



To: Summit County Council

From: Park City Fire Service District

Re: Discussion and Possible Adoption of the Emergency Pandemic Leave Policy

Due to the current COVID-19 pandemic, the federal government passed the Families First Coronavirus Response Act (FFCRA or Act). The Act requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Act went into effect on April 1, 2020.

The Act requires that employers provide certain employees up to 80 hours of paid sick leave if the employee is unable to work for one of six different reasons, as specified in the attached policy. "Work" under the Act includes teleworking. Three of the reasons are paid at the employee's regular rate of pay and the other three are paid at two-thirds the employee's regular rate of pay. The paid sick leave is separate from the regular sick leave accrued by employees.

The Act has temporarily expanded the Family Medical Leave Act (FMLA) and requires employers to provide up to an additional 10 weeks of paid expanded FMLA at two-thirds the employee's regular rate of pay.

Employees deemed to be emergency responders are exempt under the act. However, the Park City Fire Service District desires to include emergency responders as eligible for leave under three of the six categories as outlined in the attached policy.

The District's proposed policy is very similar to the County's policy that was adopted under the Summit County Manager's recent Executive Order.

On May 5th, the Administrative Control Board unanimously voted to forward the proposed policy to the County Council for final approval.

Proposed Motion

To approve the Park City Fire Service District Emergency Pandemic Leave Policy as drafted.

Park City Fire Service District COVID-19 Emergency Pandemic Leave Policy

Pursuant to the Federal Family First Coronavirus Response Act (FFCRA or Act), effective April 1, 2020 and continuing through December 31, 2020, the District will provide COVID-19 Emergency Pandemic Leave (CEPL) for employees whether working full-time or part-time as more fully specified below until December 31, 2020. Employees deemed to be emergency responders are exempt under the Act. However, the District desires to include emergency responders as eligible for leave under categories 1, 2, and 3, but emergency responders are excluded and exempt from categories 4, 5, and 6 under this policy. Emergency responders include Firefighters, EMTs, and other designated employees with specialized skills. Employees wishing to use CEPL must make the request in writing using the appropriate form (see attached) and must designate under which federal category they are requesting the leave.

- A. FMLA: Pursuant to the FFCRA, employees using CEPL under this policy will also be using either FMLA or E-FMLA time if eligible (concurrently) and may receive notice of such if a request for use of this leave is made (see Form). The grant of E-FMLA time under FFCRA, is not in addition to regular FMLA time, but is modified only to allow E-FMLA leave for category 5 (below) which does not exist under normal FMLA regulations.
 - 1. Employees who are not eligible for FMLA or E-FMLA leave may still be eligible for CEPL for qualified reasons and for the time period allowed by this policy.
 - 2. Employees who qualify for FMLA or E-FMLA must follow the provisions of Section 9 of the Park City Fire District Personnel Policies.
 - 3. Employees who have utilized their allotment of FMLA within the past year are not eligible for E-FMLA.
- B. Employees are expected to follow the requirements of this policy as well as all other Personnel Policies during this pandemic period.
- C. There are six categories under FFCRA that an employee qualifies for CEPL if the employee is unable to work (**or unable to 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 child care provider is unavailable) for reasons related to COVID-19; or
 - 6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.
- D. An employee who is unable to work or telework due to categories 1, 2, or 3 is eligible to receive up to 80 hours for administrative personnel or up to 96 hours for suppression

personnel of COVID-19 Emergency Pandemic Leave at 100% of their regular rate of pay (in lieu of using sick leave or vacation leave).

- E. An employee who is unable to work or telework due to category 4 is eligible to receive up to 80 hours of paid CEPL at 66% of their regular rate of pay.
- F. An employee is unable to work or telework due to category 5 is eligible to receive paid E-FMLA at 66% of their regular rate of pay for up to 12 weeks. If the public health emergency ends prior to the 12 weeks, the leave will no longer be available.
- G. Under category 6, if the District closes or suspends operations of particular services for workplace safety purposes or under a Public Health Order, employees will be furloughed and eligible for unemployment.
- H. COVID-19 Emergency Pandemic Leave shall be a one-time grant of paid leave and shall not be accrued or banked as a benefit but is only to be used with approval. Employees using CEPL shall not have their regular sick leave reduced.
- I. Use of CEPL with FMLA or E-FMLA shall provide all protections under federal law.
- J. GENERAL PROVISIONS:
 - 1. Employees are expected to return to work as soon as practicably possible and should make every effort to limit the amount of leave taken.
 - 2. Commencing April 1, 2020, employees wishing to use CEPL shall make the request using the authorized form submitted to the Human Resource Officer with all required documentation. Employees shall be required to notify their supervisor immediately if circumstances change.
 - 3. Employees who violate this or other Personnel Policies may be subject to discipline up to and including termination.



COVID-19 EMERGENCY PANDEMIC LEAVE REQUEST

This form is to be completed by employees requesting leave under Park City Fire District's COVID-19 Emergency Pandemic Leave policy. Documentation from a health care provider may be required and should be submitted to the Human Resource Officer upon request.

Employee Name: _____

Beginning Date: _____ Ending Date: _____ Total Hours requested _____

Category under which leave is requested: _____

If Category 5, please provide: Name(s) and age(s) of child(ren):

School or child care facility usually attended: _____

Brief explanation of reasons for leave request.

Attached additional explanation if necessary. Check here if additional sheet attached

Signature of Employee: _____

Date: _____ email: _____ cell: _____

TO BE COMPLETED BY HR: Approved Denied

Comments or Reason for Denial: _____

Date: _____

Signature