

CITY OF SWEET HOME
Temporary COVID-19 Response Policy
to comply with the
Families First Coronavirus Response Act

PURPOSE

The safety of our community and team is the City's first priority during this unprecedented time in history. There is much confusion as knowledge of the virus' properties seemingly change daily. The City will do it's best to comply with all federal, state, and regional guidelines, laws and rules.

At the time of this policy, the federal government had passed the Families First Coronavirus Response Act (FFCRA). The City will work to adhere to the requirements of the FFCRA, however it is important to understand the regulations from the federal, state and local levels are changing rapidly. It is the City's intent to be fully compliant with all legal requirements, the FFCRA and any others. If an employee has questions about or concerns about adherence to any legislation, rules or guidelines they are encouraged to discuss it with their department head so it can a) be fixed so the City is in compliance or b) it can be discussed and better understood – both the concern and the law or rule.

GENERAL POLICIES AND EXPECTATIONS

The City of Sweet Home will follow the guidance of the Oregon Health Authority (OHA), Centers for Disease Control (CDC) and Linn County Public Health regarding preventative measures including social distancing, quarantines and possible curtailment of non-essential functions. The health and safety of City employees are among the City's highest priorities. The City will continue to adjust as the recommendations of these agencies evolve over time.

The City and employees must cooperate in adherence to the following:

- a. Based on concern that an employee has been exposed to the COVID-19 virus the City may require the employee to be evaluated by a medical professional or public health authority. The City will cooperate with medical experts and the employee will cooperate with both the City and health authorities and healthcare providers regarding exclusion from the workplace and other precautions.
- b. If there is a reasonable basis to suspect exposure, the City may ask an employee questions to determine the employee's risk to others or possible need for self-quarantine.
- c. If there is a reasonable basis to suspect that an employee may have COVID-19 or similar flu-like symptoms, the City may send the employee home or require the employee to remain at home. The City may take reasonable measures to protect the employee, other employees, citizens, customers and the City. Permitting employees to return to work will occur when reasonable.
- d. The City asks employees to self-disclose after exposure to a family member or other close contact (i.e., roommate, physician) who has tested positive for COVID-19.
- e. The City expects employees to adhere to infection control measures (e.g., washing hands, coughing etiquette, social distancing and other measures publicized by public health authorities). The City will provide necessary personal protective equipment to those employees required to use it on the job.

FAMILIES FIRST CORONAVIRUS ACT (FFCRA)

The Families First Coronavirus Response Act requires the City to provide certain eligible employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19 during the period April 1 - December 31, 2020.

QUALIFYING REASONS FOR LEAVE

Under the FFCRA, an employee qualifies for Emergency Paid Sick Leave if the employee is unable to work (**or unable to perform available telework**) due to a need for leave because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19. Additionally, under the FFCRA, an employee qualifies for Paid Expanded Family and Medical Leave if the employee is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19. Note: employees may not be entitled to such leave if another suitable individual such as co-parent, co-guardian or the usual childcare provider is available to provide the care the employee's child needs;
6. is experiencing any other substantially similar condition specified in guidance from federal and state public health officials.

AVAILABLE COVID-19 LEAVE

Consistent with FFCRA, the City will provide to all City employees:

- Two weeks (up to 80 hours) of **Emergency Paid Sick Leave** at the employee's regular rate of pay where the employee is unable to work or telework due to reasons #1-3 above; or
- Up to two weeks (up to 80 hours) of **Emergency Paid Sick Leave** at two-thirds the employee's regular rate of pay because the employee is unable to work or telework because of a bona fide need due to reasons #4-6 above; and
- Up to an additional 10 weeks of **Paid Expanded Family And Medical Leave** at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need due to reason #5 above.

DISCRETIONARY LEAVE

The City will strive to work with all Employees, including Emergency Responders, who are not entitled to FFCRA leave identified above who wish to be absent from work for personal or family reasons. Consistent with City operational needs and strategies to permit reasonable accommodations, the City will make case-by-case considerations through shift trades, shift extensions, approval of requests for paid leave and authorized leaves of absence without pay in exceptional circumstances, and other flexible arrangements.

OTHER LEAVE

Emergency Paid FFCRA Sick Leave for Employees not Emergency Responders:

Employees (excluding first responders) are eligible for two weeks of paid sick time for reasons #1-6 above. A full-time employee is eligible for 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period. These hours will be maintained in a separate pay code, COVID Leave.

Paid Expanded Family and Medical Leave: Employees employed with the City for at least 30 days (excluding first responders) are eligible for up to an additional 10 weeks of paid family leave for reason #5 above. A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family & medical leave) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period. The maximum 12 weeks of Paid Extended Family and Medical Leave is reduced by any FMLA leave already taken in the last 12 months.

Emergency Responders Definition: As used in this policy, “Emergency Responder” has the meaning defined by federal law. An emergency responder as defined by the FFCRA includes any employee necessary for the transport, care, health care, comfort, and nutrition of patients, or whose services are needed to limit the spread of COVID-19. This includes, but is not limited to military or national guard, law-enforcement officers, correctional personnel, firefighters, physicians, nurses, public health personnel, EMTs, paramedics, 911 operators, Public Works personnel and persons with skill or training in special equipment or other skills needed to provide aid in a declared emergency, as well as those who work for those facilities and whose work is necessary to maintain the operation of the facility. It may also include individuals the Governor deems as an emergency responder necessary for the state’s response to COVID-19. In order to help minimize the spread of COVID-19, the City will be judicious when applying these definitions for those who qualify for the “health care provider” or “emergency responder” exemption.

Emergency Responders Expectations: Emergency Responders and Department Heads are expected to coordinate and collaborate in order to balance operational needs and First Responders’ personal and family needs.

Workers’ Compensation & Time Loss Due to Covid-19 Exposure: This policy does not address workers compensation insurance coverage or law related to exposures, nor does this policy describe a claimant’s burden of proof to show that a COVID-19 exposure was work-connected. Employees should treat any work-related exposure in the manner established for blood borne pathogens and submit an appropriate accident report with sufficient detail to permit verification and risk assessment follow-up. (In every such case, describe the facts, identify witnesses and the time and place, state why you believe the contact was with an infected person, and identify the infected person.)

Employees should understand that the burden of proof required establishing liability for workers’ compensation benefits is high. In many if not almost every case, the benefits of FFCRA leave entitlements, earned leaves and/or health insurance will provide greater medical and financial benefits as a matter of right than an employee might expect to receive in the workers’ compensation system.

In every case an employee who may have been exposed to COVID-19 while in the execution of their job duties should submit an accident report to their Department Head. Upon confirmation of a COVID-19 diagnosis by a healthcare professional or other certified healthcare worker the employee should then submit an 801 form. The City will accept the 801 report form, immediately notify the workers compensation insurer, and investigate if appropriate.

APPLICATION OF POLICY AND LAW TO EMERGENCY RESPONDERS

Emergency Responders are eligible to FFCRA COVID-19 paid leave and other medically necessary leaves provided for by City policy and applicable collective bargaining agreements due to any of the reasons specified in paragraphs (1) through (4) above in the section related to "Qualified Reasons For Leave." Requests of Emergency Responders for leave under other circumstances will be considered case-by-case based on criteria and operational considerations described in this policy.

PAY CALCULATIONS

For leave reasons #1-3: Employees taking leave are entitled to pay at their regular rate up to \$511 per day and \$5,110 total over a 2-week period according to FFCRA. The City will commit to paying the employee at 100% of their regular rate of pay for the two weeks, up to 80 hours prorated for part time employees.

For leave reasons #4 or #6: Employees taking leave are entitled to pay at 2/3 their regular rate up to \$200 per day and \$2,000 total over a 2-week period. Employees may elect to substitute accrued leave during partial paid leave under this policy according to FFCRA. The City will commit to paying the employee at 100% of their regular rate of pay for the two weeks, up to 80 hours prorated for part time employees.

For leave reason #5: Employees taking leave are entitled to pay at 2/3 their regular rate up to \$200 per day and \$12,000 total over a 12-week period between emergency paid sick leave and expanded family and medical leave. Employees may elect to substitute accrued leave during partial paid leave under this policy according to FFCRA.

If the City closes worksites or moves forward with Reductions in Force/Hours: Employees are granted a COVID Leave Bank for use in the case of the six (6) leave reasons previously mentioned. While not included under the provisions of the FFCRA, the City will commit to paying employees at 100% of their regular rate of pay for two weeks, up to 80 hours (prorated for part-time employees) for worksite closures, reductions in force, lay off, furlough or reduction in hours due to lack of work or the City's financial needs between April 1, 2020 and December 31, 2020. Should the City close a worksite, furlough, layoff or reduce the hours of an employee, the employee will be entitled to pay at their regular rate equal to the number of hours remaining in their COVID Leave Bank before using their own accruals or separating with the City.

TELEWORK

Employees may be eligible for telework if otherwise conducive to regularly assigned duties and pre-approved by the supervisor and Department Head. Consideration will be on a case by case basis. The following considerations will apply:

- Employees authorized for telework must be available by email and phone according to the conditions and expectations established for the telework arrangement by the employee, supervisor and Department Head.
- If telework is authorized the City and the employee will determine what resources are required.
- Any telework option may be discontinued by the City at any time. All telework approved arrangements are temporary and not guaranteed for any duration.

INTERMITTENT LEAVE UNDER FFCRA

Employees who are teleworking may take Emergency Paid Sick Leave or Paid Expanded Family and Medical Leave intermittently in any agreed increment of time as they present no risk of spreading COVID-19.

Employees may take Emergency Paid Sick Leave or Paid Expanded Family and Medical Leave intermittently solely to care for the employee's son or daughter whose school or place of care is closed, or whose childcare provider is unavailable, because of reasons related to COVID-19 (Reason #5). In this context, the absence of confirmed or suspected COVID-19 in the employee's household reduces the risk that the employee will spread COVID-19 by reporting to work while taking intermittent paid leave.

Employees may use intermittent leave for Reasons #1-4 or #6 in an effort to reduce the likelihood an employee might spread COVID-19 to other employees when reporting to work. The City requires an employee be symptom free for 72 (seventy-two) hours before returning to work. That time will be subtracted from the employee's 80-hour COVID-19 Leave Bank.

EXCEPTIONS

Exceptions to this temporary policy outside the scope of the FFCRA may be granted by the City Manager. Any situation or circumstance not covered in this temporary policy shall be governed by existing City policies and procedures.

REVIEW

This temporary policy will be reviewed by the City Manager periodically to be aligned with current circumstances and developments. This temporary policy will remain in effect during the period covered by the COVID-19 Emergency Declaration issued by the State of Oregon or until otherwise discontinued by the City Manager.

ABUSE AND DISCIPLINE

Making a false claim or providing false information to the City to obtain favorable treatment, a benefit or accommodation will impact the City and other employees and will be grounds for serious discipline including discharge. Providing false information concerning an employee or family situation to gain consideration not warranted in fact for the reasons given may constitute official misconduct, creation of a false public record, and/or forgery.