

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> TEMPORARY EMERGENCY LEAVE – CORONAVIRUS (COVID-19)	<u>Regulation No:</u> 2.39	<u>Effective Date:</u> April 1, 2020
	Supersedes: March 18, 2020	

I. PURPOSE

The purpose of this Administrative Regulation is to provide additional emergency leave benefits during and related to the COVID-19 pandemic, pursuant to the federal Families First Coronavirus Response Act (FFCRA), effective April 1 through December 31, 2020. Temporary emergency leave provisions are, therefore, established during the COVID-19 pandemic, on the effective date of this A.R. This regulation applies to all regular status and non-regular status part-time and temporary employees.

The Town Manager may declare Administrative Leave in accordance with A.R. 2.10. Any aspects of leave not covered in this temporary regulation are outlined in A.R. 2.9, Leave, Holidays and FMLA.

Essential personnel who are required to work will be guided by A.R. 2.10 and 2.14.

This regulation may be modified or voided at any time that the federal law changes or that the Town exercises other legal considerations for its employees.

II. QUALIFYING CONDITIONS UNDER FFCRA

A. An employee is qualified to take leave when he or she is unable to work or 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 health care provider to self-quarantine related to COVID-19;
3. is exhibiting COVID-19 symptoms and is seeking a medical diagnosis;
4. is caring for an individual subject to No. 1 or 2 above;
5. is caring for his or her child because of school or child-care service closure or a child care provider is unavailable due to COVID-19 related reasons; or
6. is experiencing other substantially similar conditions, as determined by the Department of Health and Human Services.

B. The employee's leave status and pay is determined by the specific qualifying criteria, as defined under Sections III and IV below.

III. EMERGENCY PAID SICK LEAVE

Emergency Paid Sick Leave, up to two weeks, or 80 hours per civilian employee, the equivalent for law enforcement and police personnel working a different schedule, and the equivalent scheduled hours for part-time or temporary, as needed on a case-by-case basis, will be provided, as follows:

A. 100% of the gross that an employee would have been paid, for qualifying reasons under A., 1-3 above, not to exceed a total of \$5,100 for two weeks, or up to \$511 daily.

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> TEMPORARY EMERGENCY LEAVE – CORONAVIRUS (COVID-19)	<u>Regulation No:</u> 2.39	<u>Effective Date:</u> April 1, 2020
	Supersedes: March 18, 2020	

- B. 2/3 of the gross that an employee would have been paid, for qualifying reasons under II. A., 4-6 above, not to exceed a total of \$2,000 for two weeks, or up to \$200 daily.

IV. EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (E-FMLA)

- A. Eligible employees—with at least 30 days of Town employment—are entitled to 12 weeks of job-protected leave to care for their children for the qualifying reason under II. A., 5 above.
- B. The 12 weeks of job-protected leave include two weeks of unpaid leave, followed by 10 weeks of paid EFMLA leave. Eligible employees may elect to utilize their own personal sick or annual leave for the initial two weeks.
 - 1. The 10 weeks of paid E-FMLA are paid at 2/3 of the gross that an employee would have been paid for a total not to exceed \$12,000 or up to \$200 daily for employees who have been employed by the Town for more than 30 calendar days.
 - 2. An employee on paid E-FMLA may supplement the 2/3 pay with personal annual leave or earned compensatory time.
- C. Administrative Leave with Pay will be provided to Town employees who are sent home in the event the Town Manager declares that the Town is closed for business.

V. EMERGENCY “PILW” FOR NON-REGULAR EMPLOYEES

Because of the danger posed by the Coronavirus, the Town closed facilities before the FFCRA was in effect and, as a result, no work was available for temporary or part-time employees. The Town Manager authorized Payment in Lieu of Wages (PILW) in an amount not to exceed the equivalent of those hours that the individual employee had anticipated to work, because of a previously assigned work schedule, had business continued as usual, not to exceed the four succeeding workweeks following March 18, 2020. These employees are grandfathered in.

VI. TRAVEL

The Town is responding to CDC recommendations for travel. Employees are not permitted non-essential work-related travel, until or unless as determined by the Town Manager. Employees who travel for personal reasons must disclose to Human Resources if the location(s) they intend to visit, have visited, or have traveled through locations that appear on CDC’s list of large COVID-19 outbreaks, as updated daily. The Town may require a social separation from the Town of Vienna workforce of 14 calendar days after returning. A doctor’s note releasing an employee to return to work may be required prior to return.

VII. SYMPTOMATIC EMPLOYEES

- A. An employee who is symptomatic of COVID-19, is not to report to work until cleared in accordance with health department protocols.

**TOWN OF VIENNA, VIRGINIA
ADMINISTRATIVE REGULATIONS**

<u>Subject:</u> TEMPORARY EMERGENCY LEAVE – CORONAVIRUS (COVID-19)	<u>Regulation No:</u> 2.39	<u>Effective Date:</u> April 1, 2020
	Supersedes: March 18, 2020	

- B. When an employee is sent home because he or she is exhibiting COVID-19 symptoms or if he or she has been exposed to a person exhibiting COVID-19 symptoms, the Town will provide the employee Administrative Leave with Pay for the remaining work hours in that day.

VIII. TELEWORK

- A. Employees who have the ability to work remotely may do so, in accordance with A.R. 2.4, as determined by their department head.
- B. An employee who is teleworking may also avail himself or herself of the temporary emergency leave benefits under the FFCRA in combination with hours of telework, as approved by their department head.
- C. Emergency leave pursuant to the law will not be unreasonably withheld.

IX. GENERAL PRECAUTIONS

Supervisors are responsible for assuring that general current protocols for proper hygiene are followed in their work environments, that proper sanitizing products are provided to employees, and that work stations and surfaces are routinely cleaned and sanitized.

Employees are responsible for following current recommended hygienic practices to prevent the spread of germs.

As with any sickness, employees should stay home if exhibiting symptoms. The CDC recommends that employees who appear to have acute respiratory illness symptoms (i.e. cough; shortness of breath) upon arrival to work or become sick during the day be separated from other employees and sent home immediately.

<i>Signature of Town Manager:</i>	<i>Date:</i>
	March 30, 2020