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**M. Renée Cahoon**  
Commissioner

**J. Webb Fuller**  
Commissioner

**Kevin Brinkley**  
Commissioner

TO: All Eligible Employees  
FROM: Greg L. Sparks, Interim Town Manager  
RE: Town of Nags Emergency Paid Sick Leave –Conditional Extension  
DATE: February 24, 2021

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The Town of Nags Head is taking proactive steps to protect our employees due to the failure of the United States Congress to extend the Families First Coronavirus Response Act (FFCRA) which expired on December 31, 2020. It is the Town's goal to continue to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace. As such, EPSL had been extended until March 31, 2021. However, with the current vaccination phases, an additional sixty (60) day conditional extension of the EPSL policy is warranted to ensure employees are protected until they can be vaccinated if they so choose.

The Town of Nags Head will not require employees to receive the vaccination, but highly encourage them to follow CDC guidelines and the direction of healthcare professionals.

The Town of Nags Head is committed to providing accurate information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

The Town of Nags Head will provide eligible employees with temporary emergency paid sick leave under certain conditions. This policy will become null and void should Congress extend or adopt an Emergency Paid Sick Leave Act prior to the expiration date of this policy.

## **The Town of Nags Head Emergency Paid Sick Leave**

The Town of Nags Head Emergency Paid Sick Leave (EPSL) is separate from and independent of Family and Medical Leave (FMLA) and is independent of any existing sick leave policies that the Town grants employees in the normal course of business.

The EPSL allows an eligible employee to qualify for emergency paid sick leave as follows:

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 their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19.
3. The employee is showing symptoms of COVID-19 and is actively seeking but has not yet received a medical diagnosis;
4. The employee is caring for an individual subject to a federal, state, or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons;

5. The employee is caring for his or her son or daughter because the child's school or childcare facility has been closed or the childcare provider is no longer available because of COVID-19 related reasons;
6. The employee is experiencing substantially similar conditions as specified by the Federal Secretary of Health or Human Services, in consultation with the Federal Secretaries of Labor and Treasury.

## Eligibility

An eligible employee must meet the below criteria:

- Worked for the Town of Nags Head for at least 30 days
- Received the vaccination or is on the list to receive the vaccination
- Received certification from a medical professional stating the employee should not receive the vaccination due to medical reasons and provided certification to Human Resources

\*Employees who receive the vaccination will be granted 4 hours of vacation time per vaccination series per calendar year.

\*An employee is ineligible for EPSL and the additional 4 hours of vacation time if he/she verbally declined or has signed a declination form.

\*An employee who has received certification from a medical professional, stating the employee should not receive the vaccination due to medical reasons is eligible for EPSL

## Duration/Compensation

Employees are eligible for, on a one-time basis, the following:

- **Full-Time employees:** 80 hours of pay at their regular hourly rate of pay. However, when caring for a family member, for reasons 4, 5 and 6 above, EPSL is paid at two-thirds the employee's regular hourly rate of pay.
- **Part-Time employees:** The number of hours the employee worked, on average, over the most immediate prior full pay period. However, when caring for a family member, for reasons 4, 5 and 6 above, EPSL is paid at two-thirds the employee's regular hourly rate or pay.

Paid leave under this policy is limited to \$511 per day (or \$5,110 in total) where leave is taken for reasons 1,2, and 3 described above (generally, an employee's own illness or quarantine); and \$200 per day (\$2,000 in total) where leave is taken for reasons 4, 5, or 6 (generally care for others or school closures).

## General EPSL Rules

- Employees may elect to use EPSL prior to utilizing any accrued paid sick leave under the Town's sick leave policy.
- No leave provided by the Town under any governmental act prior to January 1, 2021, may be credited against the EPSL eligibility.
- Employees are responsible for immediately notifying Human Resources of their intent to utilize this policy, so that the appropriate application paperwork may be given to the employee in a timely manner.
- Employees must successfully complete the necessary application paperwork and return it to Human Resources in a timely manner in order to receive compensation under this policy. Failure to return application paperwork and required supporting documentation in a timely manner may result in a delay in receiving compensation under this policy.
- Employees seeking compensation under this policy found solely to be taking this leave to defraud the Town will be subject to disciplinary action up to and including termination of employment.
- The Town will not retaliate against any employee who requests to take EPSL in accordance with this policy.

- This policy expires on May 31, 2021.

## **Definitions**

### **Child Care Provider Defined for the Purposes of EPSL**

For the purpose of this policy, the term “childcare provider” is defined as one who provides childcare services on a regular basis and receives compensation for those services, including an ‘eligible childcare provider’ as defined in Section 658P of the Child Care & Development Block Grant Act of 1990 (42 USC 9858n).

### **School Defined for Purposes of EPSL**

The term “school” means an ‘elementary school’ or ‘secondary school’ as such terms are defined in Section 8101 of the Elementary & Secondary Education Act of 1965 (20 USC 7801).