I. Purpose

To provide paid leave to employees affected by the COVID-19 pandemic following the expiration of the leave provisions in the Families First Coronavirus Response Act (“FFCRA”) and HR-46 Administrative Policies and Procedures on December 31, 2020. This policy is in effect until the expiration of the County’s local emergency declaration in response to the COVID-19 pandemic.

The County’s normal accrued paid leave and Family and Medical Leave (“FML”) policies, as outlined in Chapter 6.4 of the Human Resources Handbook, and any associated HR administrative policies, remain in effect for employee leave requests outside the scope of this administrative policy.

II. Authority

In accordance with Chapter 6 of the Human Resources Handbook, Benefits and Leave, the County Administrator is authorized to administer the benefits plan as established by the Board of Supervisors and is authorized to make exceptions to leave policies on a case-by-case basis.

III. Policy Statement

The County encourages employees to stay home when they are sick and recognizes that the requirement in COV-EM-STD-01 to quarantine or isolate upon exposure to COVID-19 may deplete employees’ paid accrued leave banks. In order to prevent the spread of COVID-19 in the community and in the workplace, the County hereby establishes Pandemic Paid Sick Leave (“PPSL”) through this policy to provide paid sick leave to eligible employees for specified reasons related to COVID-19. The leave benefits outlined in this policy are available to eligible employees who are unable to work or telework due to specific COVID-19 related reasons. Employees identified as “healthcare providers” and “emergency responders” under Administrative Policies and Procedures HR-46 who were excluded from the leave provisions of the FFCRA are excluded from the PPSL benefit outlined in this policy in order to ensure continuity of critical operations during the state and/or local state of emergency. Such employees will continue to be eligible for paid Administrative Leave. The provisions of HR-46 outlining this Administrative Leave benefit are now outlined in Section V of this policy.
IV. Pandemic Paid Sick Leave (PPSL)

A. Eligible Employees:

All full-time and part-time employees who are unable to work or telework due to one of the following reasons for leave are eligible to receive pandemic paid sick leave:

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 health care provider to self-quarantine due to symptoms of COVID-19 and is awaiting testing or the results of testing or the Health Department has concurred that self-quarantine is necessary.

3. An employee who is not fully vaccinated, and is not ill but has been instructed by his/her health care provider, the Department of Human Resources or Health Department to self-quarantine or isolate due to having “close contact,” as defined by the Health Department, with someone who: (1) tested positive for COVID-19; (2) is experiencing symptoms and is in quarantine or isolation for exposure to COVID-19; or (3) is presumed to be positive for COVID-19 and is awaiting testing or the results of testing.


5. The employee is caring for an immediate family member with a medical diagnosis of COVID-19.

Employees on pre-planned annual leave or on leave unrelated to COVID-19 reasons are not eligible for PPSL unless the return-to-work date is delayed or extended due to a COVID-19 qualifying reason.

Individuals are considered “fully vaccinated” when two weeks or more have passed since the receipt of the second dose of a two-dose vaccine or two or more weeks have passed since the receipt of the single dose vaccine.

B. Duration of Leave

All eligible full-time employees will be provided a maximum of two work weeks, up to 80 hours, of PPSL to use for the qualifying reasons specified in Section IV(A).

Eligible part-time employees with regular set hours are entitled to PPSL based on the number of hours scheduled over a pay period. For eligible part-time or temporary employees with fluctuating hours, the County will provide PPSL in an amount equivalent to the employee’s scheduled hours for the period of the PPSL leave request.

1. Employees who used Emergency Paid Sick Leave pursuant to Administrative Policies
and Procedures HR-46 in calendar year 2020 will be eligible for PPSL for qualifying reasons in calendar year 2021.

2. PPSL provided to an employee under this policy shall cease beginning with the employee’s next scheduled work shift immediately following the termination of the need for PPSL under Section IV(A) above.

3. Should the FFCRA leave provisions be extended at the federal level or if new federal legislation requires employers to offer a new leave benefit, the employee’s PPSL will continue as approved without interference with the employee’s right to the new or renewed federal leave benefit.

C. Procedure for Requesting Pandemic Paid Sick Leave

Employees requesting PPSL under this policy must complete the Pandemic Paid Sick Leave Request Form (Attachment #3) and submit it to their department’s Human Resources Liaison as soon as practicable. Verbal notice will otherwise be accepted until the form can be completed and signed by the employee. Employees are required to submit supporting medical documentation such as a doctor’s note or Health Department quarantine/isolation order when applying for PPSL under this policy. If the employee does not have medical documentation or a written quarantine or isolation order by the Health Department, the employee will be required to complete the Employee Certification of the Need to Quarantine form (Attachment #4) as supporting documentation. Upon receipt of the leave request, the HR Liaison shall:

1. Review the Request Form to ensure that it is fully completed with the leave dates and the reason(s) for the leave. Acknowledge the request is complete by signing the form at the bottom.

2. Immediately notify the employee’s supervisor and Department Director or designee of the leave request.

3. Forward the Request Form along with the supporting documentation provided by the employee to the Pandemic Leave mailbox [PandemicLeave@Loudoun.gov], with supporting documentation provided by the employee. The form and documentation shall be sent by electronic mail with the requesting employee’s name in the subject line.

The Employee Relations Manager or Risk Manager will notify the HR Liaison once the leave has been approved. Leave approved will be submitted by the employee on his/her timecard for the relevant pay period.

V. Employees Excluded from Pandemic Paid Sick Leave

A. Excluded Employees:

For the purposes of continuity of operations and administration, the employee groups excluded from coverage by the FFCRA and Administrative Policies and Procedures
HR-46 (healthcare providers and emergency responders) will also be excluded from this policy; such employees are designated in Attachment #1.

B. Alternatives to Pandemic Paid Sick Leave

At the discretion of the County Administrator, employees who are excluded from the use of PPSL may be eligible for the following alternatives:

1. Up to 80 hours of Administrative Leave:

   Employees who used Administrative Leave pursuant to Administrative Policies and Procedures HR-46 in calendar year 2020 will also be eligible for Administrative Leave for qualifying reasons in calendar year 2021. Employees may request up to 80 hours of Administrative Leave if any of the circumstances listed below apply. Any such request will be reviewed and approved on a case-by-case basis by the County Administrator or designee:
   
   a. The employee is subject to a federal, state or local quarantine or isolation order related to COVID–19.
   
   b. The employee has been advised by a health care provider to self-quarantine due to symptoms of COVID-19 and is awaiting testing or the results of testing or the Department of Health has concurred that self-quarantine is necessary.
   
   c. An employee who is not fully vaccinated and is not ill but has been instructed by his/her health care provider, the Department of Human Resources, or Health Department to self-quarantine or isolate due to having “close contact,” as defined by the Health Department, with someone who: (1) tested positive for COVID-19; (2) is experiencing symptoms and is in quarantine or isolation for exposure to COVID-19; or (3) is presumed to be positive for COVID-19 and is awaiting testing or the results of testing.
   
   d. The employee receives a medical diagnosis of COVID-19.
   
   e. The employee is caring for an immediate family member with a medical diagnosis of COVID-19.
   
   f. To replace advanced Injury Leave upon a determination of non-compensability of a Workers’ Compensation Claim for COVID-19.

Employees on pre-planned annual leave or on leave unrelated to COVID-19 reasons are not eligible for Administrative Leave unless the return-to-work date is delayed or extended due to a COVID-19 qualifying reason.

An individual is “fully vaccinated” when two weeks or more have passed since the receipt of the second dose of a two-dose vaccine or two or more weeks have passed since the receipt of the single dose vaccine.

2. Special Procedures for Work-Related Exposure:
When an employee is not fully vaccinated and exposed to COVID-19 arising out of, and in the course of, his/her employment with the County (i.e., as a direct result of performing work-related duties, such as a healthcare worker or first responder delivering care to a patient with the COVID-19 virus), the Department Head or Department of Human Resources shall consult with the Health Department to determine whether self-quarantine or self-isolation is warranted based on the relevant circumstances. If the Health Department advises that an asymptomatic employee should self-quarantine or self-isolate, the employee shall remain in an “active” work status and telework, if able. If the employee’s duties cannot be performed by telework, the employee shall be paid Administrative Leave for the time out of work due to the work-related quarantine; however, such Administrative Leave shall not be charged to the Administrative Leave allowance detailed in Section V(B)(A) above. The employee’s supervisor or HR Liaison shall coordinate with the Department of Human Resources/Risk Management Division to discuss how to appropriately reflect leave and to discuss the procedures governing the employee’s return to work.

Employees who are diagnosed with COVID-19 while on a work-related quarantine shall immediately notify their supervisor and complete the required forms located in the Workers’ Compensation Accident Reporting Packet pursuant to HR-44 (Workers’ Compensation). While the employee’s workers’ compensation claim is pending a compensability determination, the employee shall be advanced Injury Leave for the employee’s time out of work in accordance with the County’s Workers’ Compensation policy, HR-44.

3. Procedure for Requesting Administrative Leave

Employees requesting administrative leave under this policy must complete the Administrative Leave Request form (Attachment #2) and submit it to their department’s Human Resources Liaison as soon as practicable. Verbal notice will otherwise be accepted until the form can be completed and signed by the employee. Employees are required to submit supporting medical documentation such as a doctor’s note or Health Department quarantine/isolation order when applying for administrative leave under this policy. If the employee does not have medical documentation or a written quarantine or isolation order from the Health Department, the employee will be required to complete the Employee Certification of the Need to Quarantine form (Attachment #4) as supporting documentation. Upon receipt of the Administrative Leave request, the HR Liaison shall:

a. Review the Administrative Leave form to ensure that it is fully completed with the leave dates and the reason(s) for the leave.

b. Immediately notify the employee’s supervisor and Department Head or designee of the leave request for Administrative Leave.

c. Forward the Administrative Leave form along with the supporting documentation provided by the employee to the County’s Employee Relations Manager. This should be sent by electronic mail with the requesting employee’s name in the subject line.
The Employee Relations Manager will notify the HR Liaison once the leave has been approved. Once approved, the HR Liaison will be responsible for completing the Employee Action (“EA”) for leave greater than 3 workdays. Administrative Leave approved for three days or less will be submitted by the employee on his/her timecard for the relevant pay period.

VI. Intermittent Use of Leave

Employees who typically report to their physical worksite are not permitted to use PPSL or Administrative Leave intermittently, as the intent of this Administrative Policy is to provide leave for a qualifying reason to encompass the required isolation or quarantine period. Employees with the ability to telework may take PPSL or Administrative Leave intermittently as agreed upon by the employee’s supervisor and Department Director.

VII. Rate of Pay

PPSL and Administrative Leave under this policy will be paid at the employee's regular rate of pay. The regular rate of pay for employees who serve in multiple positions shall be calculated based on the position with the highest hourly rate.

VIII. Interaction with Other Paid Leave

A. The employee may use PPSL or Administrative Leave under this policy before using any other accrued paid leave for the qualifying reasons stated above.

B. If an employee is expected to be out of work for more than three (3) days or three (3) shifts due to his/her own serious health condition or to care for an immediate family with a serious health condition, the employee must initiate a request through the County’s Family and Medical Leave Act (“FMLA”) claims administration vendor in accordance with Administrative Policies and Procedures HR-18 Family and Medical Leave Act Procedures. If FMLA is approved, the use of PPSL will be concurrent with the approved FML.

IX. Carryover

PPSL and ALWP under this policy will not be provided beyond June 30, 2021; however, the County Administrator may elect to sunset this policy at an earlier date upon the expiration of the state or local state of emergency. Any unused PPSL or Administrative Leave will not carry over to the next year or be paid out to employees.

X. Job Protections

No employee who appropriately utilizes PPSL or Administrative Leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to this leave.
XI. Limitations

Employees not currently working due to lack of work are not eligible for PPSL or Administrative Leave but may be eligible for unemployment insurance. Employees in this situation are encouraged to contact the Virginia Employment Commission at 1-866-832-2363 or at www.vec.virginia.gov to determine their eligibility for unemployment benefits.

Responsible Department:
Department of Human Resources