


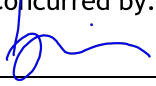
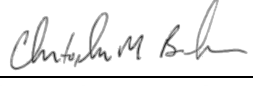
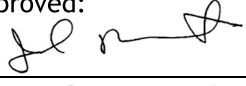
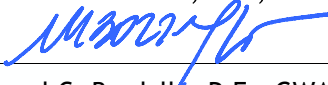


<p style="text-align: center;">GUAM POWER AUTHORITY GUAM WATERWORKS AUTHORITY POLICY</p>	<p>Prepared/Revised by:  Bernadette L.P. Lizama / GPA Personnel Specialist IV</p>
<p>TITLE: FAMILIES FIRST CORONAVIRUS RESPONSE ACT - EMERGENCY PAID SICK LEAVE AND EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT</p>	<p>Reviewed by:  Sandra D. Perez / GPA Personnel Services Administrator  Zina Pangelinan-Charfauros/GWA Personnel Services Administrator</p>
<p>NO: <u>AP-091</u></p> <p>Supersedes: _____</p> <p>Dated <u>08/18/2020</u></p>	<p>Concurred by:  /  Beatrice P. Limtiaco / Christopher M. Budasi Asst. GM-Administration / Asst. GM-Administration and Support</p>
<p>Page <u>1</u> of <u>7</u></p>	<p>Approved:  / 8/18/2020 John M. Benavente, P.E., GPA General Manager / DATED  / 8-20-20 Miguel C. Bordallo, P.E., GWA General Manager / DATED</p>

I. AUTHORITY

United States Public Law 116-127-Mar. 18, 2020. 116th Congress. Families First Coronavirus Response Act.

II. PURPOSE

The purpose of this policy is to comply with the Families First Coronavirus Response Act (FFCRA) and to assist all Guam Power Authority and Guam Waterworks Authority employees, classified and unclassified, affected by the SARS-CoV-2 (COVID-19) outbreak with job-protected leave and pay, where applicable. **This policy will be in effect from April 1, 2020 through December 31, 2020.** The existing Family Medical Leave Act (FMLA) Leave Policy remains applicable to all other FMLA-qualifying reasons for leave outside this policy.

The FFCRA provides employees with two-weeks of Emergency Paid Sick Leave (EPSLA) for medical conditions and quarantine restrictions related to the coronavirus. The Emergency Family and Medical Leave Expansion Act (EFMLEA) also

CODES: * REVISED # ADDED

expands existing FMLA rules for all employees to care for children out of school because of COVID-19.

III. REASONS FOR LEAVE¹

Acceptable reasons for leave are that employee:

1. Is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to self-quarantine related to COVID-19;
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Is caring for an individual who is subject to an order described in (1) above or self-quarantine as described in (2) above;
5. Is caring for his or her child whose school or place of care is closed or child care provider unavailable due to COVID-19 related reasons; or
6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

IV. EMERGENCY PAID SICK LEAVE ACT (EPSLA)

A. Employee Eligibility:

This shall apply to all current classified and unclassified employees of the Authorities who are unable to work or telework due to any of the following reasons listed below:

B. Definitions:

Child: means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under the age of 18 years of age or who is 18 or older and incapable of self-care because of a mental or physical disability.

Individual/Immediate family member: means the employee's spouse, common law, parents, parents-in-law, grandparents, brothers, sisters, children,

¹ Compensation Structure

- Reasons 1-3 in Section [insert]: 100% of employee's regular hourly rate of pay.
 - Total pay is capped at \$511 per day or \$5,110 in total.
- Reasons 4-6 in Section [insert]: 67% (2/3) of employee's regular hourly rate of pay.
 - Total pay is capped at \$200 per day or \$2,000 in total. Employer does not have to pay more than \$10,000 total under EFMLEA.

grandchildren, any step or adoptive parents, adopted children or grandchildren of both the employee and the spouse, a guardian or person in loco parentis. Additionally, the individual being cared for must:

1. Be subject to a Federal, State or local quarantine or isolation related to COVID-19; or
2. Have been advised by a health care provider to self-quarantine related to COVID-19.

C. EPSLA Benefit Basics:

1. Six (6) qualifying COVID-19 related reasons for job-protected leave.
2. Continued health insurance coverage during leave period.
3. Leave entitlement of up to two (2) weeks (80 hours) of paid sick leave. This is not deducted for the employee's accrued sick leave.

D. Interaction with Other Paid Leave:

An employee may use the Emergency Paid Sick Leave under this policy before using any other accrued paid leave for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use Emergency Paid Sick Leave concurrently with that leave. Emergency Paid Sick Leave may also be used when an employee is on leave under traditional FMLA for his or her own COVID-19 related serious health condition or to care for a qualified family member with such a condition.

E. Procedure for Requesting Emergency Paid Sick Leave:

Employees must notify their immediate supervisor, manager or the Human Resources Manager of the need and specific reason for leave under this policy either prior to leave or as soon as possible after leave commences. Verbal notification will be acceptable until practicable to provide written notice. A form will be provided to all employees on each Authority's website and/or in a manner accessible to all.

Documentation supporting the need for EPSL leave must be included with the leave request form, such as:

- A copy of the Federal, State or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the government entity that issued the order.

- Written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.
- The name and relation of the individual the employee is taking leave to care for who is subject to a quarantine or isolation order or is advised to self-quarantine.
- The name and age of the child or children being cared for; the name of the school, place of care, or child care provider that closed or became unavailable; and a statement that no other suitable person is available to care for the child during the period of requested leave.
 - For children over age 14, a statement indicating the special circumstances that require the employee to provide care during working hours.

All forms and supporting documentation must be submitted to the respective HR office.

Once emergency paid sick leave has begun, the employee and his or her immediate supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to return to work.

For positions that are deemed critical to the operations of the Authority, the General Manager has the discretion to approve or disapprove leave.

F. Carryover:

Emergency Paid Sick Leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid out to employees.

G. Job Protection:

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined or discriminated against for use of this leave.

V. EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (EFMLEA)

A. Employee Eligibility:

This shall apply to all current classified and unclassified employees of the Authority who have been employed for at least 30 days.

B. Reasons for Leave:

Eligible employees may request leave due to a need to care for their child when a school or place of care has been closed, or child care provider is unavailable due to related COVID-19 reasons.

C. Definitions:

Child: means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is under the age of 18 years of age or who is 18 or older and incapable of self-care because of a mental or physical disability.

Child care provider: means a provider who receives compensation for providing child care services on a regular basis, including:

1. A center-based child care provider.
2. A group home child care provider.
3. A family child care provider (one individual who provides child care services for fewer than twenty-four (24) hours per day, as the sole caregiver, and in a private residence.
4. Other licensed provider of child care services for compensation.
5. A child care provider that is 18 years of age or older who provides child care services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece or nephew of such provider, at the direction of the parent. These child care providers do not need to be paid to qualify.

School: means an elementary or secondary school.

D. Duration of Leave:

Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020, for the purposes stated above. This time is included and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.

For example, if an employee has already taken six (6) weeks of FMLA leave, that employee would only be eligible for another six (6) weeks of FMLA under this policy.

E. EFMLEA Benefit Basics:

1. Employees can only use EFMLEA leave to care for his or her son or daughter whose school or place of care is closed or child care provider is unavailable due to COVID-19 related reasons.
2. Employees will have up to 12 weeks of job-protected leave. This time is included and not in addition to the total FMLA leave entitlement of 12 weeks in a 12-month period.
3. Continued health insurance coverage. While on paid leave, payroll deductions will be collected for the employee's share of premium. During any unpaid portion of leave, the employee must continue to make this payment per instructions with respective Payroll Offices.

F. Interaction with Other Paid Leave:

Leave will be unpaid for the first 10 days of leave; however, employees may utilize accrued annual, compensatory time earned, sick or leave sharing during this time. The employee may also elect to utilize the paid sick leave provided under the Emergency Paid Sick Leave Act.

G. Procedure for Requesting Emergency Family and Medical Expansion Leave:

All employees requesting EFMELEA leave must provide written notice of the need for leave to the Human Resources Manager as soon as practicable. Verbal notification will be acceptable until written notice can be provided. A form will be provided to all employees on each Authority's website and/or in a manner accessible to all.

Notice of the need for leave must include the following:

1. The name and age of the child or children being cared for.
2. The name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons.
3. A statement representing that no other suitable person is available to care for the child or children during the period of requested leave. For children over the age of 14, a statement indicating the special circumstances that require employee to provide care during working hours.

Once the employee's expanded FMLA leave starts, the immediate supervisor and employee must determine reasonable procedures for periodic reporting by the employee about their status and intent to return to work.

For positions that are deemed critical to the operations of the Authority, the General Manager has the discretion to approve or disapprove leave.

VI. **Administration:**

The respective Human Resources Offices will be responsible for the administration and enforcement of the Families First Coronavirus Response Act, which covers both the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act.

VII. **Job Protection:**

No employee who appropriately utilizes the EFMLEA under this policy will be discharged, disciplined or discriminated against for use of this leave.