

# MEMORANDUM



**DATE:** April 2, 2020

**TO:** All StarCare Staff, StarCare Board of Trustees, Sheriff Ray Scifres,  
Sheriff Jorge De La Cruz, Monti Booth

**FROM:** Beth Lawson, CEO

**RE:** Paid Emergency Sick Leave Program

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I am pleased to announce a corporate decision made today:

StarCare Specialty Health System (StarCare) is an essential healthcare provider and is therefore not obliged under the Federal Emergency Family and Medical Leave Expansion Act or the Emergency Paid Sick Leave Act. However, because our employees are extremely important and the heart of all we do, and because the COVID-19 pandemic is a unique hardship affecting all of us, StarCare has decided to implement a time-limited paid Emergency Sick Leave Program.

To honor the commitment and dedication of our workforce and in recognition that the COVID-19 pandemic has strained many families, StarCare desires to give paid emergency sick leave to employees hardest hit by the pandemic, even if they don't qualify for paid time off under normal circumstances.

For now, the timeframe for the paid Emergency Sick Leave Program is the one (1) pay period of April 5 – April 18, 2020. The Program may be extended for additional pay periods if circumstances permit and if funding is available.

## **ELIGIBILITY**

ALL EMPLOYEES are eligible to apply for paid Emergency Sick Leave, whether or not they are ordinarily eligible for paid time off.

## **CRITERIA FOR APPROVAL**

In order to be approved for the paid Emergency Sick Leave Program, an employee must be unable to telework and provide verifiable proof of at least one (1) of the following:

1. The employee has been advised by a public health official to quarantine or by a healthcare provider to isolate because of COVID-19;
2. The employee is caring for an immediate family member advised by public health official to quarantine or by a healthcare provider to isolate because of COVID-19;
3. The employee is experiencing COVID-19-like symptoms of fever, cough and/or shortness of breath; or
4. The employee is caring for an immediate family member who is experiencing COVID-19-like symptoms of fever, cough and/or shortness of breath.

#### **CALCULATION OF EMERGENCY SICK LEAVE HOURS**

If approved, employees may be granted up to 80 hours of paid Emergency Sick Leave. The exact number of hours will be calculated by averaging the hours worked during the previous two (2) pay periods, not to exceed 80 hours total.

#### **APPLICATION**

Applications for the time limited paid Emergency Sick Leave Program are available from Rayanne Nance, Human Resources Director. [rnance@starcarelubbock.org](mailto:rnance@starcarelubbock.org)

#### **COURTESY AND PROFESSIONALISM EXPECTATION**

While the paid Emergency Sick Leave Program is technically open to ALL EMPLOYEES, it is specifically meant to help employees who do not have access to paid time off. If an employee needs time off for COVID-19-related reasons and has access to paid time off hours, courtesy and professionalism dictate those hours should be exhausted before requesting emergency leave hours.

StarCare is glad to be able to provide this Program. We are all in this together.

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅔ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
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### ▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



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