

# ADMINISTRATIVE POLICY

#2020-006

FROM: Dana Smith, City Manager

RE: Family First Coronavirus Response Act: Emergency Paid Sick Leave (Supersedes Administrative Policy 2020-005)



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. At the City Council meeting March 16, 2020, the City Council approved emergency leave up to an equivalent of two weeks paid leave for all regular full-time and part-time employees, including temporary and probationary employees. In anticipation of the potential enactment of H.R. 6201, *Families First Coronavirus Response Act*, the policy included a provision that in the event more extensive benefits are provided, the City will provide such benefits to ensure compliance with law.

On March 18, 2020, the Act became law and this policy supersedes Administrative Policy 2020-005, *Emergency Leave: Response to COVID-19*.

## Eligible Employees

All employees in an active employment status at the time of a qualifying need to use leave are eligible for emergency paid sick leave, unless otherwise excluded. As required by the City's Personnel Policy, sick leave requires a 90-day period to elapse prior to use. However, the emergency paid sick leave is immediately available to all probationary employees.

## Number of Hours

Employees who are regularly scheduled for shifts of 40 hours per week are eligible to receive 80 hours of emergency paid sick leave. Employees who are regularly scheduled for less or more than 40 hours per week will receive a prorated amount. For employees with varying hours, a look back of 6-months will determine the number of hours of emergency paid sick leave. If the employee did not work during the look back period, hours will be based on the average number of hours per day that the employee would normally be scheduled to work.

## Qualifying Need to Use Emergency Sick Leave

Emergency paid sick leave may be used to the extent the employee is unable to work (or telework) due to:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

(2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

(3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

(4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).

(5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.

(6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employers of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the Emergency Paid Sick Leave Act. To ensure our essential services are operational, City of Whitefish emergency responders, including police officers and firefighters, are not eligible to use the emergency paid sick leave for child care needs as described in (5) above. Full-time and part-time emergency responders are eligible to use emergency paid sick leave for qualifying circumstances defined in numbers (1) - (4) and (6) above.

#### 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 Emergency Paid Sick Leave is determined and managed by the Human Resources Director.

#### Carry-over and Expiration

Emergency paid sick leave does not accrue year after year, nor is it payable upon termination.

Unless extended, this policy expires on December 31, 2020, in accordance with the Families First Coronavirus Response Act.