

COVID-19


CORONAVIRUS DISEASE 2019 UPDATE



Via Email

Date: April 3, 2020

To: Department Directors
Judge James F. Long
Judge Frederick W. Dressel
Andrea White, Clerk of Courts

From: Steven E. Bergstresser, Acting City Manager 

Subject: Families First Coronavirus Response Act (FFCRA) Mandatory Posting

The FFCRA requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions apply from April 1, 2020, through December 31, 2020.

Certain employees may be excluded from paid sick leave or expanded family and medical leave under the FFCRA. The attached chart is a non-exclusive list of employees who will be excluded from coverage under FFCRA. Due to the fluidity of this situation, the City reserves the right to modify this list with guidance from the DOL.

Also attached please find a mandatory posting from the Department of Labor (DOL) regarding the FFCRA. Human Resources will ensure this poster is posted to the City's Barn, employee page of the City's website as well as to other locations throughout the City as soon as practical.

Please contact the Human Resources Department with any questions or concerns. You may also visit the Department of Labor's website for a list of Frequently Asked Questions (FAQ's).

Thank you for your cooperation.

Attachments

Excluded from FFCRA	Included under FFCRA
<u>Law Enforcement:</u> <ul style="list-style-type: none"> • Patrol Officers • Sergeants • Lieutenants • Captains • Chief* • Uniformed Deputy Bailiff • Court Security Officer • KPD Records Specialist • Community Service Specialist • Crime Analyst • Secretary 	Community Information Manager CM Secretary HR Managers HR Technicians HR Secretary Assistant Finance Director Budget Manager Tax Manager/Tax Administrator Purchasing Manager Finance Secretary Finance Technician (Payroll, Purchasing) GIS Manager Information System Manager Information System Technicians Desktop Support Technician Planning & Development Secretary Senior Building Inspector Engineering Secretary Traffic Signal Technician Engineering Technician III-Construction Inspector Parks Service I-III PRCA Secretary Compliance and Inclusion Manager Law Clerk (Payroll Coordinator) Financial Analysts Finance Technician Finance Clerk or Aide Administrative Designer (Payroll Coordinator) GIS Technician Administrative Systems Clerks Assistant Volunteer Administrator P & D Engineer or Architect City Planner Neighborhood Services Manager/City Planner Inspector Property Maintenance Inspectors CDBG Program Manager CDBG Program Coordinator CDBG Housing Specialist P & D Clerk Fire Service Specialist Fire Clerk Civil Engineer Engineering Surveyor Design Engineer Senior Safety Supervisor Engineering Technician IV Engineering Technician-CAD Design/Surveyor/Traffic Safety Supervisors Crossing Guards PRCA Superintendents PRCA Manager I-III PRCA Supervisors Facility Coordinators Fitness Coordinators
<u>Correctional Institution personnel:</u> <ul style="list-style-type: none"> • Jailers 	
<u>Firefighters/Paramedics/Emergency medical services personnel:</u> <ul style="list-style-type: none"> • Part-time Firefighter • Firefighters • Captains • Battalion Chiefs • Assistant Chiefs • Chief* • Fire Marshal • Secretary 	
<u>911 operators:</u> <ul style="list-style-type: none"> • Dispatchers 	
<u>Persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility:</u> <ul style="list-style-type: none"> • City Manager* • Assistant City Manager* • Law Director* • HR Director* • Finance Director* • Administrative Systems Director* • Planning & Development Director* • City Engineer* • Assistant City Engineer • PRCA Director* • Volunteer Administrator • Senior Services Coordinator • Assistant Law Director • Prosecuting Attorneys • Law Secretary • Prosecutor Secretary • Public Service Director* • Assistant Public Service Director • Facility Maintenance Manager • Facility Maintenance Supervisor • Buildings Maintenance Mechanic • Buildings Service I and II 	

<ul style="list-style-type: none"> • Buildings Attendants (Custodians) • Public Service Secretary • Street Maintenance Manager • Street Maintenance Supervisor • Street Service I-IV • Traffic Control III • Maintenance Aide • Fleet Manager • Equipment Maintenance Supervisor • Equipment Mechanic • Parts Inventory Attendant • VMC Clerk • Elected Council Members • Elected Clerk of Courts • Elected Municipal Court Judges • Deputy Clerks • Kettering Municipal Court Staff <ul style="list-style-type: none"> ○ Probation Officers ○ Administrative Secretary ○ Magistrates ○ Substitute Judge ○ Bailiff ○ Court Reporter 	<p>PRCA Technician PRCA Clerks (Payroll Coordinator) PRCA Temporary, Contractual, Seasonal positions Economic Development Manager Clerk of Council (Payroll Coordinator) Paralegal Fire Prevention Inspector (Contractual)</p>
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*Or any employee serving in the capacity of a Director or Chief
All classification status including but not limited to full-time and part-time, etc.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

▶ PAID LEAVE ENTITLEMENTS

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, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

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

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, 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.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

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:

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| <ol style="list-style-type: none">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 subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">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; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd

