

## MEMORANDUM

Date: March 25, 2020  
To: All Non-Sworn Village Employees  
From: Peter Scalera, Village Administrator  
Subject: **COVID-19 Employee Leave**



As a follow-up to the previous COVID-19 Leave Protocol emails, the federal government has passed the “Families First Corona Virus Response Act” (FFCRA), which goes into effect on April 1, 2020. As noted in the Village’s previous communication, the Protocol was subject to change resulting from federal or state legislation, and the same limitation remains going forward.

Below, is summary of the COVID-19 leave benefits for non-sworn Village employees.

### **Summary of the FFCRA (See page 2 for how the FFCRA pay will apply to you)**

The FFCRA, which is effective April 1, 2020, through December 31, 2020, provides paid benefits to employees who need time off work for reasons related to the COVID-19 pandemic. The FFCRA expands the FMLA and provides for partially paid leave for COVID-19 school closures (“FMLA Expansion”) and also creates the Emergency Paid Sick Leave Act (“EPSL Act”) that provides employees with additional paid sick leave needed in relation to COVID-19.

Under the FMLA Expansion employees are allowed to take 12 weeks of partially paid leave if the employee is unable to work (or telework) due to the need to care for a son or daughter under 18 years of age because their school and/or place of care has been closed for COVID-19 precaution purposes. Under the FMLA Expansion, the first 10 days of leave is unpaid. For each day after the first 10 days, employees are entitled to be paid two-thirds of their regular rate of pay; however, this amount is capped at \$200 per day and \$10,000 in the aggregate.

Under the EPSL Act, employees are provided up to two weeks of paid sick leave if the employee is unable to work (or telework) for qualifying reasons related to COVID-19. The EPSL has two different pay rates and two different pay caps depending on the reason for leave. Specifically, an employee receives his or her regular rate of pay with an applicable cap of \$511/day and \$5,110 total if the employee needs EPSL because:

- (1) The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 (*Please note, the Governor’s “Stay at Home Order” does not apply to employees that perform essential government work (e.g. Police, Public Works, Water/Sewer, and Building for essential construction) and support needed for said functions, as determined by the Village*);

- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

An employee receives two-thirds of his or her regular rate of pay with an applicable cap of \$200/day and \$2,000 total if the employee needs EPSL because:

- (4) The employee is caring for an individual who is subject to government quarantine or isolation order or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (5) The employee is caring for the employee's minor child, if the child's school or place of care has been closed or the child care provider is due to COVID-19 precautions; or
- (6) The employee is experiencing any other substantially similar condition as enumerated by federal health and labor authorities.

Please refer to the Department of Labor's FFCRA [Information for Employees](#).

### Application of FFCRA Pay to Village Employees

**Effective April 1, 2020**, non-sworn employees who are unable to work (or telework) due to an eligible COVID-19 condition will be capable of taking leave under the FMLA Expansion or the Emergency Paid Sick Leave (EPSL).

If you are **unable to work or telework due to a school closure**,

- You may take leave under the FMLA Expansion. Although the FMLA Expansion is unpaid for the first 10 days of leave, effective April 2, 2020 **the Village will use your EPSL benefits to pay you at your full regular rate of pay for those first 10 days.** *(Please note that although the federal law caps the EPSL benefits, the Village will pay employees their full rate of pay for EPSL leave)*
- **After the first 10 days**, since the paid benefits provided to you under the new laws only allow for payment of two-thirds of your normal rate of pay, with a cap of \$200/day and \$10,000 in total, you may use your other accrued benefit time to subsidize your pay during your time off work.

If you are **unable to work or telework for another qualifying reason** such as an isolation order, quarantine or illness related to COVID-19 (as set forth in conditions (1), (2), (3), (4) and (6) on page 1), you may use your 10-Day EPSL benefits. Although the federal EPSL benefits are subject to a cap depending on your need for leave, the Village will continue to pay employees at their full regular rate of pay during the 10-day EPSL period.

After the exhaustion of the 10-Day EPSL benefit, in addition to the benefits provided under the new FFCRA, the Village is providing full-time employees who need to continue leave for personal or family medical purposes related to COVID-19 as stated in conditions (2), (3), (4) and (6) of the EPSL (set forth on page 1) to build a negative sick leave balance for up to 32 hours of sick leave for COVID-19 related purposes, before using their other

benefit leave balances, and/or or go without pay through December 31, 2020. This benefit is only available to be used through December 31, 2020, and if this benefit is unused or otherwise not needed by that date, such benefit will be extinguished.

All other benefits provided to you pursuant to Village policy, an applicable collective bargaining agreement or by law will apply for any other time off needed for COVID-19-related reasons.

### **What if I'm already home due to a School Closure?**

Since the Act does not take effect until April 1<sup>st</sup>, you may use your accumulated benefit leave time (including sick leave), until the FMLA Expansion and EPSL benefit starts on April 1, 2020.

### **Can my Family Medical Leave be taken on an incremental basis?**

Provided that an employee is not at risk to themselves or others, leave time can be taken on an incremental basis. The incremental work schedule should be coordinated in advance with your supervisor.

**We urge all employees to familiarize themselves and follow the guidelines provided by the [World Health Organization \(WHO\)](#); the [Centers for Disease Control \(CDC\)](#) and the [Illinois Department of Public Health](#).**

### **Notification Protocol:**

Employees who experience symptoms of COVID-19 such as fever, cough, or shortness of breath, should immediately:

1. **Call your Doctor** if you are experiencing symptoms of COVID-19
2. **Call your supervisor and Stay Home** in accordance with the Center for Disease Control (CDC) protocol @ <https://www.cdc.gov/coronavirus/2019-ncov/about/steps-when-sick.html>
3. **Continue to follow CDC protocol.**

Our goal is to keep the Village safe and operational. Thank you all for your cooperation as we all work diligently to support and protect each other.