



# FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) POLICY

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

## BACKGROUND

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 are required to provide the temporary benefits included in the Act as summarized in this policy. However, the City of Milton has decided to provide benefits more generous than those required in the law.

The health and financial stability of our staff is important to the City of Milton elected officials, administration, and the overall organization. Employees who miss work through no fault of their own will not go unpaid for their time missed. The chart below indicates our intentions for paying employees who are absent during the Preparation / Social Distancing and Partial Closure Phases as outlined in the Infectious Disease Preparedness & Response Plan. This is subject to change at any time, as the situation evolves, at which point the City will ensure compliance with any applicable laws and regulations.

<b>Reason for absence*</b>	<b>Require use of PTO?</b>
<b>Seasonal Illness (cold, flu)</b>	Yes, this will be treated as it is normally. If you do not feel well, we encourage you to stay home but you will still be required to use PTO (or sick leave for police union employees) that you have available.
<b>Household member with seasonal illness</b>	Yes, this will be treated as it is normally. If you stay home to care for an ill family member, you will still be required to use PTO (or sick leave for police union employees) that you have available.
<b>Schools or day cares are closed</b>	These instances will be handled on a case-by-case basis.
<b>Self-quarantine after traveling</b>	No, but your time will be unpaid if you choose to not use your PTO or other accumulated leave.
<b>Self-quarantine after exposure</b>	You will be paid for hours of work missed and not required to use leave time.
<b>Doctor-ordered quarantine</b>	You will be paid for hours of work missed and not required to use leave time.
<b>COVID-19 confirmed illness</b>	FMLA rules will apply. You will be paid for hours of work missed and not required to use leave time.
<b>Household member with COVID-19 illness</b>	FMLA rules will apply. You will be paid for hours of work missed and not required to use leave time.
<b>Facilities closed to public / reduced services</b>	You will be paid for any regularly scheduled hours of work and not required to use leave time.

\*Documentation may be required.

In the event the City moves into the Full Closure Phase as outlined in the Infectious Disease Preparedness & Response Plan, employees will not be required to use PTO or accrued leave time.

Employees are required to be in communication with their supervisors to indicate whether they fit any of the criteria above to determine if leave needs to be used.

## **INTRODUCTION**

Where the above City of Milton practice does not meet the requirements set forth in the FFCRA, the following policy will apply. This policy will expire on December 31, 2020, consistent with the FFCRA. This policy may change in response to any new or revised guidance or regulations issued by the Department of Labor (DOL).

## **ELIGIBILITY**

All full-time and part-time employees, except emergency responders unless otherwise required by federal law, are eligible for the benefits outlined in this policy. Emergency responders are defined as sworn law enforcement personnel and Public Works Department staff. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of 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. This 12 weeks is not in addition to any other current FMLA balances already used in the calendar year.

### **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 the City Administrator or Administrative Services Director if you have questions regarding this policy.