

## **COVID-19 Emergency Leave Policy**

**March 27, 2020**

The Federal Government created a new law “Families First Coronavirus Response Act” this week. This new law goes into effect on April 1, 2020. The new law grants additional paid sick leave and created additional FMLA coverage for certain types of absences related to the COVID-19 pandemic.

**Emergency Paid Sick Leave.** The City of Fond du Lac will advance the effective date for City employees to use the paid sick leave that’s allowed under the federal law, retroactively, to **March 13, 2020**. This is additional time given to employees and does not include any sick time they may already have.

The City will provide this additional paid sick leave to any employee who falls under any of the five specific categories listed below. Employees are entitled to time equal to the number of hours they work on average over a two-week period. The payment is calculated based on the employee’s “required compensation,” which means the employee’s regular rate of pay, and the number of hours the employee would have otherwise been scheduled to work.

The five specific categories are:

1. A Federal, State, or local quarantine or isolation order because the employee is diagnosed with COVID-19.
2. A public health advisement of health care provider advice that the employee self-quarantine due to concerns related to COVID-19.
3. The presence of symptoms of COVID-19 for the employee and a need to seek medical diagnosis.
4. To care for an individual described in numbers 1 or 2, above.
5. To care for a child because that child’s school or place of care is closed or unavailable due to COVID-19 precautions.

**Emergency FMLA Expansion.** FMLA is temporarily revised to allow eligible employees to take up to 12 weeks of job-protected leave if the employee is unable to work or telework due to a need to care for a child under 18 years of age because that child’s school or place of care has closed due to COVID-19. This will go into effect on April 1, 2020.

The first 10 days of emergency FMLA leave may consist of No Pay (3306), Emergency Paid Sick Leave (3400), or the employee has the discretion to use any accrued paid leave (vacation, floating holiday, comp. time, etc.) during that period, but the employee must be paid for each subsequent day of leave thereafter. The rate of pay is calculated based on the number of hours the employee would normally be scheduled to work and cannot be less than two-thirds the employee’s regular rate of pay. However, this amount need not exceed \$200 per day and \$10,000 “in the aggregate.”

**These new provisions apply to all employees who have been employed by the employer for at least 30 calendar days, so many employees might qualify for these benefits even if they would not otherwise qualify for FMLA.**

**The new act does allow the City to restrict or deny leaves to health care providers and emergency responders (Fire, Police, ITS, Water, Wastewater, Garbage Collection and Transit) if taking the leave would negatively impact our ability to provide essential services.**

**These emergency leaves do not carry over from one year to the next. This Policy will expire at the end of 2020.**