

ADMINISTRATIVE POLICY 3-34 Emergency Paid Sick Leave Policy

SUBJECT: Emergency Paid Sick Leave Act (hereinafter, "Act")

PURPOSE: Provide paid sick leave to employees affected by COVID-19 in accordance with Families First Coronavirus Response Act.

I. EFFECTIVE DATES OF THE ACT

The Act is effective April 1, 2020 through December 31, 2020.

II. PAID SICK TIME QUALIFYING EVENTS

An employer shall provide to each employee paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

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 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 medical diagnosis;
4. The employee is caring for an individual who is subject to a federal, state or local quarantine order, or the individual has been advised to self-quarantine due to concerns related to COVID-19;
5. The employee is caring for the employee's son or daughter, if the child's school or child-care facility has been closed or the child's care provider is unavailable due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar condition specified by Health and Human Services in consultation with the Department of the Treasury and the Department of Labor.

III. ELIGIBLE EMPLOYEES

Paid sick time shall be available for immediate use by the employee for the qualifying events described above, regardless of how long the employee has been employed. **Except that an employer may elect to exclude employees who are health care providers or emergency responders.**

NOTE: For purposes of the Act, the United States Department of Labor has provided guidance regarding which employees are emergency responders, and thus excluded from expanded family and medical leave by their employer under the Act. Such exclusions are as follows: an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national

guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other 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. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state's or territory's or the District of Columbia's response to COVID-19.

IV. PAID SICK TIME

Paid Sick Time means an increment of compensated leave that:

1. Is provided by an employer for use during an absence from employment for a reason described above; and
2. Is calculated based on the employee's required compensation and the number of hours the employee would otherwise be normally scheduled to work, except that in no event shall such paid sick time exceed:
 - a. \$511 per day and \$5,110 in the aggregate for a use described in Section II (1), (2), or (3) above.; and
 - b. 2/3 of their regular rate of pay up to \$200 per day and \$2,000 in the aggregate for a use described in Section II (4), (5), or (6) above.

V. DURATION OF PAID SICK TIME

Entitlement. The amount of hours of paid sick time to which an employee is entitled shall be as follows:

1. *Full Time.* 80 hours.
2. *Part Time.* A number of hours equal to the number of hours that such employee works, on average, over a 2-week period.
3. *Varying Schedule Calculation.* In the case of a part-time employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours the employee would have worked if such employee had not taken paid sick time, the employer shall use the following in place of such number:
 - a. Number equal to the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes the paid sick time, including hours for which the employee took leave of any type.

- b. If the employee did not work over such period, the reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work.

Carryover. Paid sick time shall not carry over from one year to the next.

Termination of Paid Sick Time. Paid sick time provided to an employee under the Paid Sick Leave Act shall cease beginning with the employee's next scheduled work-shift immediately following the termination of the need for paid sick time.

VI. NOTICE

Employee. After the first workday (or portion thereof) an employee receives paid sick time under this Act, an employer may require the employee to follow reasonable notice procedures in order to continue receiving such paid sick time.

VII. ADDITIONAL INFORMATION

The paid sick leave requirements under this policy and the Act are not retroactive.

The employer may require documentation in support of an employee's paid sick leave under this policy and the Act.

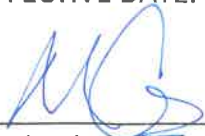
This policy and/or the Act does not entitle an employee to benefits in the event the employee is furloughed.

This policy is intended to provide guidance regarding an employee's use of leave under the Act. Employees are encouraged to read the Act for further guidance and/or to read the United States Department of Labor's guidance regarding rights and obligations of employers and employees. Employees are also encouraged to read the Family and Medical Leave Expansion Policy and Telework Policy.

REFERENCES: Emergency Paid Sick Leave Act; United States Department of Labor Guidance

RECISSION: No previous version of this policy has been published.

EFFECTIVE DATE: April 1, 2020



Michael Cleghorn
City Manager