

TOWN OF MILFORD

DEPARTMENT OF HUMAN RESOURCES



COVID-19 – Memo - Leave Processes **Revised**

To: All Staff
Date: April 3, 2020
Subject: Temporary COVID-19 Leave Processes - Revised

Business Continuity

As the Town Administrator, John Shannon, and the Milford Board of Selectmen have indicated, the steps we are taking at this point, as the result of the pandemic, are to ensure the continuity of business practices. This is new territory for all of us and the rules of engagement are changing on a daily basis in some situations. As questions are raised, Human Resources will be consulting with the Emergency Management Director and the Town Administrator to determine best approaches. We are allowing, and encouraging, those with the ability to work from home, to do so. In all cases, we will refer to the [Center for Disease Control](#) (CDC) for guidance.

PRIOR TO 4/1/2020 - How to Document Time Lost Due to COVID-19

We are asking people to use sick bank (1st) and then sick time (2nd) if there is a need to be out due to COVID-19 (self-isolation, self-monitoring, confirmed diagnosis, etc.). If there is no available time on the books, we have temporarily set the sick time to go into the negative so that staff will continue to receive wages. Whether or not staff will be asked to use other accrued time is still to be determined.

How to document the time on your timesheet

If you are using sick time please reference **C19** on your timesheet in the Note section. If you are working from home remotely, please enter **REMOTE** on your timesheets in the Note section. (Department Heads/Department Admins – We are requesting you document any known absences due to COVID 19 under sick time and indicate **C19** in the Note section of timesheet.)

Effective 4/1/2020 – the **Families First Coronavirus Response Act (FFCRA or Act)** takes effect.

The federal government recently enacted the Families First Coronavirus Response Act (FFCRA), which requires adjustments in how the Town leave policies are administered. There are two components to the FFCRA – Emergency Sick Leave Act (**ESLA**) and Emergency Family Medical Leave Act (**EFMLA**) which will be in effect from 4/1/2020 until 12/31/2020.

Qualifying Reasons (#1 - #6) for leave related to COVID 19 are reflected on the poster (see page 4), as are paid leave entitlements.

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:	
Relative to the Employee	Relative to Family of Employee
1. is subject to a Federal, State or local quarantine or isolation order related to COVID-19;	4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
2. has been advised by a health care provider to self-quarantine related to COVID-19;	5. is caring for his/her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;	6. is experiencing any other substantially-similar condition specified by US Dept of Health & Human Services.

- We are going to request that employees provide to their Department Head and HR the reason for their leave because the qualifying reasons have different pay protocols (see attached **Qualifying Reason for Leave Related to COVID-19 Form**). Documentation is required.
- Full time employees who fall under any one of these categories are eligible for 80 hours of paid leave. Part-time regular employees are eligible for a pro-rated amount for paid leave.
- A temporary revised Emergency Family Medical Leave Act policy is being drafted and will be distributed as soon as possible. That policy will be applicable from 4/1/2020 until 12/31/2020, at which time we would revert to the current policy.

Town Hall – 1 Union Square – Milford, NH 03055-4240 / (603) 249-0605 / FAX (603) 673-2273 / TDD Access: Relay NH 1-800-735-2964

website: www.milford.nh.gov

e-mail address: kblow@milford.nh.gov

Getting paid under FFCRA

► 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;
- $\frac{2}{3}$ 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 $\frac{2}{3}$ 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.

How to document the time on your timesheet.

We are asking employee's to please enter reference codes in the Notes section. Department Heads and Admins will be able to use the dropdown box.

- If you are using your own sick bank or sick time (or other accrued time), please just reference code **C19** (*which signifies Absence COVID related – Not Reasons 1-6*)
- If you are using **Qualifying Reasons #1-#3**, please use reference code **CV13**
- If you are using **Qualifying Reasons #4 & #6**, please use reference code **CV46**
- If you are using **Qualifying Reason #5**, please use reference code **CV5**
- If you are working from home remotely, please enter **REMOTE** on your timesheets

Employees may choose to use their sick bank, sick time and any other personal, float holiday and/or vacation time to ensure they receive their max accruals and maximum pay if on E-FMLA. Employees can supplement the 2/3rds pay with available accrued time. That is the choice of the employee.

Avenues Available to Employees

Emergency Paid Sick Leave (EPSL) – must qualify for one of the 6 reasons specified under the Act to receive 2 weeks (prorated) paid sick leave.

Use of sick bank or sick time – we would recommend using your sick bank first, then any sick time.

Other Accrued time – Once the sick/sick bank time has been exhausted, we would recommend using personal, floating holidays, or vacation accruals, as needed.

Unpaid Leave**– This would be left at the department head's discretion for needed manpower. Unpaid leave would affect accruals and money would be owed the Town for customary deductions. See note below.

Filing for Unemployment– This would be an avenue for limited part-time employees (under 20 hrs/wk) **if** work is unavailable.

Emergency Family Medical Leave Act - E-FMLA– Would run concurrent with extended sick leave. Once EPSL is exhausted, and employees meet the criteria for E-FMLA, employees could use sick bank, sick balance and/or other accrued paid leave to make themselves whole so they could continue to receive full accruals.

****Unpaid leave -- Please note** that if this option is taken, the employee **would be required** to pay up front, his/her cost of any deductions (health insurance, dues, dental insurance, etc.) customarily withheld from their pay related to any benefits, because there would not be a check in which to offset these expenses.

Any questions about use of accrued time, Emergency Paid Sick Leave or Emergency Family and Medical Leave, should be directed to Human Resources.

The above may be modified or amended to comply with State and Federal laws.

This is new territory for all of us so please bear with us as we navigate these waters.

Revised: 4.3.2020

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Qualifying Reason for Leave Related to COVID-19 Form

Please return to Department Head and HR

Select one

- _____ **Emergency Sick Leave Act – 80 hours (pro-rated) of paid leave for any of the qualifying reasons specified below. I am electing to use _____ hours under the ESLA.**
- _____ **Emergency Family Medical Leave Act – I am requesting leave, and am unable to work – including telework, due to the following Qualifying Reason for Leave Related to COVID-19 (please select one) effective from _____ to _____ (provide dates).**

Qualifying Reasons for Leave (select one)

1. _____ The employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19
2. _____ The employee has been advised by a health care provider to self-quarantine related to COVID-19
Doctors name: _____ **Date of order:** _____
3. _____ The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
4. _____ The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. _____ 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; or
6. _____ Is experiencing any other substantially-similar condition specified by the US Department of Health and Human Services.

- I understand the reasons for leave under (1), (2) and (3) will be paid up to \$511 daily and \$5,110 total.
- I understand the reasons for leave (4) and (6) will be paid at 2/3 for these qualifying reasons, up to \$200 daily and \$2,000 total (2 weeks)
- I understand up to 12 weeks of paid sick leave and expanded family and medical leave will be paid at 2/3 for qualifying reason #5 for up to \$200 daily and \$12,000 total (12 weeks)

Signature

Print Name

Date

REQUIRED DOCUMENTATION

Emergency Paid Sick Leave Act: If one of your employees takes paid sick leave under the Emergency Paid Sick Leave Act, you must require your employee to provide you with appropriate documentation in support of the reason for the leave, including: the employee's name, qualifying reason for requesting leave, statement that the employee is unable to work, including telework, for that reason, and the date(s) for which leave is requested. Documentation of the reason for the leave will also be necessary, such as the source of any quarantine or isolation order, or the name of the health care provider who has advised you to self-quarantine.

Emergency Family and Medical Leave Act: If one of your employees takes expanded family and medical leave to care for his or her child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19, under the Emergency Family and Medical Leave Expansion Act, you must require your employee to provide you with appropriate documentation in support of such leave, just as you would for conventional FMLA leave requests. For example, this could include a notice that has been posted on a government, school, or day care website, or published in a newspaper, or an email from an employee or official of the school, place of care, or child care provider. This requirement also applies when the first two weeks of unpaid leave run concurrently with paid sick leave taken for the same reason.

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;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ 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:

- | | |
|---|---|
| <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

TTY: 1-877-889-5627

dol.gov/agencies/whd



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