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MEMO

Item No. 12

To: Mayor and City Council
From: Brian Phillips, Assistant City Manager
Date: December 18, 2020
Subject: Extension of Amended Leave Policy During COVID-19 Emergency

On March 23, 2020, Ames City Council approved an amended leave policy for City employees. This amended policy provided up to 80 hours of special COVID-19 leave for employees and it provided 2/3 pay for employees covered under the Family Medical Leave Act (FMLA) for up to an additional 400 hours when the employee needed to care for children due to a pandemic-related school closure. This policy fully complies with the Families First Coronavirus Response Act (FFCRA)

These amended benefits are set to expire on December 31, 2020. Currently, the federal government has not made a plan to introduce another similar package that would provide additional benefits after December 31. Therefore, it is requested that the existing amended leave policy be extended until February 28, 2021 or until such a time as a similar package is approved at the federal level – whichever date is sooner.

Extending this leave policy will provide some level of relief to employees who continue to be impacted by COVID-19, and it is in line with the provisions set forth by other local governments in the area – including Story County.

COUNCIL ACTION FORM

SUBJECT: COVID-19 EMPLOYEE LEAVE POLICY

BACKGROUND:

On March 18, 2020, Congress approved a measure that would both expand employees' access to paid sick leave due to the COVID-19 pandemic and expand the Family Medical Leave Act (FMLA) to families needing to care for children when schools and daycares have been closed due to the COVID-19 pandemic. This law, the Families First Coronavirus Response Act (FFCRA), must be adopted by employers no later than April 2, 2020.

The City is proposing a temporary amendment to its current leave policy to provide some relief to employees who are impacted by the COVID-19 virus. The proposed policy meets or exceeds the requirements of the FFCRA. This policy includes a provision for a new form of paid leave, called COVID-19 leave. Employees may be eligible to use up to 80 hours total of this COVID-19 leave in any combination, paid at their regular rate of pay. This leave would apply if:

- An employee has been required or advised to quarantine by a medical provider or a county, state, or federal agency, or who has been advised by a medical provider they have confirmed or presumptively confirmed COVID-19.
- An employee is providing direct care for an individual required or advised to be quarantined by a medical provider, or a county, state, or federal agency, or an individual who has been advised by a medical provider they have confirmed or presumptively confirmed COVID-19.
- An employee caring for a child whose school or daycare has closed due to COVID-19, provided there are not other work alternatives (i.e. work from home, work schedule modifications).

If employees are unable to return to work following the COVID-19 leave, they may use accrued and unused sick leave, vacation leave, or compensatory leave to cover their absence.

Employees who choose to self-isolate without the express advice or requirement from a medical provider or a county, state, or federal agency may take accrued and unused vacation leave or compensatory time to cover their absence. As with all voluntary leaves, such absences must be approved by the employee's supervisor.

Additionally, for those employees who need to stay home with a child due to school and/or daycare closure, and who do not have work alternatives (i.e. work from home), up to an additional 400 hours may be paid two-thirds of the employee's regular rate of pay. Employees may supplement two-thirds pay with accrued and unused sick leave, vacation

leave, or compensatory time as it is available in order to receive full pay during the 400 hours of leave.

Staff has been informed by Iowa Workforce Development that employees may be eligible for state unemployment benefits in the following situations if they exhaust all their paid leave options and have no ability to telecommute:

- Caring for a family member
- Loss of child care/school closures
- Employer shutdown
- Need for employee to self-quarantine
- Employee contracts COVID-19 and is unable to work

ALTERNATIVES:

1. Approve the proposed COVID-19 Leave Policy as attached.

In accordance with the new federal legislation, this new policy should be in place until no later than December 31, 2020. Staff is requesting that the policy be approved effective March 23, 2020.

2. Modify and approve an alternative COVID-19 Leave Policy.
3. Approve a COVID-19 Leave Policy that mirrors the Families First Coronavirus Response Act.

CITY MANAGER'S RECOMMENDED ACTION:

In order to provide some leave protection to our employees during this pandemic crisis that meets, or exceeds the federal law, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as noted above.

AMENDED LEAVE POLICY DURING COVID-19 EMERGENCY

Since the President of the United States signed a law increasing leave benefits in times of COVID-19 pandemic, and the Governor of Iowa has declared a state of emergency due to pandemic conditions of the COVID-19 virus, the City of Ames will amend the standard leave policies. Upon approval by the City Council on March 24, 2020, the amendment will be in effect retroactively from March 23, 2020 until no later than December 31, 2020.

The following policy amendment meets or exceeds the requirements of the Families First Coronavirus Response Act (FFCRA).

The purpose of COVID-19 leave is to provide some relief to employees dealing with the impact of COVID-19. Employees may be eligible to use up to 80 hours total of COVID-19 leave in any combination, paid at their regular rate of pay, if they are experiencing one of the following circumstances. Any unused leave will not rollover.

ABSENCES ELIGIBLE FOR COVID-19 LEAVE

For employees quarantined or sick with COVID-19

The City will grant up to 80 hours of paid COVID-19 leave* to employees who have been required or advised to quarantine by a medical provider or a county, state, or federal agency, or who have been advised by a medical provider they have confirmed or presumptively confirmed COVID-19. Employees must complete a Request for COVID -19 Leave form and provide it to Human Resources before the special pay will be granted. If the employee is unable to return to work after the COVID-19 leave has been exhausted, they may use accrued and unused sick leave, vacation leave, or compensatory time to cover their remaining absence.

Employees must follow CDC or Iowa Department of Public Health guidelines for returning to work after the illness.

****all COVID-19 leave will be prorated for part-time employees.***

For employees caring for an individual quarantined or sick with COVID-19

The City will grant up to 80 hours of paid COVID-19 leave* to those employees providing direct care for an individual required or advised to be quarantined by a medical provider, or a county, state, or federal agency, or an individual who has been advised by a medical provider they have confirmed or presumptively confirmed COVID-19. Employees must complete a Request for COVID -19 Leave form and provide it to Human Resources before the special pay will be granted. If the employee continues to care for the individual after the COVID-19 leave has been exhausted, they may use accrued and unused sick leave, vacation leave, or compensatory time to cover their remaining absence. Absences longer than two weeks must have documentation certifying additional leave is necessary.

Based on minimum staffing needs required to maintain operations, the City may exempt employees serving in an emergency responder role from this provision of COVID-19 leave.

Employees must follow CDC or Iowa Department of Public Health guidelines for returning to work after caring for an individual impacted by COVID-19.

****all COVID-19 leave will be prorated for part-time employees.***

For employees with children impacted by school district/daycare closures

This section serves as a “qualifying need related to a public health emergency” under the FFCRA.

If schools or daycare facilities where the children of employees attend close due COVID-19, the City will make every effort to adjust hours, create an alternative work schedule, or identify an alternative childcare arrangement in order to maintain services. If no alternative work solutions are appropriate, the City will grant COVID-19 leave* to cover up to 80 hours of the closure. Employees must complete a Request for COVID -19 Leave form and provide it to Human Resources before the special pay will be granted. If the employee is unable to return to work after the COVID-19 leave has been exhausted, they will receive 2/3 of their normal pay for up to an additional 400 hours. Employees may use accrued and unused sick leave, vacation leave, or compensatory time to cover the remaining 1/3 of their pay

In general, COVID-19 leave will only be granted during the hours a child would normally be in school or daycare and only to who are not able to adjust their hours or work from home, where alternative childcare is unavailable, AND whose children:

- Are under the age of 18
- Attend daycare or a K-12 school, or
- Have special needs and would be unable to care for themselves while their parents are at work.

Based on minimum staffing needs required to maintain operations, the City may exempt employees serving in an emergency responder role from this provision of COVID-19 leave and/or FFCRA family leave.

****all COVID-19 leave will be prorated for part-time employees.***

ABSENCES NOT ELIGIBLE FOR COVID-19 LEAVE

For employees choosing to self-isolate

Employees who are not required or advised by a medical provider or any county, state, or federal agency to be quarantined and choose to self-isolate must use accrued and unused vacation leave, accrued and unused compensatory time, or leave without pay to cover their absence. As with any form of voluntary leave, these absences must be approved by the employee’s supervisor.

CONTACT INFORMATION

In all cases of absence, employees must provide current contact information (including phone number and email address) to their supervisor.

Request for COVID -19 Leave

Employee Name _____

Department _____ Position _____

Approximate Dates of Request _____

Reason for Request (check at least one):

Employee's own COVID-19 illness or required or advised quarantine

Care for individual during COVID-19 illness or required or advised quarantine

School or daycare closure due to a COVID-19 pandemic

Sign the appropriate certification below:

Employee's own COVID-19 illness or required or advised quarantine

I certify that I have either been diagnosed with COVID-19, or presumptively diagnosed with COVID-19; or I have been required or advised to quarantine by a federal agency, state or county agency, or a medical provider.

Name of the medical provider or agency advising or requiring the absence

Employee Signature

Care for an individual during COVID-19 illness or required or advised quarantine

I certify that I am providing direct care for an individual who has either been diagnosed with COVID-19, or presumptively diagnosed with COVID-19; or who has been required or advised to quarantine by a federal agency, state or county agency, or a medical provider

Name of the medical provider or agency advising or requiring the absence

Employee Signature

School or daycare closure due to a COVID-19 pandemic

I certify that my child’s school or daycare has been closed due to the COVID-19 pandemic. Further, I certify my child:

- Is under the age of 18
- Attends daycare, K-12 school, or
- Has special needs and would be unable to care for themselves while I am at work.

Has your supervisor made an alternate schedule, hours, or work from home scenario available to you? Y/N

If yes, you will be required to utilize the alternate arrangement prior to being approved for COVID-19 leave

Name of school or daycare that has been closed due to the COVID-19 pandemic

Employee Signature

Department Head

Human Resources

City Manager

COVID-19 Leave is:

Approved Denied