



# CITY OF GAINESVILLE

*Human Resources Department*

## **FAQs – Managers and Timekeepers (Updated Procedure L-2: Coronavirus Related Leave)**

### **1. When is the revised procedure effective?**

- Wednesday, April 1, 2020.

### **2. Who is covered?**

- All City employees are eligible for Emergency Paid Sick Leave (Tier 1) and Family Related Coronavirus Isolation Leave (Tier 2).
- City employees who have been employed for at least 14 days are eligible for Emergency Family and Medical Leave Expansion Leave (Tier 3).
- Those who are third party, vendor-provided personnel (TempForce, for example), are not covered under this procedure.

### **3. Is anyone exempt from leave under L-2?**

- Yes. The City may exempt certain emergency and essential personnel from this leave, if their duties are essential to continued critical infrastructure viability.
- What does 'Essential' mean, for purposes of this procedure?

In order to ensure and maintain a viable essential workforce during this crisis the city has opted to exempt certain essential employees as allowed for in the Families First Coronavirus Response Act(FFCRA).

The FFCRA states “An employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of the provisions in the amendments made under of section 3102 of this Act.”

The FFCRA defines an Emergency Responder as the following to include but not limited to the following: an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, 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. This also includes any individual that the highest official of a state or territory, including the District of Columbia, determines is an emergency responder necessary for that state’s or territory’s or the District of Columbia’s response to COVID-19.

### **4. How are employees who take leave under L-2 to have their time coded?**

- Regular status employees:
  - For Tier 1 and Tier 3, leave should be coded using CLSD.

- For Tier 2, leave should be coded using appropriate leave from the employee's accrued leave (e.g. PTOF, PCLB, Sick).
- Temporary employees:
  - For Tier 1 and Tier 3, use REST.
  - For Tier 2, use code 01 (Regular pay).

**5. What documentation is needed?**

- It depends. The employee will need to furnish to his/her supervisor sufficient documentation or information needed to justify the leave.
- In the case of quarantine, Employee Health Services (EHS) will make the determination and the supervisor/manager can contact EHS for verification.
- In the case of childcare, the employee can provide an email notice from the child's school or daycare and documentation from the child's other parent that their work schedule precludes them for caring for the child during the employee's work hours.
- In the case of high-risk category, the employee should make contact with EHS, to alert EHS of the circumstances giving rise to the need for leave. EHS can be reached at 334-5037.
- In the case of 65 or over, simple notification to the supervisor is sufficient.

**6. Who does the employee call if they are not sure if they are eligible for leave, or what type of leave applies?**

- Where exposure or risk of exposure is the concern, the employee should contact EHS at 334-5037.
- Where the employee has a question about their eligibility under the new law, they should contact HR at 393-8708 or 334-5077.

**7. Must leave for childcare purposes be for the employee's own child, or can it be a grandchild or other relationship?**

- The leave must be for the employee's own child, as defined in the procedure.

**8. What if the employee taking leave for childcare has already used FMLA this year?**

- Any FMLA leave an employee has taken this year will be deducted from the 10-week maximum leave entitlement under this procedure. For example, if an individual used 6 weeks of FMLA for another purpose, he/she may only take up to 4 weeks of leave under Tier 3.
- Prior use of FMLA does NOT reduce or impact an employee's eligibility to take leave under Tier 1.

**9. When can an employee access Tier 3 leave?**

- Beginning Wednesday, April 15<sup>th</sup>. An employee must first use Tier 1 leave (category #5) for two weeks prior to accessing expanded FMLA leave.

**10. Must employees complete FMLA paperwork when accessing leave for childcare purposes (whether Tier 1, category #5, or Tier 3)?**

- No. Employees are not required to complete the usual packet of FMLA documentation, nor must they have a treating healthcare provider complete forms.
- Under the new Federal law, an employee may provide **oral notice and sufficient information** for the employer to determine whether the requested leave is covered.
- Oral notice and sufficient information should include
  - Employee's name

- Date(s) for which leave is requested
- Qualifying reason for the leave, and
- Statement that the employee is unable to work because of the qualified reason.
- Part of the notice should explain why the child's/children's other parent is not able to provide care during the employee's regular work schedule.

**11. Can Tier 1 leave be intermittent?**

- It depends on whether the employee is teleworking or must report to work. If the employee is teleworking then the employee may take Tier 1 Leave intermittently in any agreed increment of time. If the employee is reporting to work, intermittent leave under Tier 1 may only be taken for childcare due to a school closure and only for up to 80 hours. Leave under Tier 1 where the employee must report to work and for a reason other than to care for a child due to a school closure must be taken continuously until the 80 hours is used or the employee no longer has the qualifying circumstance.

**12. Can Tier 3 leave be intermittent?**

- Yes. Leave can be intermittent or in concert with a reduced work schedule.

**13. What if someone was already on Tier 1 leave, or on leave due to childcare?**

- Leave taken prior to April 1, 2020 in connection to the coronavirus, whether due to an order to self-isolate/quarantine or for childcare purposes, does not reduce any entitlement under Tier 1 and/or Tier 3, as described in the current procedure.

**14. Will leave taken under L-2 be reimbursed?**

- Potentially. Reimbursement, if provided, would apply only to Emergency Paid Sick Leave (Tier 1) and Emergency Family and Medical Leave Expansion Leave (Tier 3) that is taken April 1, 2020 or later.
- Such leave MUST be tracked and supported by documentation.

**15. How do we track leave taken under L-2?**

- Employers are awaiting further guidance from the Federal Government. Until specific direction is provided, we are asking that all departments track **all use of Tier 1 and Tier 3 leave taken on/after April 1, 2020**, using a form or spreadsheet that includes the following fields:

PAY PERIOD ENDING 4/5/20									
EMPLID	LAST	FIRST	MI	HOURLY RATE	HOURS				PAY
					TIER 1 (1-3)	TIER 1 (4, 6)	TIER 1 (5)	TIER 3	
20241	PARKER	PETER	D	\$20.50	24				\$492.00