

**CITY OF PALM BAY COVID-19 2.0 GUIDELINES for EMERGENCY PAID SICK
LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE**

Applicability: All City of Palm Bay Employees

Effective Date: July 2, 2021 - TBD

Authorization: Pending City Council Approval

Guidance:

- * Centers for Disease Control and Prevention
- * Florida Department of Health
- * Department of Labor

I. COVID-19 RELATED EMERGENCY PAID SICK LEAVE ACT (EPSLA) AND EXPANDED FAMILY AND MEDICAL LEAVE ACT (EFMLA) POLICIES:

The EPSLA was authorized by the Federal government with an effective date of April 1, 2020. However, the "City First COVID-19 2.0" plan is being proposed and will provide a greater benefit by paying all full and part time employees regardless of their ability to work.

The Expanded Family and Medical Leave Act (EFMLA) amended the Family and Medical Leave Act (FMLA) to create a new category of protected leave for employees who cannot work (or telework) due to the need to care for a son or daughter under 18 years of age if the child's school or place of care has been closed and a childcare provider is unavailable due to COVID-19.

On July 2, 2021, the EPSLA and EFMLA will be instituted as follows:

- A.** An employee is eligible for **up to 80 hours of City-paid sick leave** at their full rate of pay (not to exceed \$511 per day, or \$5,110 in total for the entire 10 day paid sick leave period), for the following scenarios:

- (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 physician to self-quarantine due to concerns related to COVID-19.
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

- B.** An employee is entitled to **up to 80 hours of City-paid sick leave at 2/3 the employee's regular rate of pay** (not to exceed \$200 per day, or \$2,000 over the entire 80-hour period) when the employee is unable to **work or telework** because the employee is:

- (4) Caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-

quarantine.

- C. An employee is entitled up to 12 weeks of paid sick leave and expanded family and medical leave at 2/3 the employee's regular rate of pay, for up to \$200 per day, or \$12,000 for the 12 weeks because the employee is:

- (5) Caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons.

II. INSTRUCTIONS AND GUIDANCE:

- A. **EPSLA Requests:** For all scenarios (I.A, I.B, and I.C, above) provided for under the EPSLA, all employees will be required to complete the attached **EMERGENCY PAID SICK LEAVE ELECTION FORM** and return it with documentation supporting eligibility, to the Human Resources Department for processing. The employee should provide notice of their first need to use EPSL as soon as practicable and follow the City of Palm Bay's usual reporting procedures for absences.
- B. **EFMLA Requests:** In addition, all employees requesting time beyond the first two weeks for childcare (I.C, above), will also be required to complete the attached **EXPANDED FAMILY AND MEDICAL LEAVE ACT FORM** and return it with documentation supporting eligibility, to the Human Resources Department for processing. Human Resources will follow the same procedures (for processing leaves) as a regular FMLA requests.

Probationary employee are eligible to utilize this EFMLA leave once they have been employed for 30 calendar days.

The total amount of available leave time under the FMLA is unchanged by the emergency expansion (12 workweeks in a 12-month period). The FMLA expansion does not create a separate leave period for COVID 19-related leave. For employees who have already used their 12 workweeks of FMLA, the EFMLA will not provide a benefit unless the employee begins a new 12-month period prior to July 2, 2021. Employees must provide notice to the Human Resources Department (***after speaking to their Department Head***) as soon as possible when the need for leave is likely.

- C. **Supplement Accrued Leave:** for all scenarios with City-paid sick time at a 2/3 rate, employees may request to supplement the remaining 1/3 time with their accrued leave.
- D. **Part-time Employees:** are eligible for **EPSL** and will be provided paid leave proportionate to their hours normally worked.
- E. **Intermittent Leave:** employees are allowed to use intermittent leave at the approval of the Department Head.

- F. **No Carry Over or Cash-Out:** Unused EPSL does not carry over after [date to be determined]; and will not be cashed out at any time during employment or upon separation of employment.
- G. **City Leave Policies Unchanged:** This leave is implemented in the City's current sick leave policy and sick leave language in the City's collective bargaining agreements. An employee who is sick (with other illnesses) should stay home and utilize leave as he or she typically would by following the City's established sick leave policy or leave provided for in a collective bargaining agreement.
- H. **Exemptions:** The EPSLA provided an exemption for emergency responders which is very broad. This exemption did not provide the emergency paid sick leave or expanded FMLA benefits to those in critical positions performing essential services for the City. However, **the City has decided to authorize the eligibility of these otherwise exempt employees for both EPSLA and EFMLA. In this way, all employees will have equal access to these City-paid benefits.**
- I. **Teleworking:** At the discretion of the Department Director, an employee may be eligible to telework during the declared state of emergency regarding COVID-19; authorization to telework is at the Department Director's discretion. **The employee must sign the City's Teleworking Acknowledgement.**

Payroll Codes:

Finance/Payroll has assigned the following codes for compensating our employees:

EB – EPSLA/EFMLA 80 HRS

EC – EFMLA 2/3 HRS (PAY) – applicable to #5 (only).

If you have questions regarding these codes or other compensation issues, please contact the Payroll Department.

Attachments: COVID-19 2.0 EMERGENCY PAID SICK LEAVE ELECTION FORM
 COVID-19 2.0 EXPANDED FAMILY AND MEDICAL LEAVE ACT FORM