

TEMPORARY PERSONNEL POLICY REGARDING FAMILIES FIRST CORONAVIRUS ACT (FFCRA)

On March 18, 2020 the President signed into law the Families First Coronavirus Response Act (FFCRA) to be implemented no later than April 2, 2020. All local government employers are required to comply with the FFCRA. Effective April 1, 2020 the following Temporary Personnel Policy shall apply to all Wayne County Employees:

In accordance with the Families First Coronavirus Response Act (FFCRA) of 2020, effective April 1, 2020, Wayne County shall grant each employee leave entitlements consistent with the provisions outlined in the Act. Pursuant to the terms of the FFCRA, benefits under this section will expire December 31, 2020 unless otherwise extended by superseding federal or state law or Wayne County Policy.

Leave under the FFCRA shall be granted pursuant to the following terms:

1. Prior to being awarded leave as detailed in Sections 2 & 3 below, County employees must contact their supervisor to determine if the employee may telecommute (work from home) and/or work a flexible schedule in such a manner to effectively perform their essential job functions. If it is determined by the Department Head that the employee is able to telecommute or work a flexible schedule in other County or local governmental agencies, the employee shall not be entitled to the benefits in Sections 2 & 3. All telecommuting and flexible working schedule arrangements must adhere to the temporary **Emergency Telework Policy**, which is effective April 1, 2020.
2. EMERGENCY FAMILY AND MEDICAL LEAVE (Emergency FMLA) – For so long as this Temporary Policy is in effect, qualifying employees* whose **regular paid child care provider** or school (for school-aged children) is unavailable or closed due to a COVID-19 related reason will be provided Emergency FMLA to care for their child, up to a maximum of twelve weeks. Emergency FMLA will count towards the employee's twelve weeks of FMLA leave allowed under the County's FMLA policy (Wayne County Personnel Policy, Section 11). The first ten (10) days of Emergency FMLA will be unpaid leave, however, the employee may choose to use their accrued sick leave, vacation leave, compensation time leave, or if applicable, sick leave time pursuant to Section 3 below during this first ten (10) day period. At the end of the first ten (10) day period, the County will provide paid Emergency FMLA at the rate of 2/3 of the employee's normal rate of pay, up to a maximum payment of \$200/workday, or \$10,000 total. The employee may elect to continue to use their accrued sick leave, vacation leave, or compensatory time leave prior to using the Emergency FMLA. Emergency FMLA will expire on December 31, 2020 or when the Nationally Declared State of Emergency for COVID-19 ceases, whichever is earlier. The unavailability of child care that was previously provided at no cost to the employee will not qualify for Emergency FMLA.

* To qualify for Emergency FMLA, an employee must have worked for Wayne County for a total of 30 calendar days within the past year.

NOTE: Intermittent Emergency FMLA may only be taken with the permission of the Department Head. Prior to approving use of intermittent Emergency FMLA, the Department Head and employee shall meet and agree upon the terms of intermittent leave. Once the Department Head and employee agree upon an intermittent leave schedule, the schedule must be documented in writing and signed by the Department Head and employee. A copy of the intermittent leave schedule shall be provided to Human Resources.

3. EMERGENCY PAID SICK LEAVE (EPSL) – For the duration of this Temporary Policy, all County employees will be entitled to two weeks of paid EPSL, equal to their normal two-week work schedule (as limited below), provided the absence is due to one of the following 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.
- iv. The employee is caring for an individual who is subject to an order as described in subparagraph (i) or has been advised as described in paragraph (ii).
- v. 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.
- vi. 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. [TBD]

** EPSL benefits for the reasons listed in i, ii, and iii shall be available retroactively to Emergency Responders effective March 16, 2020 (see Section 4 below). The March 16, 2020 effective date shall only apply to EPSL and no other benefits under this policy.

4. EXEMPTION FOR EMERGENCY RESPONDERS—“Emergency Responders” are exempt from the requirements of the FFCRA. An Emergency Responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of

COVID-19 patients, or **whose services are otherwise needed to limit the spread of COVID-19**. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. The following provisions shall apply to FFCRA benefits for Emergency Responders employed by the County:

- i. Emergency Responders shall not be entitled to Emergency FMLA as described in Section 2 above.
 - ii. Wayne County will provide EPSL benefits to Emergency Responders in limited circumstances. Emergency Responders shall be entitled to EPSL only for the reasons listed in Sections 3(i), 3(ii), and 3(iii) above. EPSL benefits shall be available to Emergency Responder beginning **March 16, 2020**.
5. For purposes of calculating available leave for purposes of Emergency FMLA and EPSL, please refer to the following:
- i. For employees whose normal workweek schedule consists of 40 hours per week, two weeks of paid leave shall equal 80 hours of leave.
 - ii. For part-time employees, two weeks of leave shall equal the number of hours normally worked over a two-week period.
 - iii. For employees working a fluctuating workweek, two weeks of leave shall equal the average hours worked for these employees during a two-week period for the past 6 months as determined by the Wayne County Human Resources Department.
 - iv. Maximum payouts:
 1. Emergency FMLA is paid at 2/3 of the employee's normal rate of pay, has a maximum payout of \$200/workday, and a maximum total payout for FMLA-CCL of \$10,000.
 2. EPSL for reasons 3(i), 3(ii) and 3(iii) above is paid at the employee's full rate of pay, has a maximum payout of \$511/workday, and a maximum total payout of \$5,110.00.

3. EPSL for reasons 3(iv), 3(v), and 3(vi) above is paid at 2/3 of the employee's normal rate of pay, with a maximum payout of \$200/workday, and a maximum total payout of \$2,000.00.
4. The maximum paid EPSL available to an employee shall be prorated where an employee takes paid EPSL for reasons having different maximum payouts.
5. For work absences that qualify as both Emergency FMLA and EPSL, the employee shall be permitted to choose which type of leave they wish to take, however hours taken and money paid shall count against the maximum permitted leave/payout for both types of leave. Employees will not be permitted to double-dip.

NOTE: If an employee or their family member contracts COVID-19, it may also qualify for normal FMLA leave under the County's FMLA leave policy as a serious health condition. Per existing Wayne County FLMA policy, normal FLMA leave is unpaid leave unless an employee chooses to use normally accrued sick or vacation time during the period of FMLA leave.

6. Benefits normally accruing to an employee will continue during any approved period of absence from work which is related to a COVID-19 issue, whether such period of absence is paid or unpaid. Employees will continue to be responsible for paying the employee's share of any employment benefits.

Adopted this the 31st day of March, 2020.



Craig Honeycutt, County Manager