

August 21, 2020

**Lincoln County School District
Human Resources Office**

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The following guidance is specifically geared towards using the [Emergency Sick Leave, Expanded Family Medical Leave Act](#), and Leave of Absence or **child care** related reasons.

Type of Leave	Details	Process
Emergency Paid Sick Leave-EPSL Week 1-2	<ul style="list-style-type: none">• 2 weeks (up to 80 hours)• Paid at $\frac{2}{3}$ pay up to \$200 per day for Covid Childcare reason• \$2,000 max for 2 weeks• $\frac{1}{3}$ can be supplemented with employee accrued sick and personal leave• District paid benefits intact	<ul style="list-style-type: none">• Leave of Absence Form to HR
Expanded Family Medical Leave Act - EFMLA Weeks 3-10	<ul style="list-style-type: none">• Additional 10 weeks• Paid at $\frac{2}{3}$ pay up to \$200 per day• \$12,000 max for 12 weeks• $\frac{1}{3}$ will be supplemented with employee accrued sick and personal leave per Districts FMLA policy• District paid benefits intact	<ul style="list-style-type: none">• Leave of Absence Form to HR
Leave of Absence	<ul style="list-style-type: none">• Year increment• Unpaid• Benefits no longer intact (October 1, 2020-September 30, 2021)	<ul style="list-style-type: none">• Leave of Absence Form to HR• Approval by Superintendent and LCSD School Board• Position guaranteed, not same position or location
Intermittent Leave	<ul style="list-style-type: none">• The District is not approving intermittent leave requests for child care.	<ul style="list-style-type: none">• Not applicable

EFMLA (Expanded Family Medical Leave Act) for Child Daycare Closure/Availability (#5 Qualifying Reason)

EFMLA (Expanded Family Medical Leave Act) for Child Daycare Closure/Availability is part of FMLA and is subject to the **12 week entitlement** each year.

EFMLA (Expanded Family Medical Leave Act) Pay:

Week 1 and 2 –

***You may choose to substitute **COVID Emergency Paid Sick Leave** for the first 2 weeks of unpaid EMFLA leave. This will be paid at 2/3 of your wage up to \$200 daily and \$2000 total. The additional 1/3 will be paid using the employee's paid leaves (sick and/or personal) only if the employee requests it.

Up to 10 additional weeks – The District will pay 2/3 of your wage up to \$200 daily and \$12,000 total for all paid EFMLA. For weeks 3 to 12, if you have paid leaves, it **will** be used per the EFMLA and District's FMLA policy to make up the additional 1/3.

LEAVE OF ABSENCE:

- During a year long Leave of Absence, you are in an unpaid status and not an active employee with the District therefore you are not eligible for FMLA/EFMLA.
- During a year long Leave of Absence, you are in an unpaid status and no longer receive salary or benefits.
- Upon returning from an approved year long Leave of Absence, teachers are guaranteed a teaching position, but not guaranteed a return to the vacated position.
- Employees requesting leave for child care (2 weeks (EPSL) or 12 weeks (EFMLA)) must fill out a Leave of Absence form for approval through HR.
- Employees taking a 10-12 week absence will be held to the time requested and return to their position at the conclusion of the approved leave.
- Employees requesting an unpaid leave of absence remainder of the school year, or all school year must fill out a Leave of Absence form for approval through HR.

LCEA Questions:

1. Plan and timeframe for communication with licensed staff about their leave rights, the process for requesting leave, and the process for returning to work? [FFCRA has already been emailed out, and this document will be on the website 8/21/20. This leave would be like any other leave, nothing specific about returning to work.](#)
2. What happens if a daycare center is closed now, but opens up at a later date, allowing a staff member to return to work after they have already requested leave, and similarly. [The District will hold staff to the leave request dates in order to adequately provide substitutes for buildings.](#)
3. What is the procedure for requesting intermittent leave (such as you have childcare M-W, but must be available to care for children TH-F). What should you do if you have childcare for 1/2 days? [The District is not approving intermittent leaves for child care at this time.](#)
4. According to the DOL, you can take leave intermittently, and I was hoping you could provide guidance for teachers on how to arrange that with HR. [The District is not approving intermittent leaves for child care at this time.](#)
5. Also, must you exhaust your sick days first or can you apply directly for the leave at 2/3 pay? [For COVID EPSL \(Emergency Paid Sick Leave\) employees are allowed to make up the 1/3 leave using your District's paid leaves. For EFMLA \(Expanded Family Medical Leave Act\) per policy employees will be required to use their paid leaves.](#)
6. Please provide some details about all the ins and outs related to the leave as it specifically applies to parents providing care for children whose daycare has closed, and communicate the procedures to staff as they attempt to

plan for the fall? That would be greatly appreciated. Is there a file in our drive I should accessing? [Leave of Absence Form to HR with the specific dates for requested leave.](#) HR will then determine if employees are eligible for leave and if so, how many weeks are available. Long term and unpaid leaves (for longer than this 12 weeks) of absence are pending Superintendent and Board approval. Two separate leave requests are required if employees are requesting both the 2-10 weeks of leave and the extended unpaid leave of absence.

7. Specific guidance as it relates to our processes here in LCSD for applying for child care leave. [Leave of Absence Form to HR with the specific dates for requested leave.](#)
8. In reference to the form attached in this email chain, is this still the correct form to use for requesting leave in the 20-21 school year? Or should teachers notify you in writing in a different format? [District employees will use the LCSD Leave of Absence Request form to request EPSL and/or EFMLA.](#)
9. If a teacher requests temporary leave (say, the 12 weeks) in order to care for a child, they will be returning to their same position once the leave is up, correct? [Correct](#)
10. Another question I was asked recently regards substitutes & planning--will the teacher taking leave be asked to prepare the lessons for the full extent of the leave? [Teachers are not planning during their leaves.](#)
11. Will substitutes provide distance learning? [Yes, subs will need to fulfill the duties of the teacher and provide distance learning for the students.](#)
12. Is there a hard deadline for placing the leave requests? [This is a professional courtesy for the District in order to provide education for students in the open position. Please make a decision by 8/28/20.](#)
13. Is there any guidance on the topic of flexing time to be able to avoid taking the leave? Are there any options to create alternative schedules for working since we are asked to work from the buildings—or will it be set hours? [The only potential flexibility comes with a plan in which a teacher would be able to adhere to the guidelines \(still in flux\) in the MOU to provide live, distraction-free instruction during the instructional day. During the first two weeks \(Sept 14 and Sept 21\), teachers are meeting face-to-face with families and will need to work flexibly to accommodate the schedules of their families.](#)

[LCSD Leave of Absence Form](#)

Example:

- If you have used 3 weeks of FMLA for a serious health condition in the past 12 months (surgery for example) then you only have up to 9 weeks of EFMLA and/or FMLA available to you in the rolling leave year. The eligibility is for 12 total weeks in the last 12 months.