

POLICY:

In accordance with the Federal Families First Coronavirus Response Act, the City of Delano has adopted the following policy effective April 1, 2020.

I. EMERGENCY PAID SICK LEAVE

(a) Effective April 1, 2020, regular full time employees for the City of Delano shall be entitled of up to 80 hours of Emergency Paid Leave for 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 who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2);
 - (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter 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 in consultation with the Secretary of the Treasury and the Secretary of Labor
- (b)** Employees who work less than full time shall receive a prorated amount of hours based on an employee's regular schedule hours for the reasons identified in Section (a) above.
- (c)** Leave taken as Emergency Paid Leave is in addition to any other leave accrued and does not accrue beyond 80 hours. Unused leave does not carryover for any employees.
- (d)** Emergency Paid Sick Leave is subject to the following caps:
- (1) \$511/Day and \$5,110 in the Aggregate for the Following Employee-Related COVID-19 Absence Reasons
 - i. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

- ii. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
 - iii. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- (2) Two-thirds of their regular rate of pay up to \$200/Day and \$2,000 in the aggregate for the following reasons related to the employee taking leave to care for an individual or son or daughter
- i. The employee is caring for an individual who is subject to an order as described in subparagraph I (a) (1) or has been advised as described in paragraph I (a) (2) above.
 - ii. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
 - iii. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor
- (3) Employees shall supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.
- (4) The City may deny this leave to any health care provider or emergency responder.

II. EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT:

(a) Eligibility

Effective April 1, 2020, employees are eligible for up to 12 weeks of job-protected Public Health Emergency Leave if the following requirements are met:

- (1) The employee has worked for the City for at least 30 calendar days, (FMLA Sec. 110(a)(1)(A));
- (2) The employee is unable to work (or telework) due to a need to care for the son or daughter (under 18 years of age) who's school or place of care has been closed, or who's child care provider is unavailable due to a COVID-19 emergency declared by either a Federal, State, or local authority, (FMLA Sec. 110(a)(2)(A) & (B)); and
- (3) The employee provided reasonable notice of the need for the leave.
- (4) Protected Health Emergency Leave is a form of FMLA leave and is not in addition to any other FMLA leave.

(b) Paid Leave

The first 10 days of Emergency Family Medical Leave may consist of unpaid leave unless the employee elects to utilize accumulated leaves, including Emergency Paid Sick Leave in section I above. For the remaining 10 weeks, an employee is entitled to paid leave at two-thirds of the employee's regular rate of pay. (FMLA Sec. 110(b).) However, paid leave is subject to a cap of \$200 per day and \$10,000 total. Employees shall supplement this paid leave with any available accruals.

(c) Restoration to Prior Position

Employees out on Emergency Family and Medical Leave are entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave. (FMLA Sec. 110(d).)

If the City is unable to restore the employee to an equivalent position to the employee's prior position, the City will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employees address on file.

(d) Expiration

The provision of this section shall expire on December 31, 2020 or when the Emergency Family and Medical Leave Expansion Act is no longer effective.

(e) Employees shall request leave as soon as practicable and shall certify the need for leave in writing at the time of the request.

(f) The City may deny this leave to any employee who is a health care provider or emergency responder.

Executive Order issued by:  _____
Maribel Reyna (Apr 2, 2020)
Maribel Reyna, City Manager

Date: Apr 2, 2020






Families First Coronavirus Response Act - Delano

Final Audit Report

2020-04-02

Created:	2020-04-02
By:	Nancy Garcia (ngarcia@cityofdelano.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-9mD-I_HDnsIEd0sikKdvGvXy4JzJwc5

"Families First Coronavirus Response Act - Delano" History

-  Document created by Nancy Garcia (ngarcia@cityofdelano.org)
2020-04-02 - 7:48:15 PM GMT- IP address: 67.53.99.82
-  Document emailed to Maribel Reyna (mreyna@cityofdelano.org) for signature
2020-04-02 - 7:49:42 PM GMT
-  Email viewed by Maribel Reyna (mreyna@cityofdelano.org)
2020-04-02 - 8:53:15 PM GMT- IP address: 67.53.99.82
-  Document e-signed by Maribel Reyna (mreyna@cityofdelano.org)
Signature Date: 2020-04-02 - 8:54:01 PM GMT - Time Source: server- IP address: 67.53.99.82
-  Signed document emailed to Maribel Reyna (mreyna@cityofdelano.org) and Nancy Garcia (ngarcia@cityofdelano.org)
2020-04-02 - 8:54:01 PM GMT