



# Families First Coronavirus Response Act Policy

Approved: 

Effective Date: April 1, 2020

Expiration Date: December 31, 2020

OVERVIEW	
Objective	To comply with the requirements of the Federal Families First Coronavirus Response Act (FFCRA). The FFCRA provides Employees with Emergency Paid Sick Leave and Emergency Family and Medical Leave (EFMLA) for those affected by the COVID-19 pandemic, from April 1, 2020, through December 31, 2020.
Policy Statement	<p>This policy is subject to change at any time due to rapidly changing circumstances pertaining to COVID-19.</p> <p>The "Families First Coronavirus Response Act" (FFCRA) is an emergency response legislation enacted to address the spread COVID-19. This Act contains two primary employment provisions that apply to Employees (as defined below):</p> <ol style="list-style-type: none"> <li>1. Expansion of the Family and Medical Leave Act (FMLA), and</li> <li>2. Emergency Paid Sick Leave Act.</li> </ol> <p>Employees will be required to provide documentation to verify the qualifying reason for the leave, such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).</p> <p>Emergency Responders are exempt from the Emergency FMLA Expansion section of this Policy as well as a portion of the Emergency Paid Sick Leave Act.</p> <p>While the FFCRA provides baseline wage entitlements for both the expanded FMLA and Emergency Paid Sick Leave Act, the City will implement this policy using the employee's regular rate of pay as the basis for payment without maximum limitations for all scenarios with the exception of when the employee is caring for a son or daughter whose school or place of care has been closed, or the child care provider is unavailable, due to COVID-19 precautions.</p> <p>This policy expires on December 31, 2020.</p>
Scope	This policy applies to all Employees of the City of Duluth. <b>Emergency Responders are exempt from the Emergency FMLA Expansion section of this Policy as well as a portion of the Emergency Paid Sick Leave Act.</b>
Definitions	<p><b>Employees:</b> Employees of the City of Duluth excluding those working in a temporary, seasonal, or limited capacity (under 14 hours per week or fewer than 67/100 days in a calendar year) whose worksites have been closed and/or there has been no work for the employee to do prior to April 1, 2020. Other exclusions may apply.</p> <p><b>Public Health Emergency:</b> an emergency with respect to COVID-19 declared by a federal, state, or local authority.</p> <p><b>Emergency Responders:</b> those defined by federal regulation and any Employee who a Department Director designates as essential to ensure the continuity of operations or core services within their Department.</p>
Related Forms	<ul style="list-style-type: none"> <li>• Employee Request for Emergency Family and Medical Leave</li> <li>• Emergency Paid Sick Leave Request Form</li> </ul>
Related Policies	<ul style="list-style-type: none"> <li>• Family Medical Leave Act (FMLA) Policy</li> </ul>

## RESPONSIBILITIES AND EXPECTATIONS

### I. EMERGENCY FAMILY AND MEDICAL LEAVE ACT (FMLA) EXPANSION (*Emergency Responders are excluded from this FMLA expansion*)

The Emergency Family and Medical Leave Act expansion provides eligible Employees up to 12 weeks of leave due to a qualifying need related to a Public Health Emergency. This expansion may run in combination with other FMLA requests made within a calendar year and may not exceed the entitlement as currently provided in the City's FMLA Policy.

To be eligible for this expanded FMLA coverage, Employees must have been employed by the City for at least 30 calendar days. In addition, the Employee must be unable to work (or telework) due to a need to care for a son or daughter under 18 years of age whose:

- School or place of care has been closed; or
- Childcare provider is unavailable due to a Public Health Emergency.

Employees taking leave for this purpose shall be paid at 2/3 their regular rate over a 12-week period.

### II. EMERGENCY PAID SICK LEAVE ACT

The Emergency Paid Sick Leave Act provides eligible full-time Employees with an additional two weeks of paid sick leave (80 hours paid) subject to the qualifying reasons listed below. Eligible Employees who work less than full-time will be granted paid sick leave on a prorated basis equal to the typical number of hours that they would have been scheduled to work in a two-week period. This paid sick time is immediately available to an eligible Employee regardless of how long the Employee has been employed by the City.

#### Qualifying Reasons for Leave

An Employee (except for Emergency Responders) qualifies for emergency paid sick leave if the Employee 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 related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for their son or daughter whose school or place of care is closed or the childcare provider is unavailable for reasons related to COVID-19 (*employees taking leave for this reason are entitled to pay at 2/3 their regular rate*); 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. (At the time of writing this policy, these conditions have not been identified.)

Full-time Emergency Responders are entitled up to 80 hours of paid emergency sick leave (prorated for part-time employees) for the following reasons:

1. The Employee is subject to a state, federal, or local quarantine or isolation due to COVID-19 exposure.
2. The Employee has been advised by a health care provider to self-quarantine due to COVID-19 exposure.
3. The Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

### III. ADDITIONAL LEAVE OPTIONS FOR ALL EMPLOYEES

After an Employee has exhausted benefits under the Emergency Paid Sick Leave Act and the Family and Medical Leave Expansion Act or an Emergency Responder has exhausted the COVID-19 paid leave as described above, an Employee shall then use their remaining available sick leave, vacation leave, personal leave or compensatory time for COVID-19 related absences.