



POLICY REVIEW COMMITTEE

Mike McDonough, Deputy Superintendent
Friday, May 15, 2020, via Zoom

Hilliard City School District
Operations Department

COMMITTEE MEMBERS

Paul Lambert, Board of Education
Lisa Whiting, Board of Education
Brian Wilson, Treasurer/CFO
Mike McDonough, Deputy Superintendent
Vicky Clark, Assistant Superintendent
Herb Higginbotham, Director Elementary Education
Stacie Raterman, Communications Director

Aaron Cookson, Principal Hilliard Davidson HS
Matthew Trombitas, Principal Hilliard Heritage MS
Lauren Schmidt, Principal Hilliard Station Sixth Grade
Holly Meister, Principal Scioto Darby Elementary
Stephanie Borlaza, Principal Britton Elementary
Jamie Lennox, Special Education Coordinator

RECOMMENDATION

Third Reading & Adoption
June 15, 2020

The Policy Review Committee meets quarterly each school year. All proposed new policies, revisions of current policies or repeal of a current policy are reviewed by the Policy Review Committee before being presented to the Superintendent for submission to the Board of Education. Two readings at two separate meetings shall normally be required before a new or revised policy may be adopted. Action to adopt will take place at a subsequent third meeting. However, the Board does have the option of voting for adoption at the second meeting.

The Policy Review Committee recommends the policies listed below be revised, as noted on the following pages:

1. GBRA-Family and Medical Leave Act Expansion (***new policy***)
2. GBRA-A-Family and Medical Leave Act Expansion (***new policy***)
3. GBRAA-Emergency Paid Sick Leave (***new policy***)
4. GBRAA-R-Emergency Paid Sick Leave (***new policy***)
5. GCBE-Professional Staff Vacations and Holidays

Revision Notes:

- Language with a ~~line drawn through~~ it is language to be removed.
- Language in **bold-type** is language to be added.

The policies are being submitted for readings and adoption at the following Board of Education meetings:

- First reading – May 26, 2020
 - Second reading – June 1, 2020
 - Third reading and adoption – June 15, 2020
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NEW POLICY

FAMILY AND MEDICAL LEAVE ACT EXPANSION
(Families First Coronavirus Response Act)

The Board complies with the Families First Coronavirus Response Act (FFCRA) to assist employees affected by the COVID-19 outbreak with job-protected leave, the Board provides FFCRA-expanded Family and Medical Leave Act (FMLA) to eligible employees. This policy is in effect from April 1, 2020 until December 31, 2020. Leaves taken for these qualifying reasons are included in and not in addition to the total FMLA entitlement of up to 12 weeks in the District defined 12-month period. The District's existing FMLA leave policy applies to all other eligible leave for reasons outside this policy.

The first two weeks of FFCRA-expanded FMLA leave are unpaid, although the employee can choose to use other forms of paid leave, including FFCRA Emergency Paid Sick Leave, during that time period. The remaining 10 weeks of FFCRA-expanded FMLA leave are paid as provided in FFCRA. The Board continues to pay the District's share of the employee's health benefits during the leave.

An employee who takes expanded Family and Medical Leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FFCRA-expanded FMLA leave period.

In complying with the FFCRA and FMLA, the District adheres to the requirements of applicable State and Federal law.

Additional information is contained in the regulation, which follows this policy.

[Adoption date:]

LEGAL REFS.: Families First Coronavirus Response Act of 2020; 29 USC 2601 et seq.;
29 CFR Part 825
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38 (for city districts only)
3319.13; 3319.141

CROSS REFS.: GBR, Family Medical Leave Act
GBRAA, Emergency Paid Sick Leave

CONTRACT REFS.: Teachers' Negotiated Agreement
Support Staff Negotiated Agreement

NEW POLICY

FAMILY AND MEDICAL LEAVE ACT EXPANSION
(Families First Coronavirus Response Act)

Eligibility

All full-time or part-time employees who have been employed with the District for at least 30 days.

Leave Entitlement

An eligible employee is allowed to take up to 12 workweeks of Families First Coronavirus Response Act (FFCRA) expanded Family Medical Leave Act (FMLA) leave between April 1, 2020 and December 31, 2020. Leaves taken for these qualifying reasons are included in and not in addition to the total FMLA entitlement of up to 12 weeks in the District defined 12-month period. The District's existing FMLA leave policy applies to all other eligible leave for reasons outside this policy.

Types of Leave

An eligible employee may take FFCRA-expanded FMLA leave if the employee is unable to work (or telework) due to a need to care for their child when 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.

An eligible employee may elect to use any accrued and unused paid vacation, personal or sick leave concurrently with the first two weeks of unpaid FFCRA-expanded FMLA leave, subject to the District's policies governing such leave.

Benefits

The Board maintains the employee's health coverage under the group health insurance plan during the period of FFCRA-expanded FMLA leave at the same level and under the same conditions as provided in policy GBR.

Pay During Leave

Leave will be unpaid for the first 10 days of leave; however, employees may use any accrued paid vacation, sick or other leaves which may be allowable during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act.

After the first 10 days, leave will be paid at two-thirds 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. Any unused portion of this pay will not carry over to the next year.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

1. The average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type or
2. If the employee has worked less than six months, the expected number of hours to be scheduled per day at the time of hire.

Notice and Requesting Leave

All employees requesting family and medical leave must provide written notice, where possible, of the need for leave 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 this notice, the District will complete and provide the employee with any Department of Labor (DOL) required notices.

The notice the employee provides should 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 FFCRA-expanded FMLA, the District may require an employee to report periodically on the employee's status and intent to return to work.

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:

1. under 18 years of age or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means:

1. a provider who receives compensation for providing childcare services on a regular basis, including:
 - A. a center-based childcare provider;
 - B. a group home childcare provider;

- C. 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);
 - D. other licensed provider of childcare services for compensation.
2. 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.

A family member or friend of an employee who regularly cares for an employee's child can be a childcare provider for purposes of this regulation even if he/she is not compensated or licensed.

“School” means an elementary or secondary school.

(Approval date:)

NEW POLICY

EMERGENCY PAID SICK LEAVE
(Families First Coronavirus Response Act)

To comply with the Families First Coronavirus Response Act (FFCRA), the Board provides emergency paid sick leave to eligible employees affected by the COVID-19 outbreak. This policy is in effect from April 1, 2020 until December 31, 2020. Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid emergency sick leave will not carry over to the next year or be paid out to employees. The District's existing sick leave provisions apply to all other eligible leave for reasons outside this policy.

Emergency paid sick leave will be paid as provided in FFCRA. Eligible full-time employees are entitled to up to 80 hours of paid emergency sick leave for reasons described in FFCRA. Eligible part-time employees are entitled to paid emergency sick leave for the number of hours worked, on average, over a two-week period.

Employees on FFCRA-expanded family medical leave act (FMLA) leave may use emergency paid sick leave during the first 10 days of that normally unpaid leave.

In complying with the FFCRA, the District adheres to the requirements of applicable State and Federal law.

Additional information is contained in the regulation, which follows this policy.

[Adoption date:]

LEGAL REFS.: Families First Coronavirus Response Act of 2020; 29 USC 2601 et seq.;
29 CFR Part 825
Genetic Information Nondiscrimination Act of 2008; 42 USC 2000ff et seq.
ORC 124.38 (for city districts only)
3319.13; 3319.141

CROSS REFS.: GBR, Family and Medical Leave Act
GBRAA, Family and Medical Leave Act Expansion

CONTRACT REFS.: Teachers' Negotiated Agreement
Support Staff Negotiated Agreement

NEW POLICY

EMERGENCY PAID SICK LEAVE
(Families First Coronavirus Response Act)

Eligibility and Reasons for Leave

Any full-time or part-time employee who is employed with the District is eligible to take emergency paid sick leave if the employee is unable to work (or telework) because the employee:

1. is subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
3. is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. is caring for an individual who is subject to either number 1 or 2;
5. is caring for his/her child 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. 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.

Emergency Paid Sick Leave Entitlement

An eligible full-time employee is entitled to up to 80 hours of Families First Coronavirus Response Act (FFCRA) emergency paid sick leave. Eligible part-time employees are entitled to emergency paid sick leave for the number of hours worked, on average, over a two-week period. Emergency paid sick leave is available between April 1, 2020 and December 31, 2020. Emergency paid 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.

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

1. The average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type or

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

Pay During Leave

The employee's rate of pay for emergency paid sick leave depends on the reason for which the employee is taking leave. For an employee taking leave for reasons 1 through 3, the rate of pay for emergency paid sick leave will be the employee's regular rate of pay (or minimum wage, whichever is greater). Pay for leave taken for reasons 1 through 3 will not exceed \$511 per day and \$5,110 in total.

For an employee taking leave for reasons 4 through 6, the rate of pay for emergency paid sick leave will be two-thirds of the employee's regular rate of pay (or minimum wage, whichever is greater). Pay for leave taken for reasons 4 through 6 will not exceed \$200 per day or \$2,000 in total.

Interaction with Other Paid Leave

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

Notice and Requesting Leave

All employees requesting emergency paid sick leave must notify the District of the need and specific reason for leave under this policy. A form will be provided to District employees in a manner accessible to all. Verbal notice will be accepted until it is practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and the District must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to use paid sick leave.

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:

1. under 18 years of age or
2. 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means:

1. a provider who receives compensation for providing childcare services on a regular basis, including:
 - A. a center-based childcare provider;
 - B. a group home childcare provider;
 - C. 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);
 - D. other licensed provider of childcare services for compensation.
2. 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.

A family member or friend of an employee who regularly cares for an employee’s child can be a childcare provider for purposes of this regulation even if he/she is not compensated or licensed.

“Individual” means an employee’s immediate family member, a person who regularly resides in the employee’s home, or a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he/she were quarantined or self-quarantined. “Individual” does not include persons with whom the employee has no personal relationship.

“School” means an elementary or secondary school.

(Approval date:)

PROFESSIONAL STAFF VACATIONS AND HOLIDAYS

Vacations

Administrative personnel employed on a 12-month basis accumulates vacation at a rate of 1.667 days per month (20 days per year). Leadership team members in their first year of service as a 12-month administrator are allowed to borrow/use five days or an amount equal to their accrued value of vacation, upon approval of the Superintendent/designee.

A written request for vacation is submitted to the Superintendent/designee for approval. Vacations are allowed, provided they do not hinder the operation of the schools.

On July 31 of each calendar year, 12 month leadership team employees will not exceed 40 60 days of vacation leave balance. Employees may accumulate their current year vacation leave during their contractual year above the 40 60-day maximum but must use this vacation prior to July 31.

Upon separation from service to the Board, the leadership team employee is paid for the unused vacation earned, but not used, up to a maximum of 30 days.

Holidays

The school calendar, as adopted by the Board, establishes the school recess periods and holidays for all administrators employed on a school-year basis.

Except as holidays have been declared for the District or vacation days have been scheduled, all professional staff members employed on a 12-month basis are expected to work during the recess periods of the school year.

[Adoption date: June 19, 2009]

[Re-adoption date: November 24, 2014]

[Re-adoption date: May 11, 2015]

LEGAL REFS.: ORC 3313.20; 3313.63

CROSS REF.: GCB, Professional Staff Contracts and Compensation Plans