

ADMINISTRATIVE POLICY

#2020-007

FROM: Dana Smith, City Manager

RE: Family First Coronavirus Response Act: Emergency Family and Medical Leave Expansion

DATE: March 23, 2020



The novel coronavirus (COVID-19) pandemic has developed into a public health emergency throughout the United States and in Montana. The health and well-being of our employees and community members is our top priority. On March 18, 2020, the Family First Coronavirus Response Act (FFCRA) became law, which provides for an expansion in benefits under the Family and Medical Leave Act (FMLA). This policy describes the expanded benefits and process in applying the new law.

Eligible Employees

All employees who have worked for the City for 30 calendar days are eligible unless otherwise excluded.

Employers of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the Emergency Family and Medical Leave Expansion Act. To ensure our essential services are operational, emergency responders for the City of Whitefish, including police officers and firefighters, are not eligible for the new Qualifying Need Related to a Public Health Emergency under FMLA. All other FMLA requirements still apply in accordance with the City's Personnel Policy.

Added Qualifying Event

The FFCRA has added a Qualifying Need Related to a Public Health Emergency to the FMLA list of qualifying events or needs. A Qualifying Need Related to a Public Health Emergency means an employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency.

Paid Leave

The first 10 days of FMLA leave under the new qualifying need are unpaid. The employee may elect to use other accrued leave (emergency sick leave, sick leave, vacation, comp, or personal time) to receive pay during those 10 days.

After the first 10 days (80 hours) of FMLA leave under the new qualifying need, an employee will receive paid leave in amount equal to 2/3 of the employee's regular rate of pay. The employee may choose to supplement the remaining 1/3 with accrued leave (sick leave, vacation, comp, or personal time).

Process for Employees

Employees who meet the new qualifying need will notify their supervisor and the Human Resources Director immediately. The eligibility and administration of the FMLA, including this expansion, is determined and managed by the Human Resources Director.

Expiration

Unless extended, this policy expires on December 31, 2020, in accordance with the FFCRA.