

I. PURPOSE

The purpose of this policy is to comply with the Families First Coronavirus Response Act (“The Act”) and to assist employees affected by the COVID-19 outbreak with job-protected paid sick leave. The Act provides for Emergency Paid Sick Leave and/or Expanded Family and Medical Leave for the reasons outlined herein and shall only be in effect from April 1 through December 31, 2020.

II. DEFINITIONS

- A. “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 (1) under 18 years of age; or (2) 18 years of age or older and incapable of self-care because of a mental or physical disability.
- B. “Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis.

III. EMERGENCY PAID SICK LEAVE**A. Eligibility**

All full- and part-time employees unable to work (or telework) due to one of the following reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in (1) or (2);
5. The employee is caring for a child whose school or place of care is closed, or the childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

B. Amount of Paid Sick Leave Provided

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons identified in Section III A. 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:

1. 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; or
2. If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

C. Rate of Pay During Leave

1. Leave taken for reasons listed in Section III A (#1-3): Paid emergency sick leave will be paid at 100% of the employee's regular rate of pay. Pay will not exceed \$511 per day or \$5,110 in total.
2. Leave taken for reasons listed in Section III A (#4-6): Paid emergency sick leave will be paid at 2/3 the employee's regular rate of pay, or minimum wage, whichever is greater. Pay will not exceed \$200 per day or \$2,000 in total.

Employees may not use any other form of accrued leave to supplement the 2/3 pay for either Emergency Paid Sick Leave or Expanded Family and Medical Leave.

D. Employer-Paid Social Security Tax Reduction

Wages paid under The Act's paid leave provisions are not subject to the employer-paid portion of social security taxes. Deductions for employee-paid social security taxes are not affected and will continue the same as with regular wages.

E. Procedure for Requesting Emergency Paid Sick Leave

Once an employee is aware of the need to take Emergency Paid Sick 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*;
2. Attach all supplemental information to the form (i.e., documentation as may be determined by the Human Resources Officer (HRO));
3. Submit the form to your immediate supervisor; and
4. The form will be reviewed by the department head and forwarded to the HRO.

F. Employee Status and Benefits During Leave

While an employee is on leave, the City of Creedmoor will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work and will continue to make payroll deductions for the employee's dependent coverage(s). During any unpaid portions of leave, the employee must continue to make payment for dependent coverage(s) per instructions from the HRO.

G. No Carryover Provisions

Emergency Paid 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 nor be paid out to employees.

IV. EXPANDED FAMILY AND MEDICAL LEAVE

A. Eligibility

All employees who have been employed with the City of Creedmoor for at least 30 days.

Eligible employees who are 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).

B. Amount of Paid Sick Leave Provided

The Act provides up to 12 weeks of leave to be used from April 1 through December 31, 2020.

C. Rate of Pay During Leave

The first 10 days of leave is unpaid; however, employees may use any accrued vacation or sick leave during this time or may elect to use up to 80 hours of paid leave as provided under the Emergency Paid Sick Leave benefit.

After the first 10 days:

1. Leave will be paid at 2/3 of an employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work;
2. Pay will not exceed \$200 per day or \$12,000 in total;

For employees with varying hours, one of two methods for computing the number of hours paid will be used:

1. 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; or
2. 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 not use any other form of accrued leave to supplement the 2/3 pay for either Emergency Paid Sick Leave or Expanded Family and Medical Leave.

D. 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.

The City of Creedmoor Board of Commissioners has excluded emergency responders from the Expanded Family and Medical Leave benefit only. As it relates to Creedmoor, 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).

E. Employer-Paid Social Security Tax Reduction

Wages paid under The Act's paid leave provisions are not subject to the employer-paid portion of social security taxes. Deductions for employee-paid social security taxes are not affected and will continue the same as with regular wages.

E. Process for Requesting Leave

Once an employee is aware of the need to take 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*;
2. Attach all supplemental information to the form (i.e., a copy of the notification of closure from the childcare provider and/or other documentation as determined by the Human Resources Officer (HRO));
3. Submit the form to your immediate supervisor; and
4. The form will be reviewed by the department head and forwarded to the HRO.

F. Employee Status and Benefits During Leave

While an employee is on leave, the City of Creedmoor will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work and will continue to make payroll deductions for the employee's dependent coverage(s). During any unpaid portions of leave, the employee must continue to make payment for dependent coverage(s) per instructions from the HRO.

H. No Carryover Provisions

Expanded Family and Medical 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 nor be paid out to employees.

V. Interaction with Other Paid Leave

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on Expanded Family and Medical Leave under this policy may use Emergency Paid Sick Leave during the first 10 days of unpaid leave.

VI. Job Protections

No employee who appropriately utilizes Emergency Paid Sick Leave or Expanded Family and Medical Leave under this policy will be discharged, disciplined, or discriminated against for work time missed due to the leave.