



EMERGENCY LEAVE FOR COVID-19 EFFECTIVE APRIL 1, 2020*

In addition to the forms of leave already available to City of Fort Worth employees, Emergency Leave for COVID-19, consisting of Emergency Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFML), are available to Fort Worth employees in certain circumstances related to COVID-19.

Emergency Paid Sick Leave (EPSL)

Covered Employees:

All employees, regardless of date of hire, are entitled to EPSL for the Qualifying Reasons stated below.

Qualifying Reasons:

An employee qualifies for Emergency Paid Sick Leave for COVID-19 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); or
5. is caring for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 precautions.

Duration of Leave:

- A full-time employee is eligible for 80 hours of EPSL, and a part-time employee is eligible for the number of hours of EPSL that the employee works on average over a two-week period.

* This policy was revised June 24, 2020 and supersedes any policy announced before June 24, 2020. Any leave taken for COVID-related reasons between March 14 and March 31, 2020 does not count against the leave that is contemplated in this policy.



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- Emergency Paid Sick Leave may be taken for the Qualifying Reasons from April 1, 2020 until December 31, 2020.
- Intermittent Leave - If teleworking, EPSL may be taken intermittently with departmental approval. If reporting to a worksite, an employee may take EPSL intermittently only if the employee is unable to work or telework for reason (5), because the employee is caring for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 precautions. If EPSL is taken intermittently, the employee and department must agree on the increments of time that will be taken.

Calculation of Pay:

- Employees taking EPSL leave will be paid at their regular rate.
- EPSL hours are not hours worked for overtime purposes.

Notice:

- Where leave is foreseeable, an employee should provide notice of leave to his or her supervisor or HRC or MRC as soon as practicable.

Documentation:

- An employee who uses EPSL will be required to timely submit accurate documentation of the need for leave, as required by the U.S. Department of Labor, depending on the reason for the employee's absence. Human Resources will identify what documentation is required, and when it is to be submitted by the employee. An employee's failure to timely submit the required documentation may result in a denial of leave, loss of pay, and/or disciplinary action, up to and including termination.

Emergency Family and Medical Leave (EFML)

Covered Employees:

Except for the emergency responders excluded below, employees who have been employed by the City for at least 30 calendar days, including employees rehired after losing their job on or after March 1, 2020, if they had worked for at least 30 of the 60 calendar days before the layoff, are entitled to EFML for the Qualifying Reason.



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Excluded Employees:

Excluded Employees are emergency responders who, as defined by the Department of Labor, are 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 law enforcement officers, fire fighters, public health personnel, 911 operators, 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.

Qualifying Reason:

An employee qualifies for Emergency Family and Medical Leave for COVID-19 if the employee is **unable to work (or unable to telework)** due to a need for leave because the employee is caring for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, due to COVID-19 precautions.

Duration of Leave:

- Covered employees are eligible for up to 12 weeks of EFML, subject to any FMLA leave the employee has already taken during the previous 12 months. The leave for a full-time employee is for 40 hours a week, and for a part-time employee is for the number of hours the employee is normally scheduled to work. This leave may be taken intermittently, subject to department approval.

Calculation of Pay:

- The first two weeks of EFML is unpaid, but covered employees may use EPSL or other accrued leave during those two weeks. The remaining 10 weeks of EFML is paid at 2/3 of the employee's regular rate. Employees may not use other accrued leave during the period that they are receiving partial pay to supplement the 2/3 pay.

Notice:

- Where leave is foreseeable, an employee should provide notice of the need for EFML to his or her supervisor and Reed Group as soon as practicable. An employee must also provide reasonable notice to the supervisor and Reed Group if the need for EFML changes while the employee is out on EFML.



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Documentation:

- An employee who uses EFML will be required to timely submit accurate documentation of the need for leave, as required by the U.S. Department of Labor, depending on the reason for the employee's absence. Human Resources, through its third party FMLA/ADA administrator, the Reed Group, will identify what documentation is required, and when it is to be submitted by the employee. An employee's failure to timely submit the required documentation may result in a denial of leave, loss of pay, and/or disciplinary action, up to and including termination.

City Leave and EPSL and EFML

Relationship to other Leave:

- After the employee's EPSL for COVID-19 eligibility has been exhausted (i.e. the employee has used 80 hours of Emergency Leave for reasons 1-4 after April 1, 2020), the employee is to treat this situation as if it is an illness-related or missed-work occurrence and will use appropriate personal leave.
- This Policy modifies the requirements for MMSL as it relates to Emergency Leave for COVID-19.
 - EPSL for COVID-19 is considered "other accrued leave" under the Major Medical Sick Leave Policy. To use MMSL, the employee must be off work for more than 56 work hours of other accrued leave, such as emergency leave, vacation, short-term sick/family, holiday, personal holiday, compensatory time, and/or time off without pay. This modifies the requirements under PRR 5.3 to the extent that if the 56 hours of leave taken before using MMSL consists of Emergency Leave for COVID-19, the 56 hours used may be intermittent or consecutive.
 - This also modifies PRR 5.3 by expanding the reasons that MMSL is provided. MMSL is still provided to employees needing to recuperate from serious medical conditions, keep medical appointments related to prior use of MMSL for a serious medical condition, and to attend or plan funerals for, or mourn the loss of, immediate family members; but, MMSL is also provided if the employee is unable to work or telework for one of the qualifying reasons identified in this policy and has exhausted the employee's



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EPSL (if unable to work or telework due to reasons 1-4) or EPSL and EFML (if unable to work or telework due to reason 5).

- Probationary employees have access to applicable sick leave, vacation leave, comp time, or Major Medical Sick Leave (MMSL) depending upon the reason the employee is unable to work or telework.
- Employees who are normally eligible to accrue leave and who are unable to work or telework due to Qualifying Reasons 1, 2, 3, and 4, and who exhaust all leave available to them (sick/vacation/comp/major medical), may use Additional Emergency Paid Sick Leave beyond the 80 hours available to them after April 1, 2020. These employees will be subject to the loss of future accruals of leave, so that the City can recoup these additional paid leave hours. To be eligible for extended EPSL, the employee will be required to sign an agreement acknowledging that future accruals of leave will be subject to recoupment by the City. When signing the agreement, an employee must elect whether the recoupment will be taken from all leave accruals or from MMSL only, which election cannot be changed. Any advances that have not been reimbursed upon termination will be deducted from final pay.
- The first two weeks of EFML is unpaid, but covered employees may use EPSL or other accrued leave during those two weeks. The remaining 10 weeks of EFML is paid at 2/3 of the employee's regular rate. Employees may not use other accrued leave during the period that they are receiving partial pay to supplement the 2/3 pay.

Entering and approval of time:

- All employees will continue to enter their own time, whenever possible, except when timekeepers normally do it.

Return to Work:

- If an employee has been sick, the employee can return to work with a doctor's release if leave is illness related.

Final Pay at Termination or Retirement:

- Employees are not paid for unused Emergency Leave for COVID-19 at termination, whether the termination is voluntary or involuntary. Any extended EPSL advances that have not been reimbursed upon termination will be deducted from final pay.



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No Impact on “Use or Lose” Under Vacation Leave Policy:

- Use of Emergency Leave for COVID-19 does not count toward the number of hours that an employee must “use or lose” under the vacation leave policy.