



FMLA Leave Expansion and Emergency Paid Sick Leave Policy (Coronavirus)

This policy, based on the Federal Government’s Families First Coronavirus Response Act (FFCRA), is effective April 1 through December 31, 2020 and provides employees affected by COVID-19 with two new types of job-protected, paid leave:

Emergency Sick Leave - Emergency sick leave is an additional two weeks (up to 80 hours) of paid leave, at the rate of pay outlined below, for qualifying reasons.

Expanded FMLA Leave - Expanded FMLA Leave is up to 10 weeks (up to – hours) of paid expanded family and medical leave, at the rate of pay outlined below, for qualifying reasons.

Employee Eligibility

All current employees who are actively scheduled for work are eligible for Emergency Sick Leave. Employees who have been employed for at least 30 calendar days and are actively scheduled for work are eligible for Expanded FMLA. Employees deemed to be “Emergency Responders,” defined below, are excluded from Expanded FMLA but are eligible for equivalent leave based on operational needs and prior approval. For the purpose of this policy, emergency responder may be defined as those required for the operations of the City’s police force, water department, transit operations and other essential City services.

Employees rehired during this period are immediately eligible for leave upon reinstatement if previously employed for 30 or more of the 60 calendar days prior to layoff or termination. Furloughed employees are not eligible as there is no work available from which to take leave.

FFCRA leave is a type of FMLA leave, and it is not in addition to the existing entitlement of 12 weeks in a 12-month period (see Employee Policies and Procedures manual 4.19 Family Medical Leave).

Reasons for Leave

Employees caring for themselves:	Employees caring for others:
1. Subject to a Federal, State or local quarantine or isolation order related to COVID-19.	4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2).
2. Has been advised by a health care provider to self-quarantine related to COVID-19.	5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.	6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

Rates of Pay

Though the law went into effect on April 1, pay below takes effect on May 11, 2020. Leave prior to this date was paid under the City's COVID-19 policy at a higher rate.

Emergency Sick Leave will be paid by type of leave:

- Employees taking leave for reasons 1-3 above will be compensated at their regular rate of pay, not to exceed \$511 per day and \$5,110 in total. **Pay code: Corona Sick Leave**
- Employees taking leave for reasons 4-6 above will be compensated at two-thirds their regular rate of pay not to exceed \$200 per day and \$2,000 in total. **Pay code: Corona Family Sick Leave**

Expanded FMLA Leave will be paid for reason 5 only and provides an additional 10 weeks paid at 2/3 their regular rate of pay up to \$200 daily and \$12,000 total. **Pay code: Corona Family Leave**

All eligible full-time employees will have up to 80 hours of emergency paid sick leave available to use for the qualifying reasons above. Eligible part-time employees are entitled to the number of hours worked, on average, over a two-week period. For employees with varying hours, one of two methods for computing the number of hours paid will be used:

- If the employee has worked 6 months or more, the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type.
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employees may supplement the two-thirds pay with a payout from available vacation balances not to exceed 100% of regular pay.

Procedure for Requesting Emergency Paid Sick Leave

Employees must submit the City's Expanded FMLA Leave and Emergency Paid Sick Leave Request Form.

Increments and Intermittent Use of Leave

When working from home, employees may take leave intermittently in increments of 15 minutes or more as agreed to with their manager. Managers and employees are expected to be flexible in scheduling wherever possible.

For those not teleworking and currently working onsite, an employee may only take intermittent leave for reason 5 above, to care for his or her child when the school or place of care is closed, or the caregiver is unavailable due to COVID-19-related reasons. Per the regulations, as all other reasons for emergency paid sick leave could potentially expose an employee or others in the workplace to the virus, employees must either use the full amount of paid sick leave or use it in full-day increments until the reason for leave is over and it is safe for the employee to return to work.

Carryover

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused paid sick leave will not carry over to the next year or be paid to employees.

Job Protections

No employee who appropriately utilizes leave under this policy will be discharged, disciplined or discriminated against for work time missed due to this leave.

Generally, an employee who takes Expanded FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. If the position the employee held before leave started no longer exists due to economic conditions or operational changes that are made because of the public health emergency, and no equivalent position is available, the employee will not be returned to employment. However, for one year after qualifying leave under this policy ends, the City will make reasonable efforts to contact the employee if an equivalent position becomes available.

Additional Definitions

Child - means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is: either under 18 years of age or 18 or older and incapable of self-care because of a mental or physical disability.

Emergency Responders -- includes employees in the police department, water department, public works and other designated employees with specialized skills who are necessary for the response to COVID-19. Exceptions to emergency responder status may be made based on operational needs, and all employees are encouraged to apply. However, based on City needs and community status, leave for emergency responders may be denied or permission revoked at any time.

Individual - means an immediate family member, roommate or similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he or she self-quarantined or was quarantined. Additionally, the individual being cared for must: a) be subject to a federal, state or local quarantine or isolation order as described above; or b) have been advised by a health care provider to self-quarantine based on a belief that he or she has COVID-19, may have COVID-19 or is particularly vulnerable to COVID-19.

This policy is adopted by the City Manager pursuant to section one of the Policy and Procedures Manual, which provides: " The City Manager may at any time, without notice, temporarily suspend or amend any policy herein by filing a written order with the Human Resources Manager. Such temporary policies shall be effective no longer than six months without the approval of City Council."

As Department of Labor guidelines are updated the City will conform this policy as needed. For more information, or frequently asked questions, please follow these links.

- [FAQ](#)
- Employee Paid Leave Rights in [English](#) and [Spanish](#)
- [Department of Labor FFCRA Webinar](#)
- [City Employee's section of website www.parkcity.org](http://www.parkcity.org)

Please contact the HR department with any questions: Brooke Watters at Brooke.Watters@parkcity.org, or call anytime 435-615-5241.



Expanded FMLA Leave and Emergency Paid Sick Leave Request Form

This form is to be completed by employees requesting leave under Park City Municipal's FMLA Leave Expansion and Emergency Paid Sick Leave Request Policy. Documentation listed below will be required upon request.

Employee Name: _____

Department: _____

Beginning Date: _____ End Date: _____ Total Hours requested _____

Reason for Leave (circle one) and questions related to request:

1. Subject to a Federal, State or local quarantine or isolation order related to COVID-19. *Please attach a copy of the federal, state or local quarantine or isolation order related to COVID-19 applicable to the employee or the name of the government entity that issued the order.*

2. Has been advised by a health care provider to self-quarantine related to COVID-19. *Please attach written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19 or the name of the provider who advised the employee.*

3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

4. Is caring for an individual subject to an order (1 above) or self-quarantine (2 above). Name and relation of individual the employee is taking leave to care for _____.

5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.

Name and Age of child(ren) being cared for _____.

Name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons _____.

I certify that no other suitable person is available to care for the child or children during the period of requested leave. Employee initials _____

6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. *Please see and follow instructions for similar condition above.*

If you are unable to fill this form out and return it, verbal notification will be accepted until practicable to provide written notice. Once emergency paid sick leave has begun, the employee and his or her manager must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

Employee Signature

Date