



**Cook County Bureau of Human Resources
Sick Leave Personnel Rule Addendum
(Emergency Paid Sick Leave Act)
Revised Effective 6/01/2020**

I. Overview

In an effort to curb the effect of the Novel Coronavirus (COVID-19) pandemic, the United States Congress passed the Emergency Paid Sick Leave Act (the “Act”), which provides paid sick leave to employees affected by certain circumstances of COVID-19 effective April 1, 2020 through December 31, 2020. The County thus adopts the provisions of the Act as detailed below. Paid sick leave under the Act is in addition to any County provided sick leave benefits.

II. Intent

This policy is intended to be interpreted consistent with and subject to applicable law. It supersedes all earlier policies and/or memoranda that may have been issued from time-to-time on subjects covered in this policy. This policy is not intended to supersede or limit the County from enforcing programs or provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a provision in Personnel Rule 6.2(b), Sick Leave and/or a provision in the Personnel Rule Addendum Related to COVID-19, the provision(s) in this policy shall take precedence until its end date of December 31, 2020.

III. Jurisdiction

The Bureau of Human Resources (“BHR”) is authorized to develop and issue rules for the effective management of Cook County employees, pursuant to section 44-45 of the Cook County Code of Ordinances.

IV. Severability

If any section or provision of this policy should be held invalid by operation of law, none of the remainder shall be affected.

V. **Areas Affected**

This policy applies to County employees in Offices under the President and/or covered by the Cook County Employment Plan. This policy does not apply to employees deemed health care providers and/or emergency responders.

VI. **Nondiscrimination**

Cook County prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, source of income, gender identity or housing status, or any other protected category established by law, statute or ordinance.

VII. **Definitions**

Child - The biological, adopted, foster, stepchild or legal ward, or child of an employee standing in loco parentis who is either under 18 years of age, or older than 18 and incapable of self-care due to a mental or physical disability as defined under the Americans with Disabilities Act, 42 U.S.C. § 12101, *et seq.*, for whom the employee has actual day-to-day responsibility for care.

Health Care Provider - Anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, employer, or entity. This includes any permanent or temporary institution, facility, location or site where medical services are provided that are similar to such institutions; any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services support the operation of the facility; anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments; and any individual that the highest official of a State or territory, including the District of Columbia, determines is a health care provider necessary for that State's or territory's or the District of Columbia's response to COVID-19.

Emergency Responder - An employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to, law enforcement officers, correctional institution personnel, emergency medical services

personnel, physicians, public health personnel, emergency medical technicians, emergency management personnel, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual whom the highest official of a State or territory, including the District of Columbia, determines is an emergency responder necessary for that State's or territory's or the District of Columbia's response to COVID-19.

VIII. Policy and Procedures

Pursuant to the Emergency Paid Sick Leave Act (the "Act"), the County must provide eligible full- and part-time employees paid sick leave as described below. Eligible employees may use such paid sick leave from the first day of employment and are not required to use accrued time prior to use of emergency paid sick leave.

A. Eligibility Requirements

In order to be eligible for paid sick leave under this policy, an employee must be unable to work or telecommute due to the following COVID-19 related reasons:

- i. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- ii. The employee has been advised by a healthcare provider to self-isolate due to concerns related to COVID-19;
- iii. The employee is experiencing COVID-19 symptoms and seeking medical diagnosis;
- iv. The employee is caring for an individual described in subsections (i), (ii) and (iii) of this Section;
- v. The employee is caring for a child (under 18 years of age) whose school or childcare is closed or is unavailable for reason related to COVID-19; or
- vi. An employee experiencing substantially similar conditions as specified by the Secretary of Health and Human Services.

B. Calculation of Emergency Paid Sick Leave

While the County, in its discretion, will continue to pay employees their regular rate of pay through July 5, 2020, it nevertheless reserves the right to pay employees in accordance with the Act as follows:

- i. Any full-time employee who meets the requirements of Section VIII(A) (i), (ii) and (iii) above is eligible to receive up to 80 hours of emergency paid sick leave at their regular rate of pay, not to exceed \$511 per day or \$5,110 in total over a two-week period. Eligible part-time employees will receive emergency paid sick leave at their normal rate of pay in an amount equal to the average number of hours they work over a two-week period.
- ii. Any full-time employee who meets the requirements of Section VIII(A) (iv) and (vi) is eligible to receive up to 80 hours of emergency paid sick leave at a rate of two thirds (2/3) of their regular rate of pay, not to exceed \$200 per day or \$2,000 in total over a two-week period. Eligible part-time employees will receive emergency paid sick leave at a rate of two thirds (2/3) of their regular rate of pay in an amount equal to the average number of hours they work over a two-week period.
- iii. Any full-time employee who meets the requirements of Section VIII(A) (v) is eligible to receive up to two (2) weeks of emergency paid sick leave at their regular rate of pay, not to exceed \$200 per day or \$12,000 total. Eligible part-time employees will receive an amount equal to the average number of hours they work over a two-week period.

Additional emergency paid sick leave is permitted under the expanded family and medical leave provisions.

C. Notification

- i. Eligible employees may, but are not required to, provide notice of absence on the first day of absence.
- ii. Following the first day of absence, eligible employees should follow their usual and customary absence notification procedures.
- iii. Employees should complete and provide the Emergency Paid Sick Leave Request Form to their supervisor for approval, along with appropriate documentation to address the request and support the leave request.

D. Return to Work

All employees returning to work under this policy should follow their usual and customary return to work procedures.

Employees returning to work from an absence related to Section VIII(A) (i), (ii), (iii) and (vi) above may be required to submit corresponding medical certification authorizing them to return to work.

E. Severance

Employees shall not be reimbursed for any portion of emergency paid sick leave upon termination, resignation, retirement, separation from the County or expiration of the Emergency Paid Sick Leave Act.

F. Penalties

Employees found to be in violation of this policy, or who falsify or misrepresent the basis for leave under this policy may be subject to discipline, up to and including discharge.