



Emergency Paid Sick Leave

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

BACKGROUND

The “Families First Coronavirus Response Act” (FFCRA) was an emergency response legislation enacted to address the spread of the 2019 novel coronavirus (COVID-19). This Act expired on December 31, 2020 and provided employees with Emergency Paid Sick Leave (EPSL) for use in certain COVID-19 related circumstances. The City electively continued this benefit from January 1 to March 31, 2021.

Effective April 1, 2021, the American Rescue Plan allows employers to voluntarily continue to provide paid leave under the FFCRA. In choosing to extend FFCRA, employers may seek tax credits for extending leave benefits under the terms and conditions as specified in the legislation. The City of Rochester is not accepting tax credits as part of the American Rescue Plan; however, voluntarily extended the use of any available EPSL through September 30, 2021. Effective October 1, 2021, the use of Emergency Paid Sick Leave was limited to fully vaccinated teammates¹ (with the exception of reason 7: “post-vaccination” adverse side effects) who have provided proof of vaccination to the City. Effective March 10, 2022 through June 30, 2022, the City is voluntarily extending this policy, limited to those teammates who have submitted proof of being up to date² on their COVID-19 vaccinations (with the exception of reason 7: “post-vaccination” adverse side effects) and who have qualified reasons for leave under the terms and conditions as specified below.

EMERGENCY PAID SICK LEAVE

EPSL provides eligible full-time employees with paid sick leave (80 hours paid at the regular rate of pay) subject to the qualifying reasons listed below. For the purposes of this policy, “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).

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.

As of October 1, 2021, teammates who have fallen below 24 EPSL hours available for use will have their EPSL balance replenished up to that amount (or the equivalent amount for part-time employees with prorated banks, as described above). Teammates must submit or show proof of being up to date with their COVID-19 vaccinations to the City (if they have not previously done this) prior to receiving a replenishment of EPSL hours.

QUALIFYING REASONS FOR LEAVE

¹ For the purpose of this policy, “fully vaccinated” is defined as:

- 2 weeks after the second dose in a 2-dose series, such as the Pfizer or Moderna vaccines, or
- 2 weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine

² Up to date: means a person has received all recommended COVID-19 vaccines, including any booster dose(s) when eligible. The City of Rochester strongly encourages booster dose(s). See also: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html>

An employee qualifies for EPSL 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 work³ or is caring for a child who is experiencing adverse side effects post-vaccination⁴ Use of leave time for this reason is limited to two scheduled work days within the 72-hour period immediately following the administration of the vaccine. Effective with the January 11, 2022 policy revisions, the two scheduled work days are applied per vaccination or booster dose.
8. is awaiting COVID-19 test results due to a known exposure to someone with suspected or confirmed COVID-19.

ADDITIONAL LEAVE OPTIONS FOR ALL EMPLOYEES

After an employee has exhausted EPSL benefits, an employee shall then use their remaining accrued leave in accordance with City policies for COVID-19 related absences. For periods of quarantine or isolation required by the City, employees may use their accrued leave time.

Emergency Paid Sick Leave will be documented in the City’s timekeeping systems.

Updated policy approved by City Administrator:



Alison Zelms

Dated: 05/05/2022

Policy Created March 26, 2020, updated Sept 30, 2020, December 21, 2020, February 3, 2021, March 30, 2021, September 16, 2021, January 11, 2022, March 10, 2022, May 5, 2022

³ 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.

⁴ For purposes of this policy, “child” is defined as an employee’s stepchild, biological, adopted or foster child who is under 18 or who is under 20 if still attending secondary school.