

## EMERGENCY PAID SICK LEAVE POLICY

This Policy implements the Emergency Paid Sick Leave Act (“EPSLA”), effective April 2, 2020. Under the EPSLA, employees who are unable to work for a qualifying reason may be eligible for emergency paid sick leave (“EPSL”). This Policy provides an overview of employees’ rights and responsibilities under the EPSLA

### Eligibility for EPSL

Employees are eligible for EPSL immediately upon starting employment. Employees are not required to use any other paid leave provided by the Company before using EPSL.

### Permissible Uses of EPSL

An employee may use EPSL under this Policy immediately upon starting employment for the following reasons only:

- 1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- 2) The employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
- 3) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- 4) The employee is caring for an individual subject to an order described in 1) above, or has been advised as described in 2) above;
- 5) The employee is caring for a son or daughter whose school or place of care has been closed or the childcare provider is unavailable to provide care due to COVID-19 precautions;
- 6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services.

### Amount of EPSL

Full-time employees are entitled to EPSL as follows: 80 hours

Part-time employees are entitled to EPSL as follows: the average number of hours the employee works over a two-week period

All unused EPSL under this Policy will expire on December 31, 2020. EPSL time taken during a given work week will not be included as hours worked for purposes of calculating overtime. Unused EPSL will not be paid out to an employee who is separated from employment and will not rollover at the end of 2020. Unless otherwise required by a change in law, EPSL will not be available after December 31, 2020.

#### **Commented [KCM1]:**

This language is suitable for non-healthcare employers. Healthcare providers also have the option – but are not required – to use the following alternate language:

*Employees who are eligible for EPSL become eligible immediately upon starting employment. Employees who are eligible for EPSL are not required to use any other paid leave provided by the Company before using EPSL.*

*The following employees are ineligible to receive EPSL:*

- 1) *Health care providers and emergency responders excluded from the definition of “eligible employee” for purposes of EPSL under the Families First Coronavirus Response Act; and*
- 2) *Other employees who fall outside the statutory or regulatory definition of “eligible employee,” or who otherwise are ineligible for receipt of EPSL under the Families First Coronavirus Response Act.*

#### **Commented [KCM2]:**

We are leaving this language intentionally vague for the time being to account for any further guidance we may subsequently receive as to how to interpret the language of the Act and its ambiguities.

### **Calculation of EPSL**

- EPSL that is used during an absence from employment because
  - 1) the employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
  - 2) the employee has been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19; or,
  - 3) the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

is paid by multiplying the higher of the employee's regular rate of pay, the federal minimum wage, or the applicable state or local minimum wage, times the number of hours the employee would normally be scheduled to work. In no event shall the amount of EPSL exceed \$511 in any single day or \$5,110 in the aggregate.

- EPSL that is used during an absence from employment because
  - 4) the employee is caring for an individual subject to an order described in 1) above, or has been advised as described in 2) above;
  - 5) the employee is caring for a son or daughter whose school or place of care has been closed or the childcare provider is unavailable due to COVID-19 precautions; or
  - 6) the employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services;

is paid by multiplying by two-thirds the higher of the employee's regular rate of pay, or the federal minimum wage, times the number of hours the employee would normally be scheduled to work ((employee's regular rate of pay X number of hours employee is normally scheduled to work) X (2/3)). In no event shall the amount of EPSL exceed \$200 in any single day or \$2,000 in the aggregate.

### **Requesting EPSL**

All requests for EPSL should be made to Human Resources as soon as possible. Employees should provide as much notice as reasonably possible. After the first day on which an employee provides notice, the employee is required to follow normal notice procedures as set forth in the Employee Handbook in order to continue receiving EPSL. EPSL shall cease beginning with the employee's next scheduled work shift following the termination of the need for EPSL.

### **No Discrimination or Retaliation**

The Company prohibits discrimination or retaliation against employees because of an employee's request for, or use of, EPSL as legally-mandated paid sick leave under federal, state, or local law. If you believe that you have been treated unfairly on account

of your request and/or use of EPSL as legally-mandated paid sick leave, please immediately report this concern to your supervisor, management, or Human Resources so the matter may be reviewed and appropriate corrective action may be taken.