

Mayor
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Acting Manager
Cynthia Rogers



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MEMORANDUM

Date: January 6, 2021
To: Mayor and City Council
From: Cynthia Rogers, Acting City Manager
Subject: FFCRA Extension Recommendation

The Consolidated Appropriations Act of 2021. Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFMLA) under the FFCRA (Families First Coronavirus Response Act) are no longer mandatory as of 12/31/20. The city could still offer such leave, but it is not required. The Act did extend tax credits through March of 2021, however, the City is not eligible for those tax credits.

FFCRA Summary

FFCRA required certain employers offer employees EPSL and EFMLA from April 1-December 30, 2020 when unable to work or telework for these qualifying reasons:

- **100% coverage (up to \$511 daily and \$5,110 total)** Provided for quarantine orders, advisement for self-quarantine, when experiencing COVID-19 symptoms and seeking medical diagnosis.
- **2/3 coverage (up to \$200 daily and \$200 total)** Provided for those caring for individuals subject to quarantine, self-quarantine or isolation or experiencing substantially-similar condition.
- **2/3 coverage (up to 10 weeks, \$200 daily and \$12,000)** Provided for employees caring for children whose school or child care closed or was unavailable.

FFCRA Usage for 2020

- Pay and benefits totaled \$40,656.54.
- Hours used across the City were 1,828.28.
- Utilized by 16 employees (just over 25% of the work force):
 - 0-50 hours – 4 employees
 - 51-100 hours – 5 employees
 - 101-200 hours – 4 employees
 - 201-300 hours – 1 employee
 - 301-400 hours – 2 employees
- Departments with highest utilization (both pay and hours):
 - Finance, Senior Center, Library

Extension Considerations

Legal

- 1) City can choose to extend EPSL OR extend EFMLA OR extend both, but it must extend to all employees, not just some subset of employees.
- 2) Employers who choose to extend FFCRA leaves must comply with EPSL and EFMLA requirements or be liable for failing to do so.

Financial

- 1) CARES funding was available in 2020 and used to pay the FFCRA administrative leave.
- 2) Extending EPSL and EFMLA into 2021, administrative leave would be paid from the departmental budget.

Retention

- 1) The pandemic is far from over, and qualifying reasons for leave will remain with us for some time.
- 2) Generous unemployment benefits are attractive for those who decide not to work.
- 3) The EPSL is in addition to existing sick leave balances, which contributes to the goal of making employees whole.
- 4) The EFMLA on the other hand, did not provide an additional 12 weeks, rather it limited FMLA and EFMLA combined to 12 weeks. However, under EFMLA, employees get paid leave (versus unpaid leave with FMLA) according to qualifying reasons and up to the limits specified. Because the City utilizes the 12-month method, there is no issue with “stacking,” where an employee would get another 12 week increment at the start of 2021.

Benefits

- 1) Encourages sick employees without sick leave balances to stay home, protecting the health and well-being of others.
- 2) Doesn't penalize employees for situations outside of their control.
- 3) Does not deplete existing sick leave banks needed for other reasons.

Drawbacks

- 1) Leave time has negative impact on workload, and not much budget or opportunity for back-filling positions.
- 2) Number 1 above leads to other employees picking up the slack. Over the long-term this has led to heavy workload burdens and negatively impacted morale.

Recommendations

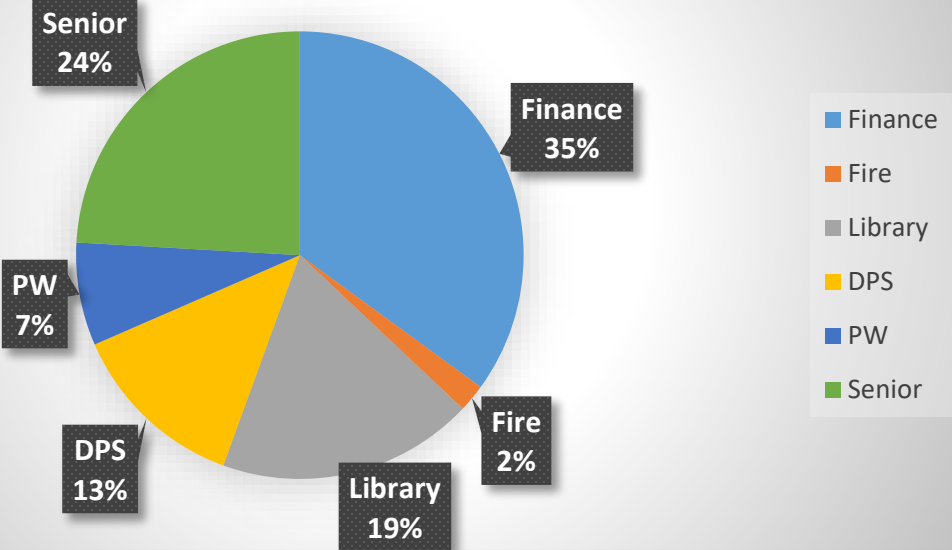
- Extend EPSL and EFMLA for all employees through March 31, 2021.
- Incentivize employees to get work done, while acknowledging the qualifying reasons:
 - Assign employees to shift work, allow flexible schedules, encourage telework by covering internet access costs.
- Audit 2020 EPSL and EFMLA usage and allow employees who have not exhausted 2020 limits to carryover unused EPSL and EFMLA into the first quarter of 2021.
- All of the above will contribute to making employees whole, encouraging work completion through flexibility, equity between individuals and departments through carryover, and retaining employees through a challenging time where they may be struggling with health, family, and parenting demands.
- Finally, recommend seeking further advice and guidance from the municipal attorney to assist the City with crafting an extension to EPSL and EFMLA and analyzing any impacts to doing so not already covered above.

Administrative pay for COVID-19 coverage
Calendar year 2020

Row Labels	Sum of Admin Hours	Sum of Amt Paid	Sum of Benefits
Finance	640.50	13,908.34	1,104.13
Fire Department	36.50	1,038.79	82.47
Library	338.78	6,889.41	546.92
Public Safety	236.00	5,799.92	460.43
Public Works	136.00	3,062.36	243.11
Senior Center	440.50	6,967.54	553.13
Grand Total	1828.28	37,666.36	2,990.18

Total Cost of : \$ 40,656.54

FFCRA Admin Leave Hours 2020



FFCRA Admin Pay & Benefits 2020

