

TEMPORARY POLICY ON COMPLIANCE WITH THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (“FFCRA”) went into effect on April 1, 2020, and includes the Emergency Paid Sick Leave Act (“Emergency Paid Sick Leave”) and the Emergency Family and Medical Leave Expansion Act (“Emergency Paid Family Leave”). The City of Colorado Springs supports the FFCRA and is implementing the temporary policy below in response. The FFCRA and associated guidance and regulations control, to the extent such are inconsistent with this temporary policy.

Emergency Paid Sick Leave

Employees may be entitled to Emergency Paid Sick Leave if they are unable to work or telework because:

- (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.
- (4) The employee is caring for an individual who is subject to an order as described in paragraph (1) above or has been advised as described in paragraph (2) above.
- (5) 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 child care provider of such child is unavailable, due to COVID-19 precautions.
- (6) 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.

Full-time employees are entitled to a total of 2 weeks (80 hours) of paid time off under the categories listed above. Part-time employees will be granted 2 weeks of paid time off at their average hours worked in a 2 week period over the 6 months preceding the request for leave; or if employed for less than 6 months, then the average number of hours per day that the employee has worked since the date of hire. The Emergency Paid Sick Leave Act requires that the City pay only 2/3rds of an employee’s regular rate up to particular caps for this leave; however, the City has elected to pay such hours at the employee’s full hourly rate.

Eligible and non-excluded employees will have the appropriate number of hours of Emergency Paid Sick Leave deposited into a leave bank set up specifically for this purpose. Employees must complete a leave request form and report their intent to use Emergency Paid Sick Leave to their immediate supervisor prior to the start of each scheduled workday after the first workday (or portion thereof) for which the employee takes Emergency Paid Sick Leave for any reason other than paragraph (5) above. If the

employee is unable to contact their supervisor prior to the start of the workday, every effort should be made to have another party contact the supervisor. Employees who request Emergency Paid Sick Leave for the reason in paragraph (5) above must provide notice to their immediate supervisor as soon as practicable if the need for leave was foreseeable.

Upon request, employees will be required to provide appropriate documentation substantiating their eligibility for Emergency Paid Sick Leave.

Accruals in the COVID-19 bank will be available through December 31, 2020, unless repealed or extended by law.

Emergency Paid Family Leave

As an expansion of the Family and Medical Leave Act (FMLA), non-excluded employees who have been employed by the City for at least 30 calendar days at the time leave is requested are eligible to receive 12 weeks of job-protected leave if they are unable to work or telework due to a bona fide need for leave to care for a child/children whose school or child care provider is closed or unavailable for reasons related to COVID-19.

This 12 week Emergency Paid Family Leave starts with 2 weeks of unpaid leave. However, the City will allow employees to utilize the hours provided to them by the Emergency Paid Sick Leave Act for this time, if eligible, or other paid leave in their employee leave banks, so as not go unpaid during this period. For the following 10 weeks, if available, employees will be eligible for paid leave at 2/3rds of their regular rate of pay for the number of hours the employee would otherwise be normally scheduled to work; or, if the employee works a varying schedule, the average hours the employee worked over the 6 months preceding the request for leave and, if employed for less than 6 months, then the average number of hours per day that the employee has worked since the date of hire. Pay for Emergency Paid Family Leave will not exceed \$200 per day or \$10,000 in total. Employees may augment this paid leave with sick, vacation, personal or compensatory time each pay period to bring them to full pay status. If an employee has exhausted all paid leave balances, they may request Sick Leave Advance or Vacation Donation. Please refer to the City's PPM for more information on Sick Leave Advance or Vacation Donation.

For more information, or to apply for Emergency Paid Family Leave, employees should contact their HR Departments. Upon request, employees will be required to provide appropriate documentation substantiating their eligibility for Emergency Paid Family Leave.

Emergency Responders and Health Care Providers

Emergency Responders and Health Care Providers (as defined under the FFCRA) may be excluded from application of this temporary policy, and thus, may be ineligible for Emergency Paid Sick Leave and/or

Emergency Paid Family Leave. Civilian positions with the City of Colorado Springs that fit within the definition of Emergency Responder or Health Care Provider may be excluded, and thus, ineligible for Emergency Paid Sick Leave and/or Emergency Paid Family Leave depending on the duties of the position, and should contact their HR Departments for additional information.

Employees excluded from this Policy may be provided with City-offered emergency paid sick leave that includes the same hours allowance for all of the reasons listed under Emergency Paid Sick Leave except paragraph five (5) above.

*****The City reserves the right to exclude and/or revoke, at any time, Emergency Paid Sick and/or Emergency Paid Family Leave for employees determined to be Emergency Responders or Health Care Providers under the FFCRA.*****