



Families First Coronavirus Response Act: Emergency Responders Exemption and Alternative Leave Policy

Purpose

To establish the exemption of City of Charleston employees serving as Emergency Responders from the paid leave provisions under the Families First Coronavirus Response Act (“FFCRA”) and to provide an alternative leave policy for such employees. This policy takes effect April 1, 2020 and continues through December 31, 2020.

Background

The FFCRA, provides that certain “health care providers and emergency responders” may be excluded from application of the FFCRA’s emergency family leave and emergency paid sick leave provisions.

Exemption

The City hereby declares that the employees designated below as Emergency Responders are exempt from the leave provisions provided by the FFCRA due to the pressing need for the community to have Emergency Responders operate as close to full staff as possible as part of the fight against the spread of COVID-19.

Designation of City employees serving as Emergency Responders

For purposes of this policy, City employees serving as Emergency Responders under the FFCRA are:

- 1.) All firefighters and fire civilian employees;
- 2.) All police officers and police civilian employees; AND
- 3.) All Refuse Department employees.

Alternative Plan Implementation for Emergency Responders

Administrative Leave Eligibility

Administrative leave (in lieu of sick time) will be provided at 100% of the Emergency Responder’s regular rate of pay, as if the person continued to work their regularly scheduled shifts (provided that overtime does not accrue except in the case of hours actually worked) should any of the following occur:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID–19; or
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19; or
3. The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.

Administrative leave will not be provided to care for a child, spouse, or other dependent. Emergency Responders must take available sick or vacation leave, if approved by the Emergency Responder's respective Department Head, or available FMLA leave.

Procedure for Requesting Administrative Leave

Emergency Responders must notify both their Department Head and the Human Resources Director of the need and specific reason for administrative leave under this policy and must submit a leave request form to the Human Resources Director. A leave form will be provided to all employees via email and will also be available on the City's intranet and/or in a manner accessible to all. Verbal notification will be accepted until practicable/reasonable to provide the required leave form.

The requesting Emergency Responder must also provide appropriate documentation to the Human Resources Director identifying the reason for requesting leave. Documentation may include, but is not limited to, quarantine or isolation orders, doctor's written recommendations advising self-quarantine, or written recommendations from the State Health Department advising self-quarantine. The City reserves the right to request further documentation at any time during the leave period.

Incremental Leave

Leave must be taken in full-day increments and once an Emergency Responder begins taking paid administrative leave under this policy, the Emergency Responder must continue to take paid leave each day until the employee no longer has a qualifying reason for taking the leave.

Prohibition of General Use of Vacation Leave

Until further notice, supervisors of Emergency Responders should generally prohibit the use of vacation leave as the City continues its efforts to slow the spread of COVID-19 as much as possible.

Abuse of Policy

Employees may be subject to disciplinary action up to and including termination in connection with abuse of the policy.

Right to Amend

The City reserves the right to amend this policy as further guidance is received from and/or regulations are adopted by the U.S. Department of Labor.

Please contact the HR department with any questions.