

**DATE:** December 9, 2021

**MEMO TO:** Julie Simpson, Chair  
Finance Committee

**FROM:** Mary E. Kann  
Director of Administration

**RECOMMENDATION:** Recommend approval of an Ordinance amending Personnel Policy 4.10 – COVID-19 Benefits, revising the expiration date from December 31, 2021, to May 31, 2022 and resetting the available Emergency Paid Sick Leave (EPSL) entitlement.

**STRATEGIC DIRECTIONS SUPPORTED:** Leadership, Organizational Sustainability

**FINANCIAL DATA:** As of November 22, 2021, the District has provided approximately \$46,332 in extended COVID-19 Benefits to staff in 2021.

**BACKGROUND:** In April 2021, the Board approved the addition of Policy 4.10 – COVID-19 Benefits. This policy extended emergency paid sick leave and expanded family and medical leave for specified reasons related to novel coronavirus (COVID-19). These benefits had been provided under the Family First Coronavirus Response Act (FFCRA) that expired on December 31, 2020. Policy 4.10 was effective retroactively to January 1, 2021, and was to expire on September 30, 2021. However, in September 2021, the Board amended Policy 4.10 to extend its benefits through December 31, 2021.

With the ongoing impact of COVID-19, the District continues to see employee absences for testing, from COVID infections, and from parents required to stay home with quarantined school children. Due to the ongoing need for these benefits, staff recommends that the policy be extended and the available EPSL entitlement for all employees be reset. Any time taken in 2020 or 2021 would not be used to calculate available EPSL entitlement. In addition, no unused entitlement would be rolled over.

Therefore, it is the recommendation of staff that Policy 4.10 – COVID-19 Benefits in the District's Personnel Policies & Procedures be amended to extend the expiration date of the Policy to May 31, 2022 and reset the available EPSL entitlement on January 1, 2022.

**REVIEW BY OTHERS:** Director of Finance, Manager of Human Resources & Risk, Corporate Counsel.



**LAKE COUNTY FOREST PRESERVE DISTRICT  
LAKE COUNTY, ILLINOIS**

**AN ORDINANCE AMENDING PERSONNEL POLICY 4.10 – COVID-19 BENEFITS**

**WHEREAS**, on March 19, 1976 the Lake County Forest Preserve District (the District”) passed and approved certain Personnel Policies & Procedures, which have been amended from time to time (the “Policies”); and

**WHEREAS**, it is in the best interests of the District to amend Policy 4.10 – COVID-19 Benefits to 1) extend the expiration date of the benefits provided under such Policy to May 31, 2022 and 2) on January 1, 2022, reset the available Emergency Paid Sick Leave entitlement; and

**WHEREAS**, the amended Personnel Policy 4.10 – COVID-19 Benefits shall be in the form of Exhibit A attached to this Ordinance and incorporated herein by this reference (the “Amended Policy”);

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

**Section 1: Recitals.** The recitals set forth above are incorporated as a part of this Ordinance by this reference.

**Section 2: Approval of Amended Policy.** The Amended Policy is hereby approved and the Policies are hereby amended to include the Amended Policy.

**Section 3: Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2021

AYES:

NAYS:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Angelo D. Kyle, President  
Lake County Forest Preserve District

ATTEST:

\_\_\_\_\_  
Julie Gragnani, Board Secretary  
Lake County Forest Preserve District

Exhibit No. \_\_\_\_\_

## 4.10 COVID-19 Benefits

*Effective Date: January 1, 2021*

*Expiration Date: ~~December 31, 2021~~, May 31, 2022*

### **Policy**

The Families First Coronavirus Response Act (“FFCRA”), was signed into law on March 18, 2020, went into effect on April 1, 2020 and expired on December 31, 2020. As the COVID-19 pandemic is on-going, the District has elected to continue to provide FFCRA-related benefits through September 30, 2021.

The FFCRA provided two separate benefits to eligible employees: (1) the Emergency Paid Sick Leave Act (“EPSLA”) and (2) the Emergency Family and Medical Leave Expansion Act (“EFMLA”). This Policy (1) summarizes how the District will temporarily continue to provide its own emergency paid sick leave (“EPSL”) benefits and expanded family medical leave (“EFML”) benefits, even though the District is no longer legally required to do so under FFCRA and (2) details the eligibility requirements and the procedure to apply for the benefits. While the FFCRA excluded coverage for First Responders, the District has determined that its Public Safety Department employees will be eligible for the benefits provided under this Policy.

If the United States Congress passes legislation reinstating the FFCRA, or if any legislative authority with jurisdiction passes legislation implementing similar benefits or that is otherwise inconsistent with this Policy, then, on the effective date of that legislation, this Policy will no longer be effective and the new legislation will control.

### **Procedure**

#### **Emergency Paid Sick Leave (EPSL)**

##### **Eligibility**

All employees of the Lake County Forest Preserve District, who have completed 30 days of service will be eligible for EPSL for the COVID-19 related “Qualifying Reasons” listed below. When establishing an employee’s net entitlement to EPSL, any EPSL already taken by the employee in 2020 will be subtracted from the EPSL that the employee is otherwise entitled to under this Policy in 2021. EPSL entitlement banks will reset as of January 1, 2022.

If an employee starts EPSL, but no longer has a Qualifying Reason, the EPSL shall terminate. However, the employee may take any remaining EPSL to which they are entitled until September 30, 2021~~May 31, 2022~~ (or while this Policy is effective), if another Qualifying Reason occurs.

### Qualifying Reasons for EPSL

An employee qualifies for EPSL for any of the following six reasons (“Qualifying Reasons”):

1. The employee is subject to a federal, state, or local government quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to COVID-19 concerns;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. The employee has a vaccine appointment(s) or is experiencing complications due to receiving the vaccine;
5. The employee is caring for an individual who is subject to a federal, state, or local government quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine;
  - “Individual” means an immediate family member, roommate, or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined.
6. The employee is caring for a child because the child’s school or place of care has been closed, or the school or childcare provider of such child is unavailable, due to reasons related to COVID-19.

### Intermittent Leave

Employees who qualify for EPSL may, in certain circumstances and if Human Resources determines in advance that it will not unreasonably disrupt District business and operations, use EPSL on an intermittent basis (e.g., EPSL for a portion of a workday).

### Length of Leave and Compensation

Eligible employees are entitled to:

- Full-time employees: ESPL hours equal to the number of hours such employee works over a two-week period, up to 80 hours. The EPSL will be compensated (subject to the Wage Caps below) at (1) 100% of their regular pay rate, when EPSL is taken for Qualifying Reason 1, 2, 3 or 4 and (2) two-thirds of their regular pay rate, when EPSL is taken for Qualifying Reason 5 or 6.
- Part-time employees: ESPL hours equal to the number of hours that such employee works, on average, over a 2-week period, calculated as follows - the average number of hours per pay period over the 6-month period ending on the pay period end closest to the date on which the employee first started any EPSL. The EPSL will be compensated (subject to the Wage Caps below) at (1) 100% of their regular pay rate, when EPSL is taken for Qualifying Reason 1, 2, 3 or 4 and (2) two-thirds of their regular pay rate, when EPSL is taken for Qualifying Reason 5 or 6.
- Temporary employees: EPSL hours equal (1) to the anticipated schedule for the employee over the two-week pay period in which the date for the ESPL started or (2) if the employee did not work over such two-week period, the reasonable expectation of the average number of hours per day that the employee would normally be scheduled to work during the year, The EPSL will be compensated (subject to the Wage Caps below)

at (1) 100% of their regular pay rate, when EPSL is taken for Qualifying Reason 1, 2, 3 or 4 and (2) two-thirds of their regular pay rate, when EPSL is taken for Qualifying Reason 5 or 6.

#### Wage Caps

- When EPSL is taken for Qualifying Reason 1, 2, 3 or 4, an employee earns 100% of their regular pay rate, up to a cap of \$511 per day (\$5,110 in total).
- When EPSL is taken for Qualifying Reason 5 or 6, an employee (1) earns two-thirds of their regular pay rate, up to a cap of \$200 per day (\$2,000 in total) and (2) may supplement the two-thirds pay with accrued paid benefit time, up to one-third of their regular pay rate.

#### General Provisions

Employees may elect to use EPSL before using any accrued paid leave. EPSL under this Policy cannot be carried over after the expiration of this Policy. When establishing an employee's net entitlement to EPSL, any EPSL already taken by the employee will be subtracted from the EPSL that the employee is otherwise entitled to under this Policy.

#### Requesting Leave

If an employee qualifies for EPSL, they should submit (1) written or oral support for their Qualifying Reason, which may include a physician statement, or verbal physician information, including physician name or copy of a school closure notice and (2) a written request to use EPSL to the Manager of Human Resources/Risk or Director of Administration for review and approval. Once approved, Human Resources will instruct the employee on the proper ADP elements to use. Employees are not automatically given a bank of time under the FFCRA or this Policy. Request for use of this benefit should be made as timely as possible. Retroactive requests are not permitted other than for the period between January 1, 2021 and the passage of this Policy.

#### **Expanded Family Medical Leave (EFML)**

##### Eligibility

EFML is available to all employees that meet the eligibility requirements under the Family Medical Leave Act ("FMLA"). Eligible employees may take a total of 12 weeks of EFML from April 1, 2020 through ~~September 30, 2021~~ May 31, 2022. When establishing an employee's net entitlement to EFML, any leave under FMLA and any EFML under FFCRA taken by an employee in 2020 will be subtracted from the EFML that the employee is otherwise entitled to under this Policy. Any time used for EFML after January 1, 2021 will not count against any entitlement for FMLA.

##### Reasons for EFML

EFML under this Policy is limited to circumstances where an employee is unable to work (including remote work) because of their need to care for their child because the child's school or place of care has been closed or is unavailable due to reasons related to COVID-19.

For the purposes of this Policy, a “child” is a person who is under 19 years of age and has not graduated from high school or is incapable of self-care because of a mental or physical disability. If an employee requests EFML to care for a child 14 years of age or older during daylight hours, Human Resources may require the employee to provide additional documentation demonstrating special circumstances supporting the need for such care.

#### Intermittent EFML

An employee may take EFML on an intermittent basis (e.g., EFML for a portion of a workday) if the Human Resource Department determines in advance that doing so will not unreasonably disrupt District business and operations. If an employee foresees the need for intermittent EFML, they must note that need during their initial request for EFML.

#### Requesting EFML

Employees who may need to take EFML must provide notice to the Manager of Human Resources & Risk or the Director of Administration as soon as possible. Employees requesting leave will be required to complete the District-prescribed *Family Medical Leave Expansion* form.

#### Compensation

The first 10 days (two weeks) of EFML are unpaid, but employees may substitute any already accrued paid leave or EPSL that they may have available.

The remaining time of EFML, up to 10 weeks, is paid at two-thirds of an employee’s regular rate for the number of hours they would otherwise be scheduled to work (with a maximum payment of \$200 per day and \$10,000 total). An employee may supplement the two-thirds pay with accrued paid benefit time, up to one-third of their regular pay rate.