

MEMORANDUM

City of Springfield

To: City of Springfield Employees
From: Chaim Hertz, Director of Human Resources
Date: March 27, 2020
Subject: COVID-19 Emergency Leave Acts

The information within this message outlines the City's understanding as of the date of this memo regarding new federal legislation regarding protected leave.

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers, including the City of Springfield, to provide their employees with expanded family and medical leave (EFMLEA) and paid sick leave (EPSLA) for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020. Next week, the Human Resources Department will release two new Administrative Regulations that will outline the City's policy and compliance with the federal mandate.

In general, most City employees are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

Emergency family leave is available only when an employee is unable to work (or to telework) due to a need to care for the employee's son or daughter under 18 years old if the child's school or place of care has been closed, or childcare provider is unavailable. An employee is entitled to this leave only when the closure or unavailability is due to an officially declared COVID-19 public health emergency.

By comparison, emergency paid sick leave is available when the closure or childcare provider's unavailability is due to COVID-19 precautions.

Emergency Paid Sick Leave Act (EPSLA)

The recently enacted federal Emergency Paid Sick Leave Act (part of the Families First Coronavirus Response Act) requires specific employers to provide emergency paid sick leave (EPSLA) to full time employees who are unable to work or telework for certain reasons related to the coronavirus (CV19) outbreak. A full time employee is eligible for

to 80 hours of EPLSA leave and a part time employee is eligible for leave for the number of hours they would work over a two-week period.

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because 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 related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual who is under an official quarantine or isolation order or who has been advised by a health care provider to self-quarantine;
5. is caring for a son or daughter under 18 years old if the child's school or place of care has been closed, or childcare provider is unavailable, due to COVID-19 precautions; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

Generally, employers covered under the Act must provide employees: Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage. The Act permits employees to use EPLSA leave in increments, likely corresponding to the smallest time increments tracked by the employer. EPLSA leave is available to employees, regardless of tenure, who are unable to work or telework at the following rates:

- 100% for qualifying reasons #1-3, up to \$511 daily and \$5,110 total;
- 2/3 for qualifying reasons #4 and 6, up to \$200 daily and \$2,000 total; and
- 2/3 for qualifying reason #5, up to \$200 daily and \$2,000; plus up to 10 weeks more of expanded family and medical leave paid at 2/3 for qualifying reason #5 for up to \$200 daily and an additional \$10,000 (\$12,000 total). Employees who have already taken FMLA leave this year may not be eligible for all 10 weeks of expanded family and medical leave.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

An employer can deny either kind of leave to employees who are health care providers or first responders. Also, the U.S. Secretary of Labor can issue regulations excluding these workers from eligibility. The City is currently considers the following job titles excluded from these leaves: Police Officer, Dispatcher, call-taker/records clerk, detention officer, detention sergeant (non-sworn), fire suppression and fire marshal employees.

Carry-Over and Leave Concurrency

EFMLEA and EPSLA leave do not carry over to future years. EPSLA leave is in addition to other paid leave provided by the City and employees cannot be required to use other paid leave provided by the City before using EPSLA leave. Employees may elect to substitute accrued leave for EFMLEA leave. EPSLA and EFMLA runs concurrently. The EFMLA leave is included in, and not in addition to, the 12 weeks of FMLA leave available to eligible employees.