

Families First Coronavirus Response Policy

City Policy Adoption Date: Pending (current policy based on City Manager and Policy/Admin Workgroup), to be considered for ratification by City Council April 16, 2020.

The Families First Coronavirus Response Policy will be in effect beginning April 1, 2020 through December 31, 2020.

In response to the coronavirus (COVID-19) pandemic, on March 18, 2020, Congress enacted a bill providing various forms of relief. The two leave laws are the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. Healthcare workers and First Responders are exempt under the Act. However, the City has conditionally granted the benefits described herein. In the event that local emergency responder resources are required or financial impacts become excessive, the City may adopt the FFCRA exemptions.

Emergency Paid Sick Leave

All full-time employees, regardless of the length of time they have worked for the City of Norwalk, are entitled up to eighty (80) hours of paid sick time, available for immediate use. Part-time employees are entitled to an amount of paid sick time equal to the average number of hours they work over a two-week period. This paid sick time is mandated by federal law and will not result in depletion of an employee's paid leave banks.

Emergency Paid sick time may be taken when 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 due to concerns related to COVID-19
3. Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis
4. Is caring for an individual who is subject to a federal, state or local quarantine or isolation order related to COVID-19, or who has been advised by a health care provider to self quarantine
5. Is caring for his or her minor child if the child's school or place of care has closed, or the child's care provider is unavailable, because of COVID-19 precautions
6. Is experiencing another substantially similar condition specified by the Secretary of Health and Human Services (HHS)

The City will compensate employees taking leave for the reasons listed above, at their regular rate of pay without impact to employee's accrued leave.

(Please note: the City is compensating at a higher rate than required under the FFCRA. Pursuant to FFCRA, employees who are taking leave for a reason related to their own symptoms of COVID-19 or exposure to the illness (reasons 1-3 in the list above); will be

compensated at their regular rate of pay up to \$511 per day and \$5,110 total over the course of the leave. Employees who are taking leave to care for family members (reasons 4-6 in the list above), will be compensated at two-thirds (2/3) of their regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work in a work week, up to \$200 per day, and \$2,000 total over the course of the leave. Employees may supplement his/her Emergency Paid Sick Leave benefits with any earned but unused time-off hours to receive a full pay-check.)

The federal, state or local isolation order must be cited or appropriate documentation from a health care provider, child care provider or HHS must accompany the employee's application for emergency paid sick leave.

The sick leave granted under this policy expires December 31, 2020. This leave will not be paid out to an employee who leaves employment with the City of Norwalk for any reason.

If an employee cannot return to work after this leave is exhausted and no other leave provisions apply, an employee may use his or her applicable paid leave banks for continuation of pay and benefits.

Requesting use of Emergency Paid Sick Leave: Employees have the responsibility to report to their supervisor and Human Resources as far in advance as possible prior to requesting the use of emergency paid sick leave. In the event of an unexpected absence, you must notify your immediate supervisor prior to the start of your work shift. Any request for leave must be accompanied by the [Application](#) for COVID-19 Emergency Paid Sick Leave and Emergency Family Medical Leave Expansion. Applications must be completed and returned to the Human Resources department as soon as possible either before or following an employee's first absence from work. After receiving the completed application, an employee will receive a written response from Human Resources.

If you are an emergency responder (law enforcement, fire, emt or paramedic), you may be required to continue to work as directed by your Department Head. Emergency responders should report for all shifts unless they have symptoms of COVID-19, in which case, they should immediately notify their supervisor prior to reporting for work.

Returning to Work

After returning from Emergency Paid Sick leave, employees are entitled to be reinstated to their same job or to an equivalent position with the same pay, benefits and working conditions, as provided by the law.

If an employee is out of work under this policy, they are not allowed to return to work until:

- They have had no fever for at least 72 hours (that is three full days of no fever without the use of medicine that reduces fevers)

AND

- other symptoms have improved (for example, when your cough or shortness of breath have improved)

AND

- at least 7 days have passed since your symptoms first appeared.

Emergency Family and Medical Leave Expansion

The Emergency Family and Medical Leave Expansion Act (FML Expansion) amends the current Family and Medical Leave Act (FMLA), allowing additional job protection and paid leave for eligible employees who can't work (or telework) because their minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.

To be eligible for the FML Expansion leave employees must be employed by the City for at least 30 calendar days.

Eligible employees may have 2 weeks of paid leave under the Emergency Paid Sick Leave outlined above and may take up to an additional 10 weeks of FML Expansion leave if they are unable to work (or telework) because they must care for a son or daughter under 18 years of age. The need for leave must be caused by the closing of the child's elementary school, high school, place of care, or the unavailability of the child's childcare provider, due to a declared COVID-19 public health emergency.

The FML Expansion does not apply to an employee's own serious health condition or the serious health conditions of immediate family members. If leave is needed for an employee's own serious health condition or the serious health conditions of immediate family members, the employee may be eligible for benefits under the City's FMLA policies or the Emergency Paid Sick Leave policies listed above. For more information regarding FMLA, please see policy in the employee handbook or contact Human Resources. Emergency Paid Sick Leave policies are outlined above and Human Resources may also provide guidance on this policy.

FML Expansion Definitions:

- **Work Week:** One regularly scheduled work week or the equivalent in hours
- **Childcare provider:** a provider who receives compensation for providing childcare services on a regular basis.

FML Expansion Paid/Unpaid Leave: The first 80 hours of leave will be paid in accordance with the City's Emergency Paid Sick Leave policy outlined above. Thereafter, the City will compensate the remaining FML Expansion leave at a rate of two-thirds (2/3) of the employee's

regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work in a work week, up to a maximum of \$200 per day, or \$10,000 total. Employees may supplement his/her FML Expanded Leave benefits with any earned but unused time-off hours.

Medical Benefits While on an FML Expansion Leave: Employee's medical benefits will be maintained during a leave.

Holiday During Leave: If a holiday falls during a period of paid leave, employees will be paid for that holiday at a rate of two-thirds (2/3) of the employee's regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work in a work week, up to a maximum of \$200 per day.

Requesting FML Expansion Leave: Requests for FML Expansion leave should be made directly to the Human Resources department as soon as reasonably possible. Any request for leave must be accompanied by the [Application](#) for COVID-19 FML Expansion Leave & Expanded Paid Sick Leave. Applications must be completed and returned to the Human Resources department as soon as possible either before or following an employee's first absence from work. After receiving the completed application, an employee will receive a written response from Human Resources approving or denying the leave request.

Returning to Work/Expiration of Leave

After the 12 workweeks of approved FML Expansion leave, employees are entitled to be reinstated to their same job or to an equivalent position with the same pay, benefits and working conditions, as provided by the law.

If an employee cannot return to work after expiration of the FML Expansion leave, the employee will be entitled to use applicable paid leave banks (personal, vacation, compensatory leave) to continue to be paid. If all applicable leave banks are exhausted, the City shall review the status of employment to determine if any further leave or accommodations can be made.

Acknowledgement

I acknowledge that I have received a copy of Families First Coronavirus Response Policy. I understand that I am responsible for reading and abiding by this policy. I also understand that the purpose of this policy is to inform me of the City’s policy and procedure, and it is not a contract of employment. Nothing in this policy provides any entitlement to me or to any City employee, nor is it intended to create contractual obligations of any kind. Due to Mayor Phillips’ Proclamation of Emergency dated March 16, 2020, this policy overrides all City policies as of April 1, 2020. I understand that the evolving and rapidly changing COVID-19 situation will likely result in changes to this Policy and the City of Norwalk has the right to change any provision of this policy at any time and that I will be bound by any such changes.

Signature

Full Name (please print)

Date