



Mark A. Hackel
County Executive

HUMAN RESOURCES AND LABOR RELATIONS DEPARTMENT

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To: Mark A. Hackel, County Executive

From: Andrew S. McKinnon, Director
Human Resources and Labor Relations

Date: March 29, 2020

Re: COVID Time Utilization

On or about March 17, 2020, you awarded all staff 2 weeks of paid time off for COVID-19 related purposes. This could include time off to take care of students who were not in school, time off for being ill, time off for voluntary self-quarantine, time off for generalized anxiety around being exposed to others, and for other purposes during these extraordinary times.

On or about March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act ("FFCRA" or "Act"). This act requires employers of less than 500 employees, or public agencies to provide their full time employees with 80 hours of paid sick leave. While the two (2) weeks of pay that Macomb previously provided may count towards this 80 hour requirement, it isn't guaranteed and there is conflicting guidance on it. Because the Governor's order is in place for the next two weeks it makes sense that we would extend the 80 hours of COVIDFED time. While the FFCRA has specific guidance and expectations, an employer may provide more than is allowed for under the Act.

Due to the above, and at your direction, we are awarding the additional time for all county employees:

Full time Employees	80 hours of COVIDFED
PT employees	Being determined by HRLR pursuant to the FFCRA

Guidance for using COVIDFED time is below:

- The additional COVID time will be labeled COVIDFED and can only be used for the 6 very limited reasons.
- COVIDFED time is available for use from April 1, 2020 until December 31, 2020.
- COVIDFED is available for every full time employee regardless of when they have been hired.
- COVIDFED is available for all part time employees regardless of start date and the amount of time is being determined.

How do Employees use COVID-19 and COVIDFED time:

- COVID-19 time MUST be exhausted before COVIDFED may be used
- COVID-19 time can be used for:
 - COVID-19 related absences, including;
 - their own illness; or,
 - higher risk of serious illness; or,
 - to care for a family member who is ill; or,
 - if an employee is unable to find suitable childcare; or,
 - any personal reason related to the COVID-19 virus.
- COVID-19 time does not have to be accompanied by any medical or other documentation
- On April 1, 2020, and once all COVID-19 time has been exhausted, employees can access COVIDFED time for the following reasons:
 - Federal, state or local quarantine or isolation order related to coronavirus.
 - Healthcare provider advice to self-quarantine to reduce concerns related to coronavirus.
 - Seeking medical diagnosis due to symptoms of coronavirus.
 - Care for a family member subject to a quarantine or isolation order or HCP self-quarantine advice (described in the first two bullets above).
 - Caring for the employee's son or daughter if their school or place of care has been closed, or their child care provider is unavailable, due to coronavirus.
 - - Capped at \$200/day or \$12,000 total
 - 10 week maximum
 - The employee is experiencing any substantially similar condition specified by the Secretary of Health and Human Services.
- COVIDFED time must be accompanied by documentation as required by the act.
- After an employee has exhausted all COVID-19 and COVIDFED time, they will then be allowed to utilize any accrued time off (Sick, PTO, etc.) they may have available to them.
- Employees will not be allowed to elect to go into dock status in lieu of using accrued time.
- A plan regarding part time usage of COVIDFED is being created and will be communicated to staff shortly.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 10 weeks more of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially 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 partially paid expanded family and medical leave for reason #5 below.

► 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:

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| <ol style="list-style-type: none">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); | <ol style="list-style-type: none">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; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
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dol.gov/agencies/whd

