



Families First Coronavirus Response Act (H.R. 6201) Policy

This policy is subject to change based on additional interpretative guidance, DOL policy clarification, and changing circumstances pertaining to COVID-19.

The "Families First Coronavirus Response Act" (FFCRA) is an emergency response legislation enacted to address the spread of the 2019 novel coronavirus (COVID-19). This Act contains two primary employment provisions that apply to employees (as defined below): an expansion of the Family and Medical Leave Act (FMLA) and an Emergency Paid Sick Leave Act. Emergency responders will be exempt from the Emergency FMLA Expansion section of this policy.

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.

While the Act is not legally required to be effective until April 1, 2020, the City has elected to implement these provisions effective March 28, 2020 to benefit City teammates.

Definitions

For the purposes of this policy, the following definitions will apply:

- "Employee" is defined as full-time and part-time employees within MN Statute 179A.03 and excludes those working in a temporary, seasonal, or limited capacity (under 14 hours per week or less than 67/100 days in a calendar year).
- A "public health emergency" is defined as "an emergency with respect to COVID-19 declared by a federal, state, or local authority."
- "Emergency responders" are those defined by federal regulation and any employee a department head designates as essential to ensure the continuity of operations or core services within their department.

Emergency Family and Medical Leave Act (FMLA) Expansion – *Per federal legislation, this expansion expires on December 31, 2020.*

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 rolling, twelve-month period and may not exceed the entitlement as currently provided in the City's FMLA policy.

While not legally required, the City has elected to extend the Emergency Paid Sick Leave Act through March 31, 2021.

The FMLA Expansion expires on December 31, 2020 per federal legislation.

Should extensions, modifications, or new legislation replacing the Families First Coronavirus Response Act Policy result in the future, the City will modify its policy accordingly.

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.

The first 10 days of leave will be paid using emergency paid sick leave (see below) unless the employee elects to use unpaid leave. The following 10 weeks of FMLA will be paid at the employee's regular rate of pay for the number of hours the employee would otherwise normally be scheduled to work.

Emergency Paid Sick Leave Act – *The City is extending the use of Emergency Paid Sick Leave through March 31, 2021 for qualified reasons, as noted below.*

The Emergency Paid Sick Leave Act provides eligible full-time employees with an additional two weeks of paid sick leave (80 hours paid at the regular rate of pay) subject to the qualifying reasons listed below. Part-time employees 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 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; this may include "stay-at-home" orders issued by the Governor for the State of Minnesota;
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; 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.)
7. is experiencing adverse side effect(s) from receiving the COVID-19 vaccine that necessitate absence from work¹. Use of leave time for this reason is limited to the 24-hour period immediately following the administration of the vaccine.

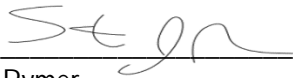
Additional Leave Options for All Employees

After an employee has exhausted benefits under the Emergency Paid Sick Leave Act and the Family and Medical Leave Expansion Act as provided by H.R. 6201, or an emergency responder has exhausted the COVID-19 paid leave as described above, an employee shall then use their remaining accrued sick leave, vacation leave, or compensatory time for COVID-19 related absences.

Forms for requesting Emergency Family and Medical Leave Act (FMLA) Expansion can be found on Rochester at Work. Emergency paid sick leave will be documented in the City's timekeeping systems.

¹ Adverse side effect(s) necessitating absence would generally be more than an injection site redness/soreness or other mild side effects and extend to cases where the employee is feeling unwell and would normally call-in sick for work.

Updated policy approved by City Administrator:



Steve Rymer

Dated: December 22, 2020

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