



TO: All Employees

FROM: Barbara A. Browder, Ph.D., Executive Superintendent for Human Resources

DATE: April 21, 2020

SUBJECT: District Benefits Overview

I am writing to you on behalf of the Superintendent of Schools for the Gadsden Independent School District

The School District is required by the State to remain in limited operation to provide meals to students and to provide a continuing education program to students. At no time has the New Mexico Department of Health declared that the public schools are unsafe for employees. The public schools are closed to facilitate social distancing. As such, to fulfill this State requirement to remain in operation, certain employees are required to report to work to maintain and operate the School District. Due to these circumstances you may require work remotely or on-site.

Employees who are unable to report to work shall follow the applicable procedures for reporting his/her absence.

**1. Can an employee use General Leave due to COVID-19 illness?**

Yes, paid leave can be used for absences due to illness, the diagnosis, care or treatment of an existing health condition or preventative care for the employee or the employee's family member.

**2. If an employee exhausts General Leave, can other paid leave be used?**

Yes, other leave may be available.

**Other Leave Available.**

- You may be eligible for leave under the provisions of the Families First Coronavirus Response Act ("FFCRA"), Pub. L. No. 116-127, § 7002, 134 Stat. 178, 212 (2020). FFCRA is only valid April 1, 2020, through December 31, 2020.

An employee may take paid sick leave because he or she is unable to work or telework due to a need for leave because the 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 due to concerns related to COVID-19; or (3) is experiencing symptoms of COVID-19 and is seeking medical diagnosis. The employee is then entitled to receive for each applicable hour of leave (80 hours for a full-time employee, or for a part-time employee, the

number of hours equal to the average number of hours that the employee works over a typical two-week period) the greater of:

- The employee's regular rate of pay;
  - the federal minimum wage in effect under the FLSA; or
  - the applicable State or local minimum wage.
- Sick Leave Bank - shall be maintained whereby an employee who suffers a long-term illness or disability or medical emergency which requires extended hospitalization or home confinement and for which no worker's compensation benefits are available shall be eligible to apply for paid sick leave through the Sick Leave Bank after the employee exhausts all accumulated sick leave. As it relates to the Sick Leave Bank, a "medical emergency" is defined as a medical condition of the employee that will require prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Sick Leave Bank and the Leave Transfer Option.
  - Leave Transfer Option - Any full-time employee experiencing a medical emergency, regardless of membership in the Sick Leave Bank, may solicit accrued annual or sick leave from another employee, and any employee may donate, or transfer, accrued annual or sick leave to another employee/recipient experiencing a medical emergency who has solicited a donation of annual or sick leave. The maximum lifetime receipt of transferred or donated leave for any individual employee shall not exceed forty (40) days.

As it relates to the Leave Transfer Option, a "medical emergency" is defined as a medical condition of the employee, or the employee's immediate family, that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Sick Leave Bank and the Leave Transfer Option.

"Immediate Family" includes the employee's spouse, son, daughter, mother, father, brother, sister, grandmother, grandfather, grandchild, aunt, uncle, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepson, stepdaughter, or a child who has been placed under the guardianship of the employee.

If you have any questions, you may contact my office at 575-882-6225.

c: Travis Dempsey, Superintendent  
Ludym Martinez, Associate Superintendent for Finance  
Judy Creegan, Director for Health & Nursing Services  
Lupita Chavez, Director for Human Resources