

# Jefferson County Education Service District

Code: GCBDAAGDBDAA  
Adopted: 6/03/20  
Revised/Readopted:  
Orig. Code: GCBDAAGDBDAA

## COVID-19 Related Leave

When applicable, the ESD will comply with the provisions of the Families First Coronavirus Response Act (FFCRA) which includes the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA). The ESD will also comply with the Oregon Bureau of Labor and Industries' (BOLI) temporary rule BLI 4-2020 that amends Oregon Administrative Rule 839-009-0230 for the purpose of taking leave during the statewide public health emergency. This policy and its accompanying administrative regulation will be in effect until each of the above laws have expired.

Employees are eligible for EFMLEA leave if they have been employed for at least 30 days.

EPSLA applies to all employees no matter how long they have been employed or how many hours they have worked.

The ESD may exclude from the EPSLA and EFMLEA employees who are health care providers, including anyone employed at any post-secondary educational institution offering health care instruction.

The BOLI rule applies to ESDs with employees who are eligible for leave under the Oregon Family Leave Act.

The ESD shall post a notice of FFCRA requirements in conspicuous places at ESD facilities. The ESD may meet the notice requirement by emailing the notice to employees or posting notice on an internal or external website made available to employees.

The ESD is prohibited from retaliating against an employee who takes leave or takes actions to enforce the requirements of these acts.

This policy does not affect employee rights or benefits under any other law, collective bargaining agreement, or ESD policy. The ESD is not required to pay an employee for unused emergency paid sick time if an employee resigns, retires, or is terminated.

END OF POLICY

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### Legal Reference(s):

<a href="#">ORS 332.507</a>	<a href="#">ORS 659A.093</a>	<a href="#">ORS 659A.150 - 659A.186</a>
<a href="#">ORS 342.545</a>	<a href="#">ORS 659A.096</a>	
<a href="#">ORS 659A.090</a>	<a href="#">ORS 659A.099</a>	<a href="#">OAR 839-009-0200 - 0320</a>

BOLI Temporary Administrative Order BLI 4-2020

Families First Coronavirus Response Act, Public Law No: 116-127, Mar. 18, 2020.

Americans with Disabilities Act, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (2018); 5 U.S.C. §§ 6381-6387 (2018); Family and Medical Leave Act, 29 C.F.R. Part 825 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9<sup>th</sup> Cir. 2014).