular rate of pay, for leave taken for reasons 1-3 above, not to exceed \$511 per day and \$5,110 in total. Employees taking leave for reason 4 will be compensated at two-thirds their regular rate of pay, not to exceed \$200 per day and \$2,000 in total. Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

Interaction with Other Accrued Paid Leave

An employee may use PEPSL under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Procedure for Requesting Pandemic Emergency Paid Sick Leave

Employees must notify their department manager or HR of the need and specific reason for leave under this policy. A form will be provided to all employees for certifying the leave request. Verbal notification will be accepted until practicable to provide written notice.

Once PEPSL 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 PEPSL.

Employees may be requested to provide medical certification or a medical note supporting the need for leave under appropriate circumstances, but will not be required when not practicable to obtain.

Duration of Benefit

Pandemic emergency sick leave under this policy has no cash value at separation and will not be provided beyond **June 30, 2021**. Any unused PEPSL will not carry over beyond **June 30, 2021** or be paid out to employees.

Job Protections

No employee who appropriately utilizes PEPSL under this policy will be discharged, disciplined or discriminated against for use of leave under the policy or any request to use leave under this policy.

Limitations of Benefit

PEPSL may not be used other than for the above qualifying reasons. However, other accrued District paid time off may be available for employees with other needs (e.g. emergency child care or school closure issues). Employees should consult with Human Resources regarding available options.

Please contact the HR department with any questions.