

CITY OF WARRENVILLE**MEMO**

To: Mayor and City Council
From: Cristina White, Assistant City Administrator *CW*
CC: John Coakley, City Administrator
Subject: COVID-19 Policy Re Paid Time Off
Date: March 19, 2020

The City continues to monitor the COVID-19 (Coronavirus) outbreak and its impacts on the organization and community, including the impact on City staff. The City is concerned with the health, safety, and well-being of residents, staff, and the general public, as there is still so much uncertainty around this pandemic. Therefore, the City's goals during this time are 1) protect the public and City employees by limiting exposure, 2) ensure continuity of critical operations and service, and 3) reduce the financial hardship employees may face due to an extended absence from work, related to COVID-19. Measures have already been taken to limit exposure and to prepare for continuity of operations. However, a significant part of meeting those goals is enacting policies that address compensation and benefit concerns that will arise as the City navigates this unprecedented situation.

Background Information

On March 18, 2020, President Trump signed the Families First Coronavirus Response Act (FFCRA), effective April 2, 2020, which expands the provisions of the Family Medical Leave Act (FMLA), and adopts the Emergency Sick Leave Act. The changes to FMLA expand eligibility to employees after 30 days of active employment and include school closures due to COVID-19 as a qualifying event. The Emergency Sick Leave Act (ESLA) requires employers to "provide employees with paid sick time to the extent the employee is unable to work (or telework)" related to COVID-19, including a mandatory quarantine, a self-quarantine, care for a dependent or family member, or school closures. There are some exclusions for emergency responders and health care providers. The Act is in effect through December 31, 2020.

While FFCRA provides private sector employers some financial relief through the use of tax credits, government agencies, like the City, are not eligible for tax credits. The Act does not include any other financial relief for public sector organizations.

Prior to the passing of this bill, staff had been developing policy modifications for Council consideration to allow some flexibility in time off benefits and pay to further the goals listed above. While the FFCRA provides for pay, the level of pay is dependent on the reason for the leave with caps in place that limit the amount an employee must be paid while on leave. In some cases, an employee may only receive 2/3 of their pay, up to \$200 per day and \$2,000 in aggregate.

Staff has outlined temporary compensation and benefit options for full-time and part-time below for Council consideration.

Authorize use of Paid Time Off to Supplement Pay (Full-time Only)

This option gives the City Administrator the authority to allow full-time employees to use available sick, vacation, compensatory, and other paid time off benefits available to supplement their pay if they are receiving less than their regular pay (the equivalent of 80 or 84 hours worked) during a pay period, are not eligible for a remote work assignment, and have one or more of the following situations:

- 1) Employee has tested positive for COVID-19.
- 2) Employee has been exposed to someone that has tested positive and said employee has been instructed by a medical professional to quarantine for 14 days.
- 3) Employee is needed to care for a dependent or family member that has tested positive for COVID-19.
- 4) Employee is needed to care for a dependent child due to school closures.
- 5) The City, State, or Federal government has issued an order requiring mandatory quarantine for an extended period.

Additionally, the City Administrator would also be authorized to negotiate a similar benefit for personnel covered under a collective bargaining agreement with the applicable union.

The City budget includes funding for salary and benefits. As this recommendation does not include additional pay, there is no budgetary impact. The impact to the City is in lost productivity and work that may have to be completed by other employees or delayed.

Authorize Paid Sick Time for Part-time Employees

This option provides the City Administrator with authority to provide the equivalent of up to sixty (60) hours of paid sick time to part-time employees, who are not otherwise eligible for any paid time off benefits. This sick time would be made available to supplement their pay if they are receiving less than their regular pay during a pay period (calculated using the average pay received in the two preceding pay periods), and have one or more of the following situations:

- 1) Employee has tested positive for COVID-19.
- 2) Employee has been exposed to someone that has tested positive and said employee has been instructed by a medical professional to quarantine for 14 days.
- 3) Employee is needed to care for a dependent or family member that has tested positive for COVID-19.
- 4) Employee is needed to care for a dependent child due to school closures, or the employee is not able to work due to school closures.
- 5) The City, State, or Federal government has issued an order requiring mandatory quarantine for an extended period.

The maximum budgetary impact would be approximately \$16,500.

Conclusion

The pay benefits recommended would supplement any benefit the City is required to provide under the Families First Coronavirus Response Act. The benefits would be applied at the discretion of the City Administrator. Reference to the City Administrator's authority to negotiate terms for

employees covered by a collective bargaining agreement does not eliminate or supersede the Council's authority to ratify any such agreement. Additionally, the policy changes recommended are intended as temporary measures, specifically adopted to address the COVID-19 pandemic and will sunset after six (6) months, unless otherwise extended by the City Council.

Recommendation

To further the goals outlined at the beginning of this memorandum, the staff recommendation is as follows:

Accept staff recommendation and authorize the City Administrator to enact certain personnel policy provisions due to the COVID-19 pandemic as follows: 1) allow full-time employees to use their paid time off benefits to supplement their pay, 2) negotiate similar applicable benefits for full-time employees covered under a collective bargaining agreement, and 3) authorize up to sixty (60) hours of paid sick time for part-time employees, which will remain in effect until December 31, 2020.