



*"... meeting community needs ... enhancing quality of life."*

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## HUMAN RESOURCES DEPARTMENT

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### **Families First Compliance Policy**

**Effective April 1, 2020 to December 31, 2020**

#### Introduction

The federal government has passed the "Families First Coronavirus Response Act" (FFCRA) to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

#### Eligibility

All full-time and part-time employees, except emergency responders. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of Family Medical Leave Act (FMLA) (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

Employees who are classified as emergency responders are not eligible for leave or the benefits available under this policy, or the FFCRA pursuant to Section 3105 of the FFCRA. Based upon guidance from the Department of Labor, emergency responders may include employees who are necessary for the provision of transport, care, health care, comfort and nutrition of patients, whose services are needed to limit the spread of COVID-19, public works personnel, and persons with skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. The following include emergency responders for the purpose of this policy:

All sworn law enforcement personnel

All sworn fire personnel

All public health personnel

All transit personnel

All plant operators and maintenance personnel in the Utilities Department

All operations personnel within the municipal services, parking and traffic divisions of the Public Works Department

All operations personnel within the parks and facilities management divisions of the Parks, Recreation and Facilities Management Department

All personnel temporarily assigned to staff the Emergency Operations Center

The nature of the work performed by employees in these positions, and the exigent and dire circumstances that may exist when these employees are needed most to respond to this pandemic emergency, necessitates their availability as emergency responders. Additionally, given the dynamics of a pandemic emergency, the type and level of response may require additional staffing from various positions and accordingly, the Mayor may amend this list of emergency responders at any given time.

#### A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks (80 hours) of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
  - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
  - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
  - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
  - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;
  - e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
  - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.
4. We may require you to provide a certification from a health care provider confirming the applicable circumstance of section 3 above.
5. We will pay you the following amounts:
  - a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
  - b. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
  - c. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
6. Your ability to use paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
7. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

#### B. Temporary Expansion of Family & Medical Leave

Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities. The conditions of this expansion are outlined below.

1. You are eligible for the leave if you have worked at least 30 calendar days.

2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
3. Pay for the temporary FMLA leave will be as follows:
  - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this time if available.
  - b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.
4. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

### Conclusion

Please contact your HR Generalist if you have questions regarding this policy.

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