

This meeting is being held via telephonic attendance.

**AGENDA
SPECIAL GENERAL ADMINISTRATION & PERSONNEL COMMITTEE
VILLAGE OF HOFFMAN ESTATES
April 6, 2020**

Immediately Following Finance Committee

**Members: Karen Arnet, Chairman
Karen Mills, Vice-Chairman
Gary Stanton, Trustee
Anna Newell, Trustee
Gary Pilafas, Trustee
Michael Gaeta, Trustee
Mayor William McLeod**

I. Roll Call

NEW BUSINESS

1. Request approval of a policy implementing the Families First Coronavirus Response Act (FFCRA)/COVID-19 Plus policy for the Village of Hoffman Estates.

II. Adjournment

*(Further details and information can be found in the agenda packet attached hereto and incorporated herein and can also be viewed online at www.hoffmanestates.org and/or in person in the Village Clerk's office).
The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.*

COMMITTEE AGENDA ITEM

VILLAGE OF HOFFMAN ESTATES

SUBJECT: Request approval of a policy implementing the Families First Coronavirus Response Act (FFCRA)/COVID-19 plus policy for the Village of Hoffman Estates.

MEETING DATE: April 6, 2020

COMMITTEE: Special General Administration & Personnel Committee

FROM: James Norris, Village Manager
Patrick Seger, Director of Human Resources Mgmt.



PURPOSE: Approval of a policy implementing the Families First Coronavirus Response Act (FFCRA)/COVID-19 plus policy for the Village of Hoffman Estates.

BACKGROUND: On March 18, 2020, the Federal Government passed the Families First Coronavirus Response Act. This Federally mandated Act is intended to provide relief to employees due to the COVID-19 pandemic by providing eligible employees with additional paid sick leave and expanded FMLA leave benefits paid by employers. This Act became effective April 1, 2020 and the Village notified employees pursuant to the Act. However, the Act provides an exclusion specifically for emergency responders as being eligible for these new benefits. Therefore, emergency responders are not automatically provided with these additional benefits per the new Federal Act.

DISCUSSION: In response to this Federal exclusion of emergency responders, staff is recommending a Village COVID-19 Plus Policy that would provide similar benefits as outlined in the Federal Act to the Village's emergency responders. For purposes of the Village policy, emergency responders are all sworn police and fire personnel, public works field personnel and supervisors, Department Directors, Village Manager, Deputy Village Manager, Assistant to the Village Manager, Emergency Management Coordinator and Environmental Health Officer.

Attached is the FFCRA benefits that are provided to all non-emergency responders pursuant to Federal law. Essentially, these benefits provide:

1) sick leave for employees unable to work (or telework) because of a diagnosis, symptoms, quarantine or self-isolation related to Covid-19, the care of someone under similar conditions, or to care for a child due to a school closure or the unavailability of child care. The benefits extended are 80 hours of paid emergency sick leave or the part-time employee equivalent for a two-week period.

2) expansion of the Family Medical Leave Act (FMLA) for employees unable to work (or telework) due to school closures or the unavailability of child care. The benefits extended are 10 weeks of paid time off.

There is a specific pay calculation for both benefits detailed in the attachment.

Also attached is the proposed Village policy (COVID-19 Plus Policy) that provides similar benefits to the emergency responder employee group except for certain expanded FMLA benefits.

FINANCIAL IMPACT: Dependent upon the amount of paid leave taken by eligible employees.

RECOMMENDATION: Approval of the proposed Village of Hoffman Estates COVID-19 plus policy extending similar benefits of the FFCRA to emergency responder positions in the Village.

Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act (FFCRA) provides additional paid sick leave and an expanded Family Medical Leave Act (FMLA) benefit in addition to that already afforded employees under the Village sick time and FMLA policies. The FFCRA provides these benefits to non-emergency responder employees and specifically excludes emergency responder positions. The FFCRA also allows individual jurisdictions to add positions to the excluded category if the positions are vital to essential service provision during the emergency. For the Village of Hoffman Estates emergency responders are all sworn police and fire personnel, public works field personnel and public works supervisors; Department Directors; Village Manager; Deputy Village Manager; Assistant to the Village Manager; Emergency Management Coordinator and Environmental Health Officer.

Although Emergency Responder positions have been excluded from the FFCRA, the Village will extend similar benefits to those employees under the Village's new COVID-19 plus policy as attached.

For employee positions not defined as emergency responders, the following information provides benefit details regarding the FFCRA:

Emergency Paid Sick Leave (EPSL) Benefit and Expanded Family Medical Leave Act (FMLA+) Benefit

Effective April 1, 2020 through December 31, 2020 for those employed with the Village on or before March 1, 2020.

Qualifying Reasons for Leave

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 his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

A. Emergency Paid Sick Leave (EPSL)

Full time Employees – receive up to two weeks (80 hours) of paid sick leave based on the higher of their regular rate of pay. Part-time employees are eligible for leave for the number of hours that the employee is normally scheduled to work over that period, paid as follows:

100%, up to \$511 daily and \$5,110 total for the following three reasons:

- Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine related to COVID-19;
- Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;

2/3 up to \$200 daily and \$2,000 total for the following qualifying reasons:*

- Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
- Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

**Employees will be able to use sick and other benefit time to make the up the other one third of time.*

B. Expanded Family Medical Leave Act (FMLA+) Benefit

Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at 2/3 for up to \$200 daily and \$10,000 total for the following reason:**

- Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.

***Employees will be able to use non-sick benefit time to make up the other one third of time.*

If all eligible paid time off is exhausted under these provisions while an employee is still out on leave, any remaining time will be unpaid.

Required Documentation

Pursuant to the Act, to receive the EPSL and FMLA+ benefits, employees will be required to complete the *Public Health Affidavit* (included with this policy) and provide the following documentation:

- The source of any quarantine or isolation order and may include a copy of the Federal, State or local quarantine or isolation order related to COVID-19 applicable to the employee.
- The name of the health care provider who has advised the employee to self-quarantine, including, for example, written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19.

If an employee takes time to care for his or her child whose school or place of care is closed due to COVID-19, employees must provide appropriate documentation in support of leave. Examples include:

- A notice that has been posted on a government, school, or day care website, or published in a newspaper; or
- An email from an employee or official of the school, place of care, or child care provider.

For employees positions defined as Emergency Responders, the following information provides benefit as afforded by the Village of Hoffman Estates:

Village of Hoffman Estates COVID-19 Plus Policy

The COVID-19 plus policy, effective April 1, 2020 through December 31, 2020, is provided to Emergency Responders: sworn police and fire personnel, public works field personnel and public works supervisors; Department Directors; Village Manager; Deputy Village Manager; Assistant to the Village Manager; Emergency Management Coordinator and Environmental Health Officer.

Benefits for Exempt Employees under the FFCRA

The Village recognizes the important and significant role Emergency Responders are playing in this public health emergency, and your health and safety is a top priority.

As exempt employees under FFCRA, a benefit of additional sick time up to the equivalent of the typical schedule worked in a pay period that is related to COVID-19 for full-time employees and the part-time employee equivalent of hours per one of the criteria below is provided:

- Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
- Has been advised by a health care provider to self-quarantine related to COVID-19
- Is experiencing COVID-19 symptoms and is seeking a medical diagnosis
- Is caring for an individual subject to an order described in (1) or self- quarantine as described in (2)
- Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

The Village will also consider requests for time off on a case-by-case basis for child care hardships and may provide up to 2 weeks of sick time that is related to COVID-19.

Required Documentation

Emergency Responders will be required to complete the *VOHE COVID-19 Plus Affidavit* (included with this policy) and provide the following documentation:

- The source of any quarantine or isolation order and may include a copy of the Federal, State or local quarantine or isolation order related to COVID-19 applicable to the employee.
- The name of the health care provider who has advised the employee to self-quarantine, including, for example, written documentation by a health care provider advising the employee to self-quarantine due to concerns related to COVID-19.
- Documentation for child care hardships will be required as deemed appropriate.

Public Health Affidavit

Emergency Sick Leave Act: Pursuant to the Families First Coronavirus Response Act (FFCRA), employers are required to provide employees with paid sick time, based on calculations indicated and in accordance with parameters set within the FFCRA, to the extent that the employee is unable to work (telework) due to need listed below.

Declaration

I, _____ (employee's name) certify on this date _____ that I require leave pursuant to the FFCRA for the following reason:

- I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- I am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- I am caring for an individual who is either (1) subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- I am caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;*
- I am experiencing other substantially similar condition specified by Federal authorities

Acknowledgements

1. The information provided on the affidavit is for the sole purpose of determining eligibility for the Emergency Sick Leave Act benefit.
2. I further understand that any false or misleading statements made in order to receive benefits for which I do not qualify may result in loss of benefit and disciplinary action.

Employee Signature

Date

Human Resources Management Representative

Date

***Employee must attach a notice from the child's school or place of care notifying of the closure of that facility.**

VOHE COVID-19 Plus Affidavit

For Emergency Responders

Declaration

I, _____ (employee's name) certify on this date _____ that I require leave pursuant to the FFCRA for the following reason:

- I am subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- I have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- I am experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- I am caring for an individual who is either (1) subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or (2) has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- I am experiencing other substantially similar condition specified by Federal authorities

Acknowledgements

1. The information provided on the affidavit is for the sole purpose of determining eligibility for the COVID-19 Plus Policy.
2. I further understand that any false or misleading statements made in order to receive benefits for which I do not qualify may result in loss of benefit and disciplinary action.

Employee Signature

Date

Human Resources Management Representative

Date

- I am caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;*

Approved by the Village Manager _____

***Employee must attach a notice from the child's school or place of care notifying of the closure of that facility.**