

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)
FOR A COVID-19 CORONAVIRUS RELATED-ABSENCE

PROVISIONS & POLICIES

Effective 4/1/2020-12/31/2020

Paid Sick Leave and Expanded Family Medical Leave

This only applies to leave taken between April 1, 2020, and December 31, 2020 and is not retroactive.

This Act provides paid **sick leave** for people affected by COVID-19, the respiratory disease caused by the coronavirus.

Under the FFCRA, an employee qualifies for expanded family and medical leave if the employee is unable to work (**or unable to telework**) and has been on the payroll for at least **30 calendar days** 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 related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. bona fide need to care for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. bona fide need to care for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 (employees defined in regulation 29 CFR Section 826.30(c) may be excluded); or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

For reasons 1, 2, or 3 ---Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period). A part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

For reasons 4 and 6--- Two weeks (up to 80 hours) of paid sick leave paid at 2/3 of employee's regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period). A part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period. The remaining one-third the employee can use

unpaid leave or the employee can opt to substitute accrued vacation, personal or sick leave during this time.

For reason 5: Two weeks (up to 80 hours) of paid sick leave at 2/3 of employee's regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period), followed by up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period-two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave). A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period. For the remaining unpaid hours, the employee may elect to use unpaid leave or substitute accrued vacation, personal or sick leave during this time.

- For employees with variable hours each week, paid leave would be equal to the average number of hours worked per day over the previous six months.
- The City can require the employee to follow reasonable notice procedures to continue receiving the benefit after the first workday that an employee receives paid sick time under the act.
- The total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act for any combination of qualifying reasons.
- Employees defined in regulation 29 CFR Section 826.30(c) may be excluded. See [\[2\]](#) below.

Time used for this should be coded as "Covid-19".

The only type of family and medical leave that is paid leave is expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act when such leave exceeds ten days as described above.

The City's FMLA leave policy still applies for birth/adoption or serious health conditions of more than 3 days absence with the exception of a physician's certification requirement. An employee certification requirement will be used during this time.

Employers should also note:

They cannot:

- Require an employee to use other paid leave before using the paid sick time provided in the new legislation.
- Require an employee to find a replacement to cover his or her scheduled work hours.
- Retaliate against any employee who takes leave in accordance with the act.
- Retaliate against an employee who files a complaint or participates in a proceeding related to the act—including a proceeding that seeks to enforce the act.

If the employer gave paid sick leave to an employee for a reason identified in the emergency paid sick leave act prior to April 1, 2020 the employer can't deny that paid sick leave.

[2] Employers of Health Care Providers or Emergency Responders defined as such in regulation 29 CFR Section 826.30(c) may exclude such employees from the EPSLA's Paid Sick Leave requirements and/or the EFMLEA's Expanded Family and Medical Leave requirements under the Act.

“CITY EMERGENCY PAID TIME OFF”

PROVISIONS & POLICIES

Effective 3/25/2020- 7/1/2020 or until the Mayor lifts the emergency order, whichever comes first.

Employees can use accruals for the following purposes:

- 1. Employee opts to stay home during this period of “social distancing”.** If employee is ineligible for telecommuting, they must use accrued sick, personal, vacation or compensation (if applicable) leave in order to be absent from work. We have temporarily waived the necessity for a doctor’s note. **This may not apply to employees deemed essential---subject to approval by your department head.**
- 2. Employee needs to stay home for a family member or themselves, for any reason.** (Eff. 4/1/2020 need for childcare follows the FFCRA-see above) They must use accrued sick, personal, vacation or compensation (if applicable) leave in order to be absent from work. We have temporarily waived the necessity for a doctor’s note. **This may not apply to employees deemed essential---subject to approval by your department head.**
- 3. Employee or their family member was exposed to Coronavirus:** HR needs to be notified. The City urges you to telecommute (if eligible), or use your accruals and self-quarantine for 14 days OR provide a doctor’s note in order for you to return to work. The note must certify no medical restrictions, including indication that it is not medically necessary for you to self-quarantine. If you fail to provide such a note, you will be required to self-quarantine for period of fourteen (14) days. You will be allowed to utilize accruals for the period of the self-quarantine.
- 4. If employee recently traveled, voluntarily, to a location considered of high risk for Coronavirus:** HR needs to be notified. The City urges you to telecommute (if eligible), or use your accruals and self-quarantine for 14 days upon return OR provide a doctor’s note in order for you to return to work. The note must certify no medical restrictions, including indication that it is not medically necessary for you to self-quarantine. If you fail to provide such a note, you will be required to self-quarantine for a period of fourteen (14) days. You will be allowed to utilize accruals for the period of the self-quarantine.
- 5. If employee self-reports travel or if your supervisor receives information that you traveled to an area of concern, and you or your travel companion(s) have been exposed to someone with coronavirus the following may occur:** HR needs to be notified. The City urges you to telecommute (if eligible), or use your accruals and self-quarantine for 14 days OR

provide a doctor's note in order for you to return to work. The note must certify no medical restrictions, including indication that it is not medically necessary for you to self-quarantine. If you fail to provide such a note, you will be required to self-quarantine for a period of fourteen (14) days. You will be allowed to utilize accruals for the period of the self-quarantine.

If an employee has been asked to stay home under the above provision (#3 & #4), and they refuse: they will be put on administrative leave and may be subject to discipline.

Advisory for the City Emergency Paid Time Off above:

If employee is not eligible to earn accruals they can use unpaid leave.

The City has waived any limits on annual sick days that employees can use to care for a family member.

Once accruals are exhausted, the City is temporarily allowing employees to borrow paid time off that is not yet accrued from the future, up to 12 months from now. (Does not apply to those employees who don't earn accruals.)

If employee leaves employment with the City that time will be deducted from their last paycheck(s).

The City's Workers Compensation and IOD policies still apply.

