



City of Riverside, California
Human Resources Policy and Procedure Manual

Approved:


Human Resources Director

City Manager

Effective Date: April 1, 2020 to December 31, 2020

SUBJECT: Families First Coronavirus Response Act (FFCRA)

PURPOSE:

To define the implementation and administrative process for Emergency Paid Sick Leave and Family and Medical Leave pursuant to the Families First Coronavirus Response Act (FFCRA).

POLICY:

Pursuant to the Families First Coronavirus Response Act (FFCRA or Act) the City of Riverside will provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date from April 1, 2020 through December 31, 2020. This leave provision will expire on December 31, 2020 unless modified under federal or state laws.

Benefits provided under the FFCRA are intended to supplement the City's current sick leave and family and medical leave act benefits.

1. **Definitions and Eligibility** – Definitions and eligibility under the Emergency Family and Medical Leave Expansion Act. (Sec. 110 (a)(2)(A) will be consistent with Human Resources Policy V-4 Family, Medical, Military Caregiver, and/or Pregnancy Leave unless otherwise provided for below.
2. **Emergency Paid Sick Leave**
 - a. From April 1, 2020 through December 31, 2020, full-time employees are entitled to 80 hours and part-time employees are eligible for the number of hours they work, on average, over a two-week period of Emergency Paid Sick Leave as follows:
 - i. Employees are entitled to Emergency Paid Sick Leave at their regular rate of pay, subject to pay caps in Section (2)(d)(i), if they are unable to work or telework for the following reasons:
 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 health care provider 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. From April 1, 2020 through December 31, 2020, full-time employees are entitled to 80 hours and part-time employees are eligible for the number of hours they work, on average, over a two-week period of Emergency Paid Sick Leave, at two-thirds of the employee's regular rate of pay, subject to pay caps in Section (d)(2)(ii), if they are unable to work or telecommute because:
- i. The employee is caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or been advised by a health care provider to self-quarantine due to concerns related to COVID-19 order as described in subparagraph (1) or has been advised as described in paragraph (2) of subsection (a), above.
 - ii. The employee is caring for a child (including biological, stepchild, adopted or foster child, a legal ward, or a child of a person standing in loco parentis) of such employee if the school or place of care of child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
 - iii. 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.
- c. Emergency Paid Sick Leave accrual - Leave taken as Emergency Paid Sick Leave is in addition to any other leave accrued and does not accrue beyond 80 hours. Unused leave does not carryover for any employees.
- d. Emergency Paid Sick Leave is subject to the following pay caps:
- i. \$511/Day and \$5,110 in the Aggregate for the Following Employee-Related COVID-19 Absence Reasons:
 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 health care provider to self-quarantine due to concerns related to COVID-19.
 3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 - ii. \$200/Day and \$2,000 in the Aggregate for the Following Reasons Related to the Employee Taking Leave to Care for an Individual or child:

1. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2).
2. The employee is caring for a child of such employee if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
3. 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
4. Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

3. **Emergency Family and Medical Leave Expansion Act**

- a. Eligibility and Entitlement – FFCRA expands the Family and Medical Leave Act to include the following eligibility and entitlement reasons:
 - i. The employee has worked for the City for at least 30 calendar days, (FMLA Sec. 110(a)(1)(A));
 - ii. The employee is unable to work (or telework) due to a need to care for the child (under 18 years of age) who’s school or place of care has been closed, or who’s child care provider is unavailable due to a COVID–19 emergency declared by either a Federal, State, or local authority, (FMLA Sec. 110(a)(2)(A) & (B)); and
 - iii. The employee provided reasonable notice of the need for the leave.
- b. Emergency Family and Medical Leave is a form of FMLA leave and is not in addition to any other FMLA leave. Employees who have used all or a portion of FMLA during the 12-month FMLA designated period would only be able to take any remaining portion of FMLA up to the 12 weeks allowable. Employees may take leave intermittently or continuously.
 1. Pay Provisions - The first 10 days for which an employee takes Emergency Family Medical Leave may consist of unpaid leave unless the employee elects to utilize accumulated leaves, including Emergency Paid Sick Leave in section 804.1 above. If Emergency Paid Sick Leave is elected by the employee it would be paid at two-thirds of the employee’s regular rate of pay; the leave would be exhausted and not available should the employee need it for reasons outlined in Section 2(d)(i) above. For the remaining 10 weeks, an employee is entitled to paid leave at two-thirds of the employee’s regular rate of pay. However, paid leave is subject to a cap of \$200 per day and \$10,000 in the aggregate.

Employees may supplement the two-thirds pay with their accrued leaves to achieve 100% of their regular rate of pay.

4. **Restoration to Prior Position** - Employees out on Emergency Family and Medical Leave are entitled to reinstatement to their prior position unless the position held by the employee does not exist due to economic conditions or other changes in operating conditions caused by a public health emergency during the period of leave. (FMLA Sec. 110(d).)

If the City is unable to restore the employee to an equivalent position to the employee's prior position, the City will notify the employee if an equivalent position becomes available within 1-year of either, the date the public health emergency concludes or date which is 12 weeks after the employee started their Emergency Family and Medical Leave, (which ever date is earlier). Notification shall be by regular mail to the employees address on file.

5. **Expiration** - The provision of this section shall expire on December 31, 2020 unless modified by federal or state law.
6. Employees shall request leave as soon as practicable and shall certify the need for leave in writing at the time of the request. Proper documentation validating the request for leave should be submitted to the Human Resources Department. For Emergency Paid Sick Leave documents may include a copy of the Federal, State or local quarantine or isolation order related to COVID-19 or written documentation by a health care provider advising self-quarantine due to concerns related to COVID-19. For the expanded family and medical leave, documentation may include a notice of closure or unavailability from the child's school or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to the employee from the school or child care provider.
7. The City may deny any leave request under this policy if the employee is an emergency or first responder.
8. Employees may not be discharged, disciplined, or otherwise be discriminated against for lawfully taking paid sick leave or extended family and medical leave under the FFCRA.

Disclaimer: This policy is for internal processes only. Should a discrepancy exist between this policy and federal and state law, federal and state law will prevail.