

**Time-Limited Paid Emergency Sick Leave Program**  
**Given in Response to the COVID-19 Pandemic**  
Effective August 31, 2020 Until October 23, 2020



**PURPOSE**

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 at 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 (PTO) under normal circumstances.

StarCare implemented a Time-Limited Paid Emergency Sick Leave Program on April 5, 2020.

The purpose of this memo is to update protocols of the Program. The timeframe for the updated, paid Emergency Sick Leave Program is August 31, 2020 through October 23, 2020. The Program may be extended for an additional period of time, 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 PTO.

**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 StarCare's Human Resources Department that he/she must quarantine (and cannot telework) because of a potential exposure to COVID-19 while on duty;
2. The employee has been advised by a public health official to quarantine or by a healthcare provider to isolate because he/she has been exposed to COVID-19;
3. The employee is the sole care giver for an immediate family member advised by public health official to quarantine or by a healthcare provider to isolate because the family member has been exposed to COVID-19;
4. The employee is experiencing COVID-19-like symptoms of fever, cough and/or shortness of breath; or
5. The employee is the sole care giver 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)

Applications are not required when employees are quarantined under the direction of StarCare's Human Resources Department.

## **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 PTO. If an employee needs time off for COVID-19-related reasons (other than if related to a potential exposure while on duty) and has access to PTO hours, courtesy and professionalism dictate those hours should be exhausted before requesting emergency leave hours. Therefore, Emergency Sick Leave will only be authorized if no PTO is available.

# 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;
- $\frac{2}{3}$  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  $\frac{2}{3}$  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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# DERECHOS DEL EMPLEADO

## LICENCIA POR ENFERMEDAD PAGADA Y EXPANSION DE LICENCIA FAMILIAR Y POR ENFERMEDAD BAJO LEY FAMILIAS PRIMERO DE RESPUESTA AL CORONAVIRUS

La **Ley Familias Primero de Respuesta al Coronavirus (FFCRA o Ley)** requiere que ciertos empleadores den a empleados licencias laboral pagadas o expansión de licencia familiar y por enfermedad por razones relativas al COVID-19. Estas provisiones aplicarán desde abril 1 hasta diciembre 31 del 2020.

### ► DERECHOS A LICENCIA LABORAL PAGADA

En general, los empleadores cubiertos bajo la Ley deben proveer a empleados:

Hasta 2 semanas (80 horas, o el equivalente de dos semanas de un empleado a tiempo parcial) de licencia por enfermedad pagada en base a su mayor tasa regular de pago, o el salario mínimo estatal o federal aplicable, de la siguiente manera:

- 100% para razones calificables #1-3 (ver abajo), hasta \$511 por día y \$5,110 total;
- $\frac{2}{3}$  para razones calificables #4 and 6, hasta \$200 por día y \$2,000 total; y
- Hasta 12 semanas de licencia por enfermedad pagada y expansión de licencia familiar y por enfermedad pagada a  $\frac{2}{3}$  para razones calificables #5 de hasta \$200 por día y \$12,000 total.

Un empleado a tiempo parcial es elegible a licencia por las horas que trabajaría durante ese periodo.

### ► EMPLEADOS ELEGIBLES

En general, empleados de empleadores del sector privado con menos de 500 trabajadores, y de ciertos empleadores del sector público, son elegibles a hasta dos semanas de licencia pagada total o parcialmente por enfermedad por razones de COVID-19 (ver abajo). *Empleados que hayan estado en nómina al menos 30 días anteriores a su solicitud de licencia podrán ser elegibles a hasta 10 semanas adicionales de expansión pagada parcialmente de licencia familiar y por enfermedad por razón #5.*

### ► RAZONES CALIFICABLES A LICENCIA RELACIONADA A COVID-19

Un empleado tiene derecho a tomar licencia laboral relacionada a COVID-19 si no le es posible trabajar, incluyendo imposibilidad de hacer **teletrabajo**, porque el empleado:

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| <ol style="list-style-type: none"><li>1. está sujeto a orden de cuarentena o aislamiento Federal, Estatal, o local relacionada al COVID-19;</li><li>2. ha sido instruido por un proveedor de salud que se ponga en auto-cuarentena por COVID-19;</li><li>3. está experimentando síntomas de COVID-19 y está solicitando diagnóstico médico;</li><li>4. está cuidando a una persona sujeta a una orden descrita en (1) o en auto-cuarentena descrita en (2);</li></ol> | <ol style="list-style-type: none"><li>5. está cuidando a un hijo cuya escuela o lugar de cuidados está cerrado (o cuidados infantiles no están disponibles) por razones de COVID-19; o</li><li>6. está experimentando otras condiciones sustancialmente similares a las especificadas por el Secretario de Salud y Servicios Humanos.</li></ol> |
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### ► CUMPLIMIENTO

La División de Horas y Salarios (WHD) del Departamento de Trabajo de EE.UU. tiene la autoridad de investigar y hacer que se cumpla la FFCRA. Los empleadores no podrán expulsar, disciplinar, o discriminar de ningún modo a un empleado que legalmente hace uso de su derecho a licencia laboral pagada o a extensión de licencia familiar y por enfermedad bajo FFCRA, presenta una queja, o inicia un procedimiento bajo o relativo a esta Ley. Los empleadores que violen las provisiones de la FFCRA serán objeto de multas y medidas de cumplimiento por la WHD.



**DIVISION DE HORAS Y SALARIOS**  
DEPARTAMENTO DE TRABAJO DE ESTADOS UNIDOS

Para información adicional  
o para presentar una queja:  
**1-866-487-9243**  
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