City of Fargo

Temporary Employment Policy

Families First Coronavirus Response Act (FFCRA)

Effective: April 1, 2020 until repealed

In accordance with the Families First Coronavirus Response Act (FFCRA), the City of Fargo will grant eligible employees paid sick leave and expanded family and medical leave for qualifying reasons related to COVID-19.

The City of Fargo will pay all qualified leave under FFCRA at 100% of the employee's regular rate of pay. Although FFCRA allows for compensation at rates lower than 100% of pay under certain circumstances, as well as establishes daily maximums, the City has opted to pay employees at their regular rate of pay when leave is taken for qualifying reasons under FFCRA.

PAID LEAVE ENTITLEMENTS

Up to two weeks (80 hours, or a fire suppression or part-time employee's two-week equivalent) of paid sick leave as follows:

- 100% of the employee's regular rate of pay for qualifying reasons #1- #4 and 6 below; and

- 100% of the employee's regular rate of pay, up to 12 weeks of paid sick leave and expanded family and medical leave for qualifying reason #5 below. Fire suppression and part-time employees are eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

City of Fargo employees are eligible for up to two weeks of paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of paid expanded family and medical leave for reason #5 below. This time counts towards the total 12-week entitlement under the Family and Medical Leave Act (FMLA).

The City intends to include all employees; however, the FFCRA allows public employers to exclude local health department employees and emergency responders, including but not limited to sworn police officers, fire fighters, emergency management personnel, public works personnel and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, leave for these employees will be considered on a case-by-case basis. The City reserves the right to deny leave for public employees exempted under FFRCA if the leave creates a critical staffing shortage.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a heath 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

Intermittent leave may be allowed while on paid sick leave and/or expanded family and medical leave only under certain circumstances and upon agreement between the employee and supervisor. When the reason for the employee's leave is due to reasons 1-4 and 6 above, the employee will only be allowed to take leave intermittently while they telework. This limit is imposed because if an employee physically reports to work, even intermittently, and they are sick or possibly sick with COVID-19 (reasons 1-3 or 6), or they are caring for an individual who is sick or possibly sick with COVID-19 (reasons 4 or 6), they could spread the virus to others. Employees are allowed to take intermittent leave for the purpose of caring for a child whose school or place of care is closed (or child care provider is unavailable) due to Covid-19 related reasons (reason 5 above).

FFCRA REQUEST AND DOCUMENTATION

Employees will be required to complete a FFCRA Request Form in order to be granted the leave. All information, along with the necessary documentation, must be provided as requested.

POLICY MODIFICATIONS

This policy is subject to future modification as additional guidance is released from the Department of Labor or at the direction of the City Commission in compliance with FFCRA.