



# City of Newport News

## HUMAN RESOURCES

### COVID-19 FAQs-#2



#### COVID-19 HEALTH AND SAFETY PRIORITIES

**Q:** Why do employees still have to work if the Governor has issued a Stay-At-Home order?

**A:** *While the Governor has issued this order, nothing in this Order shall limit: (a) the provision of health care or medical services; (b) access to essential services for low-income residents, such as food banks; (c) the operations of the media; (d) law enforcement agencies; or (e) the operation of government. As Public Servants, we must still serve the citizens of the City and provide essential services to them.*

**Q:** What is the City doing to ensure the employees that are working are protected and healthy?

**A:** *The City is encouraging social distancing and teleworking whenever possible. In addition, the City offices remain closed to the public until further notice. City Management has asked each Department Director to create a plan for their department that includes sanitizing work stations and equipment daily and providing personal protective equipment when applicable. The custodial staff is also mission-essential and have placed a higher emphasis on daily cleaning and sanitizing of work and common spaces.*

#### FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

**Q:** I've heard about the FFCRA, but what is this and how does it pertain to me or my employees?

**A:** *The FFCRA provides two different types of paid leave:*

- *Emergency Family and Medical Leave Expansion Act (EFMLA) providing coverage for employees caring for family members as a result of COVID-19 implications. This leave is counted as part of your annual 12 week FMLA designation.*
- *Emergency Paid Sick Leave Act (EPSL) providing coverage for employees who are subject to quarantine isolation order, advised by health professional to self-quarantine, is experiencing COVID-19 symptoms and seeking diagnosis, or is experiencing any other substantially similar condition specified by the US Department of Health and Human Services.*

**Q:** Who is eligible for leave?

**A:** *In general, any non-emergency responder employees who are unable to work or telework may be eligible for up to two weeks of full or partial EPSL for COVID-19 related reasons AND employees who have been employed for at least 30 days prior to their leave request may be eligible for up to 12 weeks of partially paid expanded family and medical leave if the employee 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.*

## COVID-19 FAQs

**Q:** Who is not eligible for this leave?

**A:** *Emergency Responders and Essential Personnel are not eligible for this leave. For the COVID-19 Pandemic, Emergency Responders/Essential personnel are defined as: law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, select public works, waterworks and storm water personnel, persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility such as engineering, vehicle and building services. This also includes other administrative departments that support mission-essential services.*

*The Human Resources Department is developing a list of positions qualified and not qualified for coverage under the FFCRA and will share with Directors.*

**Q:** As an emergency responder, what leave am I eligible for?

**A:** *Emergency responders are eligible for the City's PHE leave for COVID-19 high risk exposure, subject to quarantine isolation order, advised by health professional to self-quarantine, is experiencing COVID-19 symptoms and seeking diagnosis, or is experiencing any other substantially similar condition specified by the US Department of Health and Human Services. Emergency responders are not eligible for coverage under the FFCRA.*

**Q:** What is the difference between FFCRA leave and the City's PHE Leave for COVID-19 high risk exposure, quarantine order, or symptoms requiring testing?

**A:** *These two distinctive leave types were created because each are treated differently for FICA purposes. Both leaves provide up to two weeks or 80 hours of paid sick leave for high risk exposure, subject to quarantine isolation order, advised by health professional to self-quarantine, is experiencing COVID-19 symptoms and seeking diagnosis, or is experiencing any other substantially similar condition specified by the US Department of Health and Human Services. The City's PHE paid leave is designated for emergency responders only. All other employees will have this type of leave designated as EPSL in accordance with the FFCRA.*

**Q:** If I have already taken the City's PHE leave due to high-risk exposure or quarantine order, do I qualify for EPSL through the FFCRA?

**A:** *Yes if you are not an emergency responder, you would qualify for up to two weeks or 80 hours EPSL effective April 1, 2020. EPSL and medical leave requirements are not retroactive and are in effect through December 31, 2020.*

**Q:** May I take EPSL intermittently while working at my usual worksite (as opposed to teleworking)?

## COVID-19 FAQs

**A:** *No, EPSL for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:*

- *You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;*
- *You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;*
- *You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;*
- *You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; o*
- *You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.*

**Q:** May I take EPSL in half day or hourly increments?

**A:** *No, EPSL must be taken in full-day increments*

**Q:** How does EPSL or EFMLA affect the 12 weeks I get for FMLA annually?

**A:** *You may take a total of 12 workweeks of leave during a 12-month period under the FMLA, including the Emergency Family and Medical Leave Expansion Act. You could be eligible for an additional 2 weeks of EPSL which does not count against your 12 weeks of FMLA.*

Please refer to the Department of Labor Website for further clarification and detailed Q&A:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

### GENERAL LEAVE QUESTIONS

**Q:** As an Emergency Responder, can I request PPL?

**A:** *Should there be a need for an Emergency Responder to take PPL, the employee should discuss the need for leave, duration and coverage with their supervisor for operational planning purposes.*

*Keep in mind, during this designated state of emergency and pandemic, requests for leave may be denied and previously approved leave requests may be rescinded due to the emergent situation. While management would like to avoid this, supervisors should discuss leave requests with their Division Managers and Department Directors on a case-by-case basis.*

**Q:** As an Emergency Responder, what happens if I am unable to use the required 80 hours and/or I go over my annual max of PPL accrual prior to June 30, 2020?

**A:** *The City recognizes the ability for emergency responders and essential personnel to take leave has been impacted by the emergency. Based on the duration of the declared state of emergency, the City will determine options to suspend, waive, or extend the June 30 deadline date for the use of PPL. Communication will be sent to impacted employees when this decision has been reached.*

## COVID-19 FAQs



**Q:** How will leave requests for all other employees be impacted?

**A:** *Employees not identified as emergency responders under the COVID-19 pandemic are encouraged to request and use leave in accordance with PAM 701.*