

# COVID-19 EMERGENCY LEAVE POLICY



**TEMPORARY CITY POLICY** – EFFECTIVE JANUARY 1, 2023; UPDATED JUNE 7, 2023

Prior to the Families First Coronavirus Response Act (FFCRA), which expired on December 31, 2020, the City established a COVID-19 Emergency Leave Policy on April 1, 2020. The City extended the policy to cover the period from January 1, 2021 through March 31, 2021, then through July 31, 2021, and then again through December 31, 2021. The City also extended this policy for the 2022 calendar year. At the beginning of 2023, we refreshed the leave bank and extended the policy initially through June 30, 2023, however, the City is once again extending the policy through the end of the calendar year of 2023 to December 31, 2023.

As always, we will continue to evaluate the pandemic and the status of all temporary COVID related policies as more information becomes available.

This policy does not replace the City's existing policies on FMLA, OFLA, or sick leave, and should be read in conjunction with those policies. See Family and Medical Leave Policy on page 92; Sick Leave Benefit on page 84. Questions about this policy should be directed to Human Resources ([hr@ci.florence.or.us](mailto:hr@ci.florence.or.us)).

## PAID SICK LEAVE FOR COVID-19 ISSUES

If an employee is unable to work or telework due a qualifying reason related to the COVID-19 pandemic, they will be eligible to take paid leave as described below. All employees are eligible for this leave. This leave is in addition to paid leave [or PTO] employees accrue under the City's Sick Leave Benefit; employees accrued sick leave banks will not be withdrawn from for leave taken under this policy.

Effective January 1, 2023, each employee at the City is granted 80 hours of COVID-19 Emergency Sick Leave. All leave banks are reset to 80 hours. The hours do not carry over year to year and cannot be cashed out or paid out. The use of these hours will expire December 31, 2023 and will be removed from employee leave banks at that time.

### Qualifying Reasons for COVID-19 Paid Sick Leave

- (1) *Quarantine* — to comply with a federal, Oregon or local quarantine or isolation order related to COVID-19. This does not include situations where a city, county, state, or federal government orders its residents to “shelter in place” or equivalent.
- (2) *Self-Quarantine* — to self-quarantine, if the employee has been advised to do so by a local healthcare provider.
- (3) *Diagnosis or Treatment* — to obtain a medical diagnosis or treatment if the employee is experiencing symptoms of COVID-19.
- (4) *Care for a Quarantined Individual* — to care for an individual required to be quarantined or advised to be quarantined.
- (5) *Child Care* — to care for an employee's son or daughter if the son or daughter's school or child care provider has been closed or is unavailable due to COVID-19-related issues.
- (6) *Substantially Similar Care* — to care for a substantially similar condition, as determined by the secretary of health and human services.

Definitions

"Child Care Provider" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a place of care or person who cares for a child.

(a) A person who cares for a child includes but is not limited to individuals paid to provide child care, for example nannies, au pairs, and babysitters or individuals who provide child care at no cost and without a license on a regular basis, for example, grandparents, aunts, uncles, or neighbors.

(b) Place of care is a physical location in which care is provided for a child including but not limited to day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs. The physical location does not have to be solely dedicated to such care.

"Closure" for the purpose of sick child leave during a statewide public health emergency declared by a public health official means a closure that is ongoing, intermittent, or recurring and restricts physical access to the child's school or child care provider.

"Child" for the purposes of parental and sick child leave only (not for the purposes of serious health condition leave or leave for the death of a family member under ORS 659A.159 (1) (e)), means a biological, adopted, foster or stepchild, the child of an employee's same-gender domestic partner or a child with whom the employee is or was in a relationship of in loco parentis. The child must be:

(a) Under the age of 18; or

(b) An adult dependent child substantially limited by a physical or mental impairment as defined by ORS 659A.104 (1)(a), (3), and (4).

Accrual of and Requesting COVID-19 Paid Sick Leave

Full-time employees will receive 80 hours of COVID-19 Paid Sick Leave. The number of hours of COVID-19 Paid Sick Leave available to part-time employees depends on the number of hours the employee is scheduled to work during a two-week period, and may be calculated using the average number of hours worked in the six months leading up to the leave's start. As an example, if a part-time employee works, on average, 20 hours per week, the employee would be entitled to 40 hours of COVID-19 Paid Sick Leave.

Requests to take COVID-19 Paid Sick Leave on an intermittent basis will be assessed on a case-by-case basis. City of Florence may require Employee to attempt telework on a trial basis before granting a request for intermittent leave. Any agreement regarding intermittent leave will be revoked if, in City of Florence's determination, the arrangement is not meeting the City's needs.

Any unused COVID-19 Paid Sick Leave will not carry over beyond the expiration date. Employees will not be paid the value of any unused COVID-19 Paid Sick Leave if they quit, retire, or their employment is terminated (laid off, fired, etc.) or have the hours reported to PERS. Once this temporary policy is terminated by the City Manager, any unused COVID-19 Paid Sick Leave will be removed from employee accounts.

## City of Florence – Temporary City Policy: Covid-19 Emergency Leave Policy – June 7, 2023

Although COVID-19 Paid Sick Leave is available to employees immediately, employees must follow the City's call-in requirement for regular sick leave.

Further, employees may be expected to provide verification of the need for COVID-19 Paid Sick Leave. All employees must provide the date(s) for which the leave is requested, the qualifying reason for the leave, and a statement that the employee is unable to work or telework because of the qualifying reason.

### Use of Paid Sick Leave Within This Policy as FMLA/OFLA

Leave taken under this policy is subject to approval as Family Medical Leave Act (FMLA) and Oregon Family Leave Act (OFLA) qualified leave and will count toward your FMLA/OFLA leave. Once the 80 hours of the emergency leave bank are exhausted, you will need to use your own leave accrual banks as laid out in the Employee Handbook on Family Medical Leave (use of own leave accrual banks is not required for employees represented by the FPEA). Human Resources will follow up with FMLA/OFLA paperwork if the reason for your leave is not related to a previously approved condition. Employees must continue to provide medical certifications under the FMLA/OFLA if required.

## OREGON FAMILY LEAVE ACT (OFLA) POLICY FOR SCHOOL CLOSURES

Sick child leave allows employees care for their child who has an illness or injury that is not a "serious health condition" but requires them to stay home. Sick child leave is also available when you need to care for your child because their school or child care provider is closed in connection with a statewide public health emergency like the COVID-19 pandemic. If not specifically addressed in this policy, all other provisions in the City's Family and Medical Leave Policy apply.

### Eligibility Requirements

OFLA: Employees who have been employed for at least 30 days during a public health emergency.

### Length of Leave

OFLA: Up to 12 weeks of unpaid leave, to be taken when a child's school or child care provider has been closed in conjunction with a statewide public health emergency declared by a public health official.

School Closure Leave under these laws will run concurrently, where applicable. City of Florence will apply the law that is most generous to the employee if the School Closure Leave runs concurrently.

Employees who have already exhausted 12 weeks of FMLA [or OFLA] leave in the City's 12-Month Rolling Forward Period may not be eligible to take an additional 12 weeks of School Closure Leave, depending on the employee's eligibility under FMLA and OFLA.

### Intermittent Leave

Requests to take School Closure Leave on an intermittent basis will be assessed on a case-by-case basis. The City may require Employee to attempt telework on a trial basis before granting a request for intermittent leave. Any agreement regarding intermittent leave will be revoked if, in the City's determination, the arrangement is not meeting City of Florence's needs (the employee will be allowed to take any remaining time in a continuous block).

### Notice and Verification

## City of Florence – Temporary City Policy: Covid-19 Emergency Leave Policy – June 7, 2023

OFLA: Employees must provide at least 30 days' notice before School Closure Leave is to begin if the reason for leave is foreseeable. If 30 days' notice is not foreseeable or practical, an employee must give verbal or written notice to City of Florence within 24 hours of commencement of the leave.

Under School Closure Leave, an employee must provide:

- The name of the child being cared for;
- The name of the school or child care provider that has closed or become unavailable;
- A statement affirming that no other family member is willing and able to care for the child; and
- With the care of a child older than 14 during daylight hours, a statement that special circumstances exist requiring the employee to provide care.

### Benefits During Leave

OFLA: OFLA School Closure Leave is unpaid. Employees may, however, use any accrued paid leave during the period of OFLA School Closure Leave.

If an employee is on approved School Closure Leave under either or both laws, City of Florence will continue the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. An employee wishing to maintain health insurance during a period of approved School Closure Leave will be responsible for bearing the cost of his/her share of group health plan premiums which had been paid by the employee prior to the School Closure Leave. Employees will not accrue vacation, sick leave, or other benefits (other than health insurance) while the employee is on a School Closure Leave. The leave period, however, will be treated as continuous service (i.e., no break in service) for purposes of vesting and eligibility to participate in City of Florence benefit plans.

### Job Protection

FMLA and OFLA: Employees returning to work from School Closure Leave will be reinstated to their former position. If the position has been eliminated, the employee may be reassigned to an available equivalent position. Reinstatement is not guaranteed if the position has been eliminated under circumstances where the law does not require reinstatement.

Employees are expected to promptly return to work when the circumstances requiring School Closure Leave have been resolved, even if leave was originally approved for a longer period. If an employee does not return to work at the end of a designated School Closure Leave period, reinstatement may not be available unless the law requires otherwise.

## **NO-RETALIATION**

City of Florence will issue discipline, up to and including termination, to anyone who retaliates against an employee who asks about, requests, or uses School Closure Leave or COVID-19 Paid Sick Leave.