



TEMPORARY EMERGENCY ORDER of the City Manager

<h2 style="margin: 0;">COVID-19 Public Health Emergency Pay and Leave for Regular City Employees</h2>			Category: COVID-19
			Number: 1.2 EXTENSION
			Classification: Employee Compensation
Effective Date: 05/05/2020 – 05/31/2020	Supersedes: Emergency Order No. 1	Policy Originator: City Manager	Approved By: City Manager Debbie Tarry

Deletions shown in strikethrough/Additions in underline

1. PURPOSE/SCOPE:

The purpose of this emergency policy is to provide guidance and establish procedures regarding the use of paid leave and pay for City employees under the COVID-19 Health Emergency declaration.

2. AFFECTED PARTIES:

- All Regular Employees

3. POLICY:

It is the policy of the City of Shoreline to take all appropriate measures needed to address the COVID-19 Health Emergency and protect public health. Protecting the community and City staff is a priority and this policy establishes guidance on the use of paid leave and pay for City employees. Temporary Emergency Order No. 1 became effective on March 9, 2020 and was extended by Temporary Emergency Order No. 1.1 through May 4, 2020 based on the Washington State Governor’s “Stay Home Stay Healthy” Proclamation. The Governor has once again extended the Proclamation through May 31, 2020. The original order and its extensions are meant to augment and amend existing Employment Policies related to leave and employee paid as reflected in the most recently approved Employee Handbook which was last approved by Council Resolution No. 407 approved on June 12, 2017.

4. DEFINITIONS:

For purposes of this emergency policy the following definitions are modified from those provided in the Employee Handbook.

1. *Use of Sick Leave – Employee (VI.H.2.a)*: This definition is amended to state: Sick leave may be used when an employee is ill, injured, disabled (including a disability due to pregnancy or childbirth) or has been exposed to a contagious disease where there is a risk to the health of others or when an employee is concerned regarding the potential exposure to COVID-19 with the approval of Human Resources based on the CDC’s risk assessment protocols and whether the employee’s position is essential to City operation or public safety or when subject to a local, federal, or quarantine or isolation order related to COVID-19, or for medical or dental examinations or treatment when such appointments cannot be scheduled outside of working hours, or when the use of a prescription drug impairs job performance or safety.
2. *Use of Sick Leave – Immediate Family Members (VI.H.2.b)*: The definition is amended to state: Sick leave may be used to care for a member of the immediate family who is ill, injured, or disabled, has been exposed to COVID-19 where there is a risk to the health of others, or if the school, place of care, or caregiver of an employee’s child or immediate family is closed/unavailable due to the COVID-19 health emergency, or when a quarantine of an immediate family member is ordered by State or County Health Officials due to a COVID-19 illness or when subject to a local, federal, or quarantine or isolation order related to COVID-19. Sick leave may also be used for qualifying Family Leave provided for in the Family Leave section.
3. *Family Leave under FMLA (VI.K)*: For purposes of this emergency policy the definition of Immediate Family in the City’s Employee Handbook (III.O) will be used in the context of COVID-19. This supersedes Section VI.K.2, Reasons for Taking Leave to state, “To care for an employee’s immediate family member who has a serious health condition or is in need of care as a result of the COVID-19 health emergency.”
4. *Family Leave under FMLA – Definition – Serious Health Condition - incapacity (VI.K.3.g)*: For purposes of this emergency policy the definition of incapacity is amended to read: inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from or due to exposure to COVID-19 where there is a risk to the health of others, if the school, place of care, or caregiver of an employee’s child or immediate family member is closed due to the COVID-19 health emergency, or when a quarantine of an immediate family member is ordered by State or County Health Officials due to a COVID-19 illness or when subject to a local, federal, or quarantine or isolation order related to COVID-19.
5. *Supplemental Paid Family Leave – Eligibility (VI.L.1)*: For purposes of this emergency policy Eligibility is amended to read:
Supplemental Paid Family Leave is available to all regular employees who have:
 - Worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months, except for in the case of response to

the COVID-19 public health emergency in which case this time in service requirement is waived; and

- Have a qualifying event under FMLA or under the Victims of Domestic Violence policy; and
 - Lack enough accrued leave to maintain a balance of two weeks and to pay for a leave of absence of up to 12 weeks.
 - The requirement to have worked for the City continuously for at least 12.
6. *COVID-19 Donated Leave Pool*: This will be a pool of donated leave in which the City Manager may allow a regular employee to receive donated leave from another employee. This is separate and distinct from Donated Leave (VI.J) as provided in the City's Employee Handbook.
 7. *City Closure*: When the City Manager orders all City facilities closed and when the City Manager has directed that employees should not report to work, except for those that are essential for City operations.
 8. *City Closure Pay*: Payment of regular wages and benefits to regular employees during a City Closure.
 9. *FLSA Exempt Managerial Staff*: FLSA Exempt Managerial Staff are the members of the City's Leadership Team, with the exception of the Executive Assistant to the City Manager and City Council.
 10. *Extra Duty Pay*: An increase in regular wages of 5% for non-managerial FLSA-exempt employees who are directed to work by the City Manager during a City Closure.
 11. *Federal Government Families First Coronavirus Response Act Emergency Paid Sick Leave (EPSLA) (Effective 4/1/2020 – 12/31/2020)*: Regular full-time employees are eligible for up to 80 hours of paid sick leave, in addition to any other paid leave to which they are already entitled, for the purpose of taking leave from work for certain specified reasons related to COVID-19. A part-time employee's entitlement is based on the average number of hours the employee works in a two-week period. Hours are calculated based on the number of hours the employee is normally scheduled to work. If the normal hours scheduled are unknown, or if the part-time employee's schedule varies, the entitlement will be based on a six-month average to calculate the average daily hours. Employees who have worked for less than six months prior to leave are entitled to the average number of hours they would normally be scheduled to work over a two-week period based on the number of hours that was agreed upon when hired. Qualifying reasons for the use of EPSLA include:
 - a. The employee or someone the employee is caring for is subject to a government quarantine order or has been advised by a health care provider to self-quarantine;
 - b. The employee is experiencing COVID-19 symptoms and is seeking medical attention; or,
 - c. The employee is caring for his or her son or daughter whose school or place of care is closed or whose child-care provider is unavailable for reasons related to COVID-19

5. PROCEDURES:

5.1. COVID-19 Donated Leave Pool

Employees will be allowed to donate sick or accrued vacation leave to create a COVID-19 Donated Leave Pool. This pool will be administered by the Human Resources Director with the approval of the City Manager.

5.1.1 Criteria

5.1.1.a. An employee needs leave that is related to the COVID-19 health emergency and is likely to cause the employee to go on leave without pay.

5.1.1.b. The employee has depleted all of their available leave benefits and accruals; and

5.1.1.c. The employee has been found ineligible for Supplemental Paid Family Leave or found ineligible for benefits under Worker's Compensation as governed by state law.

5.1.2 Donation

An employee may donate up to 25 hours of their sick leave balance. An employee is not eligible to donate sick leave hours unless a balance of 80 hours will be maintained. An employee may also choose to donate any amount of accrued vacation leave. The donating employee in either case shall submit a written request to Human Resources.

5.1.3 Value of Leave

Donated hours will be used on an hour for hour basis with no consideration given to the dollar value of the leave donated.

5.1.4 Administration

Human Resources may recommend that the City Manager allow an employee to receive donated leave from the COVID-19 Donated Leave Pool. The City Manager may approve the donated leave if the employee meets the criteria in section 5.1.1 of this policy.

5.1.5 Treatment of Leave Remaining

If more leave is donated than is used, the hours of leave that remain shall be returned to the employee(s) donating the leave on a pro rata basis.

5.1.6 No Cash Out

Donated COVID-19 Leave hours are not eligible for the cash out provisions in the Separation from Service policies in the Employee Handbook.

5.2. City Closure Pay

5.2.1 City Closure

The City Manager may determine that it is necessary to close all City facilities and direct that only certain employees report to City work sites to complete essential City functions. During such closure, staff who are able to reasonably telecommute and are directed to do so by the City Manager, will be allowed to do so. Managers and supervisors will coordinate this directly with the subject employees. To the extent that these employees are not able to fully or partially telecommute, staff will be provided City Closure Pay in accordance with the provisions in this policy.

5.2.2

Employees who are on a planned absence, such as vacation leave and are not recalled back to work will not receive City Closure Pay. Any employee already on sick leave shall be eligible for City Closure Pay in lieu of continued use of sick leave once City Closure Pay is in effect.

5.2.3

In the event of City Closure, FLSA Non-Exempt (hourly) staff will receive City Closure Pay for those hours in which they are unable to telecommute (full or partially) or to work their scheduled hours. City Closure Pay will only be made available to staff to cover their regularly scheduled work hours.

5.2.4

Fair Labor Standards Act (FLSA) Non-Exempt (hourly) staff who are directed by the City Manager to report to work during a City Closure will receive pay at a rate of time and a half for work carried out during a City Closure. Such premium pay shall be credited against any overtime pay the employee may earn during the applicable work week (i.e., the employee shall not receive "double overtime").

5.2.5

FLSA Exempt (salaried) employees shall continue to receive their normal salary during a City Closure, regardless of whether they are able to telecommute.

5.2.6

FLSA exempt managerial staff who are directed to work by the City Manager, during a City Closure will not receive any additional compensation for such work.

5.2.6

FLSA exempt employees (salaried) who are directed to work by the City Manager during a City Closure shall receive Extra Duty Pay for all hours actually worked by the employee. These exempt employees shall be required to accurately track and report their hours for purposes of calculating the Extra Duty Pay.

5.3 State of Washington “Stay Home, Stay Healthy” Order Administrative Pay

~~The provisions in this section apply during the period of the Governor’s “Stay Home, Stay Healthy” Proclamation 20-25.1 effective from April 5, 2020 through May 4, 2020 (“Stay Home Order”).~~ The provisions in this section apply during the period of the Governor’s “Stay Home, Stay Healthy” Proclamation which has been extended through May 31, 2020 (“Stay Home Order”).

5.3.1

Employee Handbook Section V.H.3 provides that in the event the City Manager advises employees not to report to work due to inclement weather or natural disaster, such time off will be paid time off and not charged to accrued vacation leave or compensatory time. For purposes of this policy the City Manager has determined that the COVID-19 pandemic is considered a natural disaster. As such, employees are eligible for Administrative Pay for hours not worked, up to the number of hours needed to pay them their regular base salary/wages for each pay period, except for employees on pre-approved absences and who are using vacation leave, personal day(s), or earned compensatory time. Administrative Pay hours are not to be deducted from any of the employee’s leave accrual banks.

5.3.2

Employees who are on a pre-approved absence as vacation time during this Stay Home Order period shall charge their time to their vacation, personal leave, or compensatory accrual bank during the period that they are on vacation.

5.3.3

An employee who requests not to report to work due to reasons related to COVID-19 who:

- a. Is not needed to perform Level 4 essential functions as identified in the City’s Continuity of Operations Plan; and
- b. Cannot telecommute because:
 1. Their work requires them to physically report to a City worksite or
 2. Telecommuting is not an option for their role or job function or
 3. They do not have the technical equipment to telecommute.

may decline a work assignment without recrimination and will still be eligible to receive Administrative Pay without charging unworked time to their accrued leave banks. The employee will be provided Administrative Pay for their regular scheduled work hours. This pay will be at straight time.

5.3.4

An employee who is unable to complete their regular work schedule as a result of the need to provide care to immediate family members, including childcare, or who is ill during the Stay Home Order will be allowed to receive Administrative Pay for those hours not worked. Employees will continue to report their time

appropriately but will not be required to charge this time to their accrued leave banks

5.3.5

~~The provisions of this Section 5.3 only apply during the period of April 5, 2020 through May 4, 2020.~~ The provisions of this Section 5.3 only apply during the period of April 5, 2020 through May 31, 2020. The provisions of this Section 5.3 do not automatically extend if the Governor extends the Stay Home Order. If extended, the City reserves the right to evaluate and make needed changes which shall be reflected in an amendment to this Emergency Policy.

Dated this 6th day of May, 2020.



Debbie Tarry
City Manager