

**Subject:** Families First Covid-19 Coronavirus Response Act: Emergency Paid Sick Leave and Family Medical Leave Expansion Act Policy

**Effective Date:** April 1, 2020 – December 31, 2020

**To All City of Greensboro Employees:**

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The federal **Families First Coronavirus Response Act (FFCRA or Act)** was signed into law on March 18, 2020, with an April 1, 2020 effective date. The Act is intended to ease the economic consequences of the coronavirus outbreak by expanding paid leave available to employees.

There are two parts to this legislation that may affect a portion of the City of Greensboro's employee population. Provisions for Federal Emergency Paid Sick Leave and Federal Emergency FMLA Leave are both included in this policy.

Under the Act eligible employees will be provided up to two weeks (80 hours, or work schedule equivalent) of paid sick leave. The Act also provides eligible employees with 10 weeks of paid expanded family medical leave, paid at one hundred percent (City of Greensboro determination) of the employee's regular hourly rate for a qualifying reason.

Federal Emergency Paid Sick Leave and Federal Emergency FMLA Leave expires December 31, 2020. No unused portions of either leave can be carried over or accessed after the expiration date.

### **Eligibility**

This policy applies to ALL full-time, part time with benefits, and part-time Roster employees; First responders are included in the policy (City of Greensboro determination).

The FFCRA gives the City the ability to exclude emergency responders from these two new leave benefits. We have not decided to exclude our emergency responders. We must maintain minimum staffing because of the critical duties emergency responders perform. Therefore, the City reserves the right to exempt emergency responders from these two new leaves should business needs require.

### **Definitions**

**First responders** – for the City of Greensboro are defined as sworn fire, sworn police, LEO part- time, and 911 dispatchers and call takers.

**Child** – includes foster, legal ward, step, or other child under the age of 18 (unless the adult child is incapable of "self-care" because of a mental or physical handicap) for whom the employee stands in place of a parent.

**Health Care Provider** – includes doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner, nurse-midwife, Christian Science practitioner, clinical social worker, and health care providers from whom the employer or the employer's group health care plan will accept certification of a serious health condition, and any health care provider meeting the preceding definition authorized to practice in another country.

**Childcare Provider** – under the Act is defined as one who provides childcare services on a regular basis and *receives compensation* for those services. It includes the situation where a family member has been providing childcare and is no longer available.

**Immediate Family Member** – for the purposes of the FMLA, immediate family member is defined as the spouse, child, certified dependent as qualified by the City of Greensboro’s Benefits Division, or the parents of the employee.

**Parent** – the biological or stepparent of an employee or an individual who stands or stood in loco parentis to an employee when he or she was a child.

## **I. Policy – Federal Emergency Paid Sick Leave**

### **A. Reason for Leave**

An employee may take Federal Emergency Paid Sick Leave if they are unable to work (or telework) because they:

1. Are subject to a federal, state or local quarantine or isolation order related to COVID-19\*;
2. Have been advised by their healthcare provider to self-quarantine because they are infected with or have been exposed to COVID-19 or because they are at high risk of complications from COVID-19;
3. Are showing symptoms of COVID-19 and they are seeking but has not yet received a medical diagnosis;
4. Are caring for an immediate family member subject to a federal, state or local quarantine or isolation order related to COVID-19 or who has been advised by their healthcare provider to self-quarantine for COVID-19 related reasons;
5. Are caring for his or her child because the child’s school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason; or
6. They are experiencing a substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

*\* Stay-at-Home and Shelter-in-Place declarations are equivalent to an isolation or quarantine order. Employees who are subject to a Stay-at-Home or Shelter-in-Place declaration are eligible for Federal Emergency Paid Sick Leave. Employees who are quarantined cannot use Emergency paid sick leave if the City has telework for them, they are permitted to do the work from the quarantined location and there are no extenuating circumstances preventing the Employee from doing the telework. Roster employees who do not have telework to do can apply for the Emergency Paid Sick Leave.*

## B. Duration/Compensation

Employees are entitled to:

1. **Full-time employees:** up to 80 hours of pay at their regular pay rate.
2. **Part-time employees:** Pay for the number of hours the employee works, on average, over a two-week period.

## C. Leave Rules

Employees may elect to use Federal Emergency Paid Sick Leave before using other accrued paid leave. No leave provided by the City of Greensboro before April 1, 2020 will impact the employee's eligibility for a full entitlement of benefits described in this policy.

## D. Requesting Federal Emergency Paid Sick Leave

Employees are required to provide their HR Reps, Supervisors or Benefits Assistants with notice of their need to access this leave within one business day of the first instance of absence.

1. For reasons 1, 2 and 3 above employees will need to complete the online [Federal Emergency FMLA Sick Leave Form](#) found on CityNet.
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3. For reasons 4, 5 and 6 above employees will need to complete the online [Federal Emergency FMLA Sick Leave Form](#) and [Emergency FMLA Dependent Documentation Form](#) found on CityNet.
4. If an employee has already provided documentation for dependents because they are covered under the City of Greensboro's benefits (medical, dental or vision) they will not have to resubmit this information. They need only supply the name or names of the dependents on the form for verification purposes.
5. If the employee's dependents are not covered under the City of Greensboro's benefits program, standard eligibility documentation will need to be provided. Acceptable documentation could include, but is not limited to:
  - a. Birth certificate(s)
  - b. Adoption/legal guardianship documentation
  - c. Marriage license
6. Employees who stay home for any reason must contact their supervisors via established departmental protocols.
7. **HR Reps, Supervisors and Benefits Assistants please click this [link](#) for Internal Operational instructions on processing Emergency Paid Sick Leave and Emergency FMLA**

## E. Retaliation

The City will not retaliate against employees who request or take leave in accordance with this policy.

## **F. Expiration**

This policy expires on December 31, 2020. Paid sick time provided under this policy and the FFCRA does not carryover from one year to the next. Any unused balances will lapse after this date. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

## **II. Policy – Federal Emergency Family Medical Leave (FMLA) Expansion**

### **A. Reason for Leave**

An employee may request Federal Emergency Paid FMLA leave **ONLY** if they are unable to work (or telework) because they are caring for his or her child because the child's school or childcare facility has been closed or the childcare provider is no longer available because of a COVID-19 related reason.

### **B. Duration/Compensation**

This policy applies to ALL full-time, part time with benefits, and part-time Roster employees who have worked for the City for at least 30 days.

Employees are entitled to:

1. **Full-time employees:** up to 12 weeks of leave, including 10 weeks' pay at their regular salary
2. **Part-time and Roster employees:** up to 12 weeks of leave, including 10 weeks' pay at their regular pay for the average number of hours the employee works. Hours to be paid are based on the average number of hours the employee worked calculated over a 6-week period prior to taking leave.
3. Federal Emergency Family Medical Leave is paid leave after a 10-day waiting period. Employees can supplement this 10-day period in various ways:
  - a. Employees may use Federal Emergency Paid Sick Leave outlined in reason 5 of the Federal Emergency Paid Sick Leave policy above.
  - b. Employees may use any combination of acceptable accrued leave (vacation, sick, comp leave, etc.) including the 5 days of sick leave awarded by the City Manager. Supervisors should apply the accrued leave according to the cascading rule.
4. The City has the same obligation as under traditional FMLA to return any employee who has taken Emergency FMLA leave to the same or equivalent position upon the return to work.

## **C. Leave Rules**

1. Employees are limited to a total of twelve weeks of FMLA leave within a 12-month period for all FMLA reasons combined.
2. Employees who have already used up their traditional FMLA allotment for the year are not entitled to Federal Emergency FMLA leave.
3. As with regular FMLA leave, where the need for leave is foreseeable, employees must provide the City as much advance notice as practicable.
4. Provisions under the regular FMLA Act still apply and are available to employees that meet eligibility requirements as it pertains to protected leave because the employee needs to care for a spouse, child, or parent with a serious health condition, or because of the employees own serious medical condition.
5. Employees who stay home for any reason must contact their supervisors via established departmental protocols.

#### **D. Requesting Federal Emergency FMLA**

1. Employees will need to complete the online [Federal Emergency FMLA Sick Leave Form](#) and [Emergency FMLA Dependent Documentation Form](#) found on CityNet
2. If an employee has already provided documentation for dependents because they are covered under the City of Greensboro's benefits (medical, dental or vision) they will not have to resubmit this information. They need only supply the name or names of the dependents on the form for verification purposes.
3. If the employee's dependents are not covered under the City of Greensboro's benefits program, standard eligibility documentation will need to be provided. Acceptable documentation could include, but is not limited to:
  - a. Birth certificate(s)
  - b. Adoption/legal guardianship documentation
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