

# INTEROFFICE MEMO



**To:** All City Employees  
**From:** Korena Weichel, City Manager  
**Re:** Families First Coronavirus Response Act

On March 18, 2020, President Trump signed the **Families First Coronavirus Response Act** ("The Act") into law. The Act is time-limited and only applies to the COVID-19 pandemic (effective dates April 1, 2020 through December 31, 2020).

The Act provides paid sick leave benefits in two categories: (1) Emergency Paid Sick Leave; and (2) Expanded Family and Medical Leave. A brief synopsis and applicable procedures are outlined below; Please review the complete policy which is attached to this message. The Department of Labor posting is also attached and will be displayed in work areas at City Hall/PD and Public Works. This posting has created a great deal of confusion among local government employees tasked with explaining the leave benefits. Please do not hesitate to contact Nancy Riegel or myself if you have any questions related to the policy or the DOL posting.

## 1. Emergency Paid Sick Leave

Full-time employees are entitled to **up to 80 hours of paid leave** for certain COVID-19 related reasons. Part-time employees are entitled to paid leave equal to the average number of hours they would typically work in a 2-week period. This leave is separate and apart from employee's regular sick leave accrual.

Employees are eligible for paid leave if they are unable to work for one of the following reasons:

- (a) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- (b) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (c) The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- (d) The employee is caring for an individual subject to an order described in (a) or (b);
- (e) The employee is caring for a child whose school or childcare facility is closed, or the childcare provider is unavailable, due to COVID-19 precautions; or
- (f) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

If leave is for **his or her own condition, paid leave is at 100% of the employee's regular rate of pay**, capped at \$511/day or \$5,100 in total. See (a), (b), and (c).

If leave is **to care for someone else, paid leave is at 2/3 of the employee's regular rate of pay**, capped at \$200/day or \$2,000 in total. See (d), (e), and (f).

## 2. Expanded Family and Medical Leave

Applies to any employee who has been employed for at least 30 calendar days. This leave may

be used for the following reason:

- (a) The employee is unable to work (or telework) due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19 (a childcare provider is one who provides childcare services on a regular basis and receives compensation for those services).

The Expanded Family and Medical Leave **provides up to 12 weeks** (the first 10 days is unpaid and then up to an additional 10 weeks of paid leave) **at 2/3 of the employee's regular rate of pay**. Employees may choose to utilize the Emergency Paid Sick Leave benefit (as outlined in #1 above) to cover up to 80 hours of the first 10 days.

**Important Exclusion for Emergency Responders:** The Act permits each local government entity to exclude emergency responders from coverage for either of the paid leave benefits. The Department of Labor has defined "emergency responders" as an employee whose services are otherwise needed to limit the spread of COVID-19 including law enforcement officers, firefighters, emergency medical personnel, 9-1-1 dispatchers, all public health personnel, all emergency management personnel, detention officers, all public works personnel, and individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

At an Emergency Meeting held on March 30, 2020, the Creedmoor Board of Commissioners made the difficult decision to exclude City of Creedmoor emergency responders from the Expanded Family and Medical Leave benefit due to the size of our staff and concerns regarding providing ongoing essential city services in the face of this unprecedented public health crisis. (Note: Emergency responders are still eligible for the provisions of the Emergency Paid Sick Leave as described in #1 above.)

As it relates to Creedmoor operations, the definition of emergency responders includes law enforcement officers, tele-communicators, public works personnel, and City Hall essential personnel (City Manager, Finance Director, and Administrative Services Director).

**3. FICA Tax Reduction** *(Note: On April 1, this section was updated to reflect only the EMPLOYER-PAID portion of social security taxes are exempt due to new guidance received today from The School of Government)*

Employer ~~and employee~~ **social security portions of FICA taxes (6.2%) will not be withheld** on paid leave wages under either the Emergency Paid Sick Leave or Expanded Family and Medical Leave benefits.

**4. Process for Requesting Leave**

Once an employee is aware of the need to take Emergency Paid Sick Leave or Expanded Family and Medical Leave, it is his/her responsibility to notify their immediate supervisor with as much advance notice as practicable. Notification may be made verbally or via email.

To request leave under The Act, upon notification to your immediate supervisor,

1. Complete the *Families First COVID-19 Emergency Paid Sick Leave and Expanded Family and Medical Leave Request Form* (attached for your reference);
2. Attach all supplemental information to the form (i.e., a copy of the notification of closure from the childcare provider or other documentation as determined by the Human Resources Officer);
3. Submit the form to your immediate supervisor; and
4. The form will be reviewed by the department head and forwarded to the Human Resources Officer.