



City Council Agenda Item

City Council Meeting Date: April 21, 2020

TO: Jim Throop, City Manager

FROM: Gabriel Garcia, Human Resources Manager
g_garcia@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6322(20) Related to The City of Lompoc Families First Coronavirus Response Act Policy

Recommendation:

Staff recommends the City Council adopt Resolution No. 6322(20) and approve the City of Lompoc Families First Coronavirus Response Act Policy (attached).

Background:

On March 18, 2020, the United States Senate passed, and President Trump signed, the Families First Coronavirus Response Act (FFCRA). On April 1, 2020, the FFCRA became effective to provide benefits for employees and families directly affected by the COVID-19 pandemic through December 31, 2020.

The FFCRA amends the Family and Medical Leave Act with the Emergency Family Medical Leave Expansion Act (EFMLEA) and, also provides for additional paid sick leave through the Emergency Paid Sick Leave Act (EPSLA). As a public sector employer, the City is subject to the FFCRA.

Under the FFCRA, an employee qualifies for paid sick leave (EPSLA) if the employee is unable to work and unable to telework due to a need for leave 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 experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or a self-quarantine as described in (2);
5. Is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or

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6. Is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

For leave reasons (1), (2), or (3) above: employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period – 80 hours).

For leave reasons (4) or (6) above: employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period – 80 hours).

Under the FFCRA, an employee, employed for at least 30 days, qualifies for expanded EFMLEA. A covered employer must provide to employees additional paid expanded family and medical leave where an employee is unable to work due to a bona fide need for leave to care for a child whose school or childcare provider is closed or unavailable for reasons related to COVID-19 [leave reason (5)]. Eligible employees taking EFMLEA leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period – two weeks of paid sick leave (EPSLA) followed by up to 10 weeks of paid expanded family and medical leave [EFMLEA]). The EPSLA and EFMLEA are both in addition to any leave which an employer already offers.

The FFCRA allows employers to opt to exclude “emergency responders.” This term is defined in Department of Labor regulations (29 C.F.R. § 826.30 subd. (c)(2)(i)). The regulations also list specific examples of positions which may be excluded. The following “emergency responder” positions would be excluded from eligibility for emergency paid sick leave and emergency family and medical leave consistent with those regulations: law enforcement officers, fire fighters, emergency medical technicians, paramedics, emergency management personnel, 911 operators and public works personnel, including utilities employees.

Fiscal Impact:

There will be a fiscal impact related to the implementation of the FFCRA. The full amount of the expenditures related to leave is unknown at this time.

Conclusion:

Based on the aforementioned, Staff recommends the City Council adopt Resolution No. 6322(20), which will adopt the City of Lompoc Families First Coronavirus Response Act Policy.

Respectfully submitted,

Gabriel Garcia, Human Resources Manager

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachment: Resolution No. 6322(20)