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**FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY**

It is the policy of Excel Academy Charter Schools (or the “School”) to comply with the Families First Coronavirus Response Act, which requires the School to offer emergency paid sick leave to all employees and emergency Family and Medical Leave Act (“FMLA”) leave to eligible employees during the ongoing public health emergency caused by the Coronavirus (“COVID-19”).

**EMERGENCY PAID SICK LEAVE**

All full-time employees shall receive two weeks (up to 80 hours) of emergency paid sick leave or equivalent to 10 days at the employee’s regularly scheduled hours. Part-time employees working less than 20 hours per week shall receive paid sick leave equal to the number of hours the employee works, on average, over a two (2) week period. For part-time employees with varying schedules, the employee shall receive paid sick leave equal to their average hours worked over the six (6) months before the leave, or if the employee has worked less than six (6) months, the average hours they would normally be scheduled to work over a two (2) week period. All employees shall have full access to emergency paid sick leave immediately and there is no wait time.

**EMERGENCY QUALIFYING PURPOSES**

Emergency paid sick leave may be used by employees for the following qualifying purposes provided the employee is unable to work or telework:

- 1) The employee is subject to a quarantine or isolation order related to COVID-19;
- 2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- 4) The employee is caring for an individual who is subject to an order of quarantine or isolation or who has been advised to self-quarantine;
- 5) The employee is caring for a son or daughter due to the closure of their son or daughter’s school or child care provider; and
- 6) The employee is experiencing any substantially similar condition specified by the Secretary of Health and Human Services.

**CALCULATION OF PAY**

Employees shall be paid up to 100% of their regular pay when leave is for the qualifying purposes enumerated in (1)-(3) above, capped at \$511 per day, for a maximum of \$5,110 per employee. Alternately, employees shall be paid up to two-thirds (2/3) of their regular pay for use of leave for the qualifying purposes enumerated in (4)-(6) above, capped at \$200 per day, for a

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maximum of \$2,000 per employee. Employees may contact the School for specific information regarding the pay rates applicable during their leave.

**LIMITATIONS**

Employees must use emergency paid sick leave in no less than one hour increments. An employee who is in need of a leave of absence due to contracting the illness will be required to take full day leave until such time as they are no longer contagious. Employees have the choice of using emergency paid sick leave or another accrued leave, such as paid sick leave previously provided by the School, when such leave is used for a qualifying purpose. The employee shall not be required to exhaust their other leaves before using their emergency paid sick leave.

Emergency paid sick leave does not carry over from year to year and does not pay out of the end of employment. Any unused emergency paid sick leave automatically expires on December 31, 2020, and no further emergency paid sick leave shall be provided or may be used.

If an employee is absent longer than three (3) days due to illness or self-quarantine directed by a health care provider, medical evidence of their illness/quarantine order and/or medical certification of their fitness to return to work satisfactory to the School may be required. The School will not tolerate abuse or misuse of the emergency sick leave policy. If the School suspects abuse of emergency paid sick leave, the School may require a medical certification from an employee to verify the absence.

Once an employee has exhausted all accrued leaves, the employee may continue on an unpaid leave depending upon the facts and circumstances of the need for leave. Employee requests for unpaid medical or family leave must be approved in advance by the School.

**ANTI-RETALIATION**

No employee shall be retaliated against for the use of emergency paid sick leave in compliance with this policy.

**Emergency Family and Medical Leave Act Pay**

Employees who have been employed by the School for at least thirty (30) days shall be eligible for up to twelve (12) weeks of emergency FMLA leave when such leave is taken for a qualifying purpose. Leave under this section is available to both part-time and full-time employees.

**Emergency Qualifying Purposes**

Emergency FMLA leave is available to employees who are unable to work or telework due to a need to care for their minor son or daughter if:

- 1) The child's school or place of care has been closed; or
- 2) The childcare provider is unavailable due to a public health emergency.

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**FAMILIES FIRST CORONAVIRUS RESPONSE ACT POLICY****PAY DURING LEAVE**

The first ten days of emergency FMLA leave are unpaid. Employees may elect to use their accrued unused leave during this time, including any emergency paid sick leave, California paid sick leave, or vacation leave, if applicable.

After the ten days, employees may receive paid leave for up to ten (10) weeks when such leave is taken for an emergency qualifying purpose. Pay shall be provided at two-thirds (2/3) of the employee's regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work, up to \$200 per day, for a maximum of \$10,000 per employee. Pay for employees with variable hourly schedules is calculated based upon the average number of hours the employee was scheduled per day over the six (6) months prior to the leave. If the employee has worked for less than six (6) months, their pay is based upon the average number of hours they would normally be scheduled to work.

**LIMITATIONS**

Emergency FMLA leave may be used intermittently but in no smaller than one hour increments. Employees may request leave by contacting a supervisor and providing documentation of the need for leave if possible.

This policy does not provide additional FMLA leave, and any leave used under this section is deducted from the employee's FMLA leave bank. Employees who have used FMLA leave during the prior twelve (12) months shall have such time deducted from their balance of emergency FMLA leave. Emergency FMLA leave automatically expires on December 31, 2020. This policy incorporates by reference the School's Family Care and Medical Leave policy to the extent such policy is not inconsistent with the requirements outlined herein. Employees should review the School's Family Care and Medical Leave policy for more information on FMLA leave.

**REINSTATEMENT**

Employees will be returned to their same or a substantially similar job position when they return from emergency FMLA leave, subject to the "Limitations on Reinstatement" described in the School's Family Care and Medical Leave Policy.

**ANTI-RETALIATION**

No employee shall be retaliated against for the use of emergency FMLA in compliance with this policy.