

MEMORANDUM

*City of Philadelphia
Division of Aviation
Human Resources Unit*

DATE: May 21, 2020

TO: DOA Employees

FROM: Yvonne Howard, Human Resources Manager

SUBJECT: Procedures for Requesting COVID-19 Related Leave Time

The Division of Aviation wants to do everything possible to protect our employees from infection in the workplace, while complying with applicable federal and local laws, policies, and procedures including the Families First Coronavirus Response Act (FFCRA) and City of Philadelphia COVID-19 Policy Statement.

Effective April 1, 2020 the FFCRA provides a new type of paid sick leave (EPSL) and alters the existing Family and Medical Leave Act (FMLA+) to allow eligible employees to use family medical leave in a new way.

DOA employees who need to request Emergency Paid Sick Leave (EPSL) or FML+, or to report any other COVID-19 medical information must submit an email to HRCOVID-19@phl.org. **The email should include your Name, Phone Number, Payroll Number, Unit, Shift, Supervisor's Name, reason for request, or information you wish to report in as much detail as possible, and the requested start date.** If you do not have access to email, you can contact the Safety Office at 215-937-6716 with the same information as mentioned above.

Once you contact the Safety Office a safety assessment for Covid-19 relatedness will be done, and you will notified of the outcome within 10 days of your request, as well as the available leave options. For EPSL and FMLA+ the City requires employees to submit a completed FFCRA Leave Request form. Employees will be notified if additional information is needed. **Until the employee receives approval of the approved leave status, the employee must contact the Supervisor for other leave time to use during the review process.** Prior to the designated time being exhausted, the employee must follow up with the Safety office for assessment to determine a) the return to work date, or b) if an extension is needed. The return to work and/or extension will be determined by the employee's situation. For operational purposes, the employee's supervisor will also be notified of the determination and the estimated return to work date based on the employee's ability to safely return to duty.

Below is a list of the various COVID-19 leave options provided by the City of Philadelphia. Please note these policies are evolving and may change. Employees will be provided additional details of any changes. For more information about COVID-19 leave requirements and employee rights please send an email to HRQuestions@phl.org.

Emergency Paid Sick Leave (EPSL) - All full-time and part-time City employees are eligible immediately to use EPSL. Employees will immediately accrue as many hours' EPSL as they ordinarily work over a two-

week period. Employees are eligible for EPSL based on the average number of hours they work within a two-week period. For example, forty-hour work week employees are eligible for 80 hours' EPSL, while 37.5-hour work week employees are eligible for 75 hours' EPSL. All unused EPSL expires on December 31, 2020.

Reasons for Using Leave. EPSL may be used for the following reasons:

1. To comply with a federal, state or local quarantine or isolation order¹ related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. To care for an individual who is subject to an order as described in (1) above or has been advised as described in (2) above;
5. To care for the employee's dependent child² if a school or place of care is closed, or the childcare provider is unavailable, due to COVID-19 precautions;
6. The employee is experiencing any other substantially similar condition as specified by the designated Federal agencies.

Employees taking EPSL for reasons (1), (2), and (3) will be compensated at the same rate as ordinary sick leave, capped at \$511 per day (\$5,110 in the aggregate). Employees taking leave for reasons (4), (5), or (6) will be compensated at two-thirds (2/3) of the employee's regular rate.

Interaction with Other Leave. The City provides its employees with other types of paid leave. EPSL must be provided in addition to all other paid leave. Employees may choose when to use EPSL; the City cannot force an employee to use EPSL before other paid leave. Employees using EPSL should provide reasonable notice of the need for leave. You may require an employee provide notice in the manner in which your department ordinarily requires notice for use of sick leave.

The City will provide EPSL in addition to all other types of leave currently provided. Employees may choose when they use EPSL versus other accrued leave.

FMLA+ Employees who have been employed for at least thirty consecutive calendar days prior to the date any requested leave begins may qualify for FMLA+.

¹ The stay-at-home orders imposed by Governor Wolf and Mayor Kenney do not qualify because they do not restrict a City employee's ability to work providing City services.

² "Dependent child" means biological, adopted, or foster child, stepchild, a legal ward, or a child for whom you are standing in loco parentis. Dependent children must be under the age of eighteen to serve as a qualifying basis leave unless the dependent has (1) a mental or physical disability; and (2) is incapable of self-care because of that disability.

Qualifying Reason. An eligible employee can use FMLA+ when the employee is unable to work (or telework) due to care for the employee's dependent child if the dependent child's school or place of childcare has been closed, or the childcare provider is unavailable. This must be the result of a COVID-19 related emergency declared by federal, state or local authority. Employees must provide a written self-certification that the school, place of care, or childcare provider in question was regularly used in order to qualify for FMLA+.

Leave Amount. FMLA+ is drawn from the same twelve-week allotment as ordinary family medical leave. Employees are entitled to the amount of family medical leave they have remaining at the point they request FMLA+.

Intermittent Leave Usage. FMLA+ may be used intermittently. Onsite employees using FMLA+ intermittently must use leave in full-day increments. Teleworking employees may use FMLA+ in smaller increments. Intermittent leave usage in should be approved only pursuant to an agreement between the Appointing Authority and the employee delineating the expected leave usage schedule. FMLA+ will be considered "sick leave" for the purpose of overtime calculations.

Regular Family Medical Leave. The Act did not alter the City's obligation to provide its employees with family medical leave under the preexisting framework for such leave. Please continue following existing FMLA processes for family medical leave based on qualifying reasons other than the reason described above.

Pay Rate and Concurrent Leave Usage. Employees may use accrued time, including EPSL, for the first two workweeks³ of FMLA+. Employees without accrued leave will be given unpaid FMLA+ leave for the first two workweeks.

After the first two workweeks, employees will be required to use, concurrent with FMLA+ leave, any accrued administrative leave, compensatory time, or sick leave that may be used for dependent care pursuant to applicable collective bargaining agreements, Civil Service Regulations, or Administrative Board Rules. Employees may choose to use accrued vacation leave in the same manner but are not required to do so. While using accrued leave, employees will remain in fully paid status.

Once employees have no more accrued leave, they will be paid at two-thirds (2/3) of their ordinary sick leave rate, capped at \$200 per day (\$10,000 in the aggregate).

³ For an employee working five days per week, two weeks is equal to ten workdays.