

CITY OF MANITOWOC

CORONAVIRUS (COVID-19) EMERGENCY FMLA EXPANSION AND SICK LEAVE POLICY
Families First Coronavirus Response Act (FFCRA)

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I. PURPOSE

Due to the changes provided by the **Emergency Family and Medical Leave Expansion Act (EFMLEA)**, and the **Emergency Paid Sick Leave Act**, the below modifications to our current FMLA and Leave policies are made effective April 1st through December 31, 2020. This policy may change in response to any new or revised guidance issued by the Secretary of Labor or at City's discretion.

II. POLICY

A. The Emergency Family and Medical Leave Expansion Act (EFMLEA), requires employers to provide up to 12 weeks of FMLA leave for employees. This 12 week allotment is not in addition to any other current FMLA balances already used in the calendar year. The first 10 days of leave will be unpaid but employees can opt to substitute accrued PTO, vacation, extended leave, or other available paid leave for those days. After 10 days, employers will have to pay employees at least 2/3 of their normal rate of pay for hours they would have worked, capped at \$200 per day and \$10,000 in the aggregate.

1. Eligibility

- a. Emergency Family and Medical Leave Expansion Act (EFMLEA).** Employees who have been on the job for at least 30 days, and who are unable to work, or telework, because they have to care for a minor child if the child's school or place of care has been closed, or if the child care provider of that child is unavailable due to a COVID-19 public health emergency, are eligible for this leave. The term 'public health emergency' means an emergency with respect to COVID-19 declared by a Federal, State, or local authority.
- b. Exemption of Emergency Responders.** The Act allows the Secretary of Labor to exclude those employees that the City has defined as emergency responders from those that are eligible for the EFMLEA leave.
- c. Emergency Responders Definition.** All sworn police employees and all sworn fire rescue employees are deemed emergency responders for purposes of this Act.

2. Qualifying Event and Amount of Leave

- a. Emergency Family and Medical Leave Expansion Act (EFMLEA).** The EFMLEA provides employees up to 12 weeks of FMLA leave for time away from work, if the employee is unable to work because of COVID-19. The leave must be granted for the employees caring for a close family member under quarantine

or isolation, or caring for a minor child if the child's school or place of childcare has been closed or is unavailable due to a public health emergency. An employee may be eligible for regular FMLA leave if they have a COVID-19 diagnosis and they meet the normal requirements of the FMLA. An employee who is not ill but merely quarantined because of coming into contact with COVID-19 would not be eligible for EFMLEA or regular FMLA.

Note that for an employee entitled to 12 weeks of leave under the EFMLEA, the length of the leave is reduced by any FMLA Leave previously taken by the employee. This is not a separate 12 week entitlement. In other words, the Emergency Leave for childcare purposes is automatically reduced by the amount of FMLA leave an employee has already taken in the current administrative year, without regard to the reason for the previous leave.

We may require you to provide a certification from a health care provider confirming the applicable circumstances.

Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

- b. Payments on leave per Emergency Family and Medical Leave Expansion Act (EFMLEA).** Under the EFMLEA, a qualifying employee will not be eligible for pay from the employer for the first ten (10) work days of EFMLEA leave unless the employee has available accrued vacation, personal, extended leave, or sick leave, which can be substituted for the otherwise unpaid time. An employer is not permitted to require the substitution of accrued paid leave which the employee may have for the 10 unpaid work day period.

After the 10 work day period, the employee will be eligible for pay from the employer equal to 2/3 of the employee's regular rate of pay for the remainder of the available FMLA leave associated with the qualifying COVID-19 reason. For full time employees, the paid leave opportunity will be based on the regular rate of pay of the employee for the hours the employee would normally work. Part-time employees pay eligibility will be based on their regular hours worked per week – or if variable – the average hours worked in the preceding six months. Paid FMLA leave is allowed only for the reason of closure of the child's school or childcare and need to provide child care due to the public health emergency, and is limited to a total of \$200 per day or \$10,000 in the aggregate, per person.

Employees have the option to substitute accrued paid time for the additional 1/3 of their regular pay rate. This leave may be taken on an intermittent basis.

3. Procedure

- a.** Employees must fill out the FFCRA Leave Request Form and return to Human Resources. Human Resources will provide a designation response indicating approval status to employees requesting leave as soon as practicable.

- b. Employees are responsible for keeping in communication with their managers, informing them of necessary leave dates, filling out timesheets with the correct Springbrook pay codes (see instructions from Payroll), and keeping managers apprised of the date of their anticipated return to work.
- c. Department Heads, after approving timesheets, are required to inform Human Resources of any employees using EFMLEA in the pay period, and for which days the leave was taken.

B. Emergency Paid Sick Leave Act, Employers shall provide employees 80 hours of fully paid sick time in addition to any existing paid leave program.

1. Eligibility

- a. **Emergency Paid Sick Leave.** Employees may be eligible if unable to work, or telework, due to needing leave for any of the following reasons. Any employee is eligible regardless of length of employment.

Self-Care Reasons

- i. Employees subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- ii. Employees who have been advised by health care provider to self-quarantine due to COVID-19;
- iii. Employees experiencing symptoms of COVID-19;

Care for Family Reasons

- iv. Employees who are caring for an individual who is subject to an order described in (i) or has been advised as described in (ii);
- v. Employees who must care for their child because the school is closed or childcare provider is unavailable due to COVID-19; or
- vi. Employees experiencing a substantially similar condition as specified by Secretary of HHS.

We may require you to provide a certification from a health care provider confirming the applicable circumstances of the section above.

Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

- b. **Exemption of Emergency Responders.** The Act allows the Secretary of Labor to exclude those employees that the City has defined as emergency responders from those that are eligible for the EFMLEA leave.
- c. **Emergency Responders Definition.** All sworn police employees and all sworn fire rescue employees are deemed emergency responders for purposes of this Act.

2. Qualifying Event and Amount of Leave

- a. **Emergency Paid Sick Leave.** Provides employees up to 80 hours of paid sick leave (prorated for part-time employees) for time away from work, if the

employee is unable to work, or telework, due to reasons listed under paragraph 1.(a) (Eligibility) above.

- b. Payments on leave per Emergency Paid Sick Leave.** Qualifying employees are eligible to receive pay from the employer as follows:
 - i. Full wages, up to \$511 per day and \$5,110 total per employee for *Self-Care Reasons* as listed above (para 1a).
 - ii. Two-thirds of regular wages, up to \$200 per day and \$2,000 total per employee for *Care for Family Reasons* as listed above (para 1a).

Employees have the option to substitute accrued paid time for the additional 1/3 of their regular pay rate. This leave may be taken on an intermittent basis.

3. Procedure

- a.** Employees must fill out the FFCRA Leave Request Form and return it to Human Resources. Human Resources will provide a designation response indicating approval status to employees requesting leave as soon as practicable.
- b.** Employees are responsible for keeping in communication with their managers, informing them of necessary leave dates, filling out timesheets with the correct Springbrook pay codes (see instructions from Payroll), and keeping managers apprised of the date of their anticipated return to work.
- c.** Department Heads, after approving timesheets, are required to inform Human Resources of any employees using Emergency Sick Leave within the pay period and for which days the leave was taken.