

## MEMORANDUM

**TO:** All Employees

**FROM:** Norbert S. Klopsch, City Manager 

**SUBJECT:** Family's First Coronavirus Response Act (FFCRA) Extension

**DATE:** January 18, 2021

*This memorandum shall serve as a temporary addendum to the city of Oakwood Personnel Regulations, effective through March 31, 2021 only.*

As you may have heard, the federal legislation providing for emergency FMLA and emergency sick leave for employees with respect to COVID-19 was recently updated and extended, with employers given the opportunity to choose whether they will continue to offer the benefits.

Sec. 3105 of the bill allowed employers of emergency response providers to exclude such employees from the application of the public health emergency leave provisions.

According to 29 CFR § 826.30, the term emergency response providers includes local governmental emergency public safety, fire, law enforcement, emergency response, public works personnel, and related personnel who work for such facilities and whose work is necessary to maintain the operation of the facility. Therefore, by definition, all city of Oakwood personnel were previously exempted from application of the bill, and continue to remain exempted under the updated bill.

However, we are sensitive to the difficulties our employees may continue to face as a result of COVID-19. Therefore, the city will continue to provide Emergency Paid Sick Leave coverage for up to 80 hours for the following documented reasons:

- The employee has been advised by a health care provider to self-quarantine related to COVID-19 exposure or diagnosis.
- The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
- The employee is needed to care for an individual covered under reasons 1 or 2 above.

Emergency Paid Sick Leave is *separate from* and *in addition to* regular accrued paid leave, and will be pro-rated for part-time employees based on an average of hours worked. Emergency Paid Sick Leave is available to temporary seasonal employees only in circumstances where their COVID-19 exposure occurred through their positions with

the city. Following the exhaustion of Emergency Paid Sick Leave benefits or in instances where Emergency Paid Sick Leave coverage does not apply, employees may utilize other forms of accrued paid leave if additional time off is required and upon approval. Emergency Paid Sick Leave will remain effective for eligible absences through March 31, 2021.

This extension of Emergency Paid Sick Leave only changes the effective dates of the city's Emergency Paid Sick Leave Program. It does not create additional leave coverage for employees who have already exhausted 80 hours of Emergency Paid Sick Leave.

Given that this is a unique program specifically designed as a temporary relief measure, Emergency Paid Sick Leave cannot be carried over, banked, or paid out at the end of the year or upon separation for any reason.

Emergency Paid Sick Leave is a form of Administrative Leave. If an employee qualifies for Emergency Paid Sick Leave due to the above-mentioned reasons, but is able to telework, no forms of leave will be charged against the employee. If an employee is not able to telework due to their position requirements, the Emergency Paid Sick Leave will be charged as Administrative Leave.

As we continue to provide essential public services to the Oakwood community, it is of vital importance that all essential on-site employees be present during their scheduled work hours. We will continue to monitor the situation and will make adjustments in scheduling and work assignments as needed and as appropriate.

Please notify your Supervisor, Department Head or our Personnel Director if you are experiencing issues that would impede your ability to successfully fulfill the essential functions of your position.

Thank you for your dedication to the residents and businesses of the city of Oakwood. I continue to be impressed by the professionalism and teamwork you bring to the workplace during these unprecedented times.