



**Addendum to Temporary Personnel Policy Regarding  
Employee Leave and Telework**

**TEMPORARY PERSONNEL POLICY**  
**FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

**EFFECTIVE 4/1/20 – 12/31/20**

**Section 1 Policy**

- A. In accordance with the Families First Coronavirus Response Act (FFCRA), the Town of Marana provides leave under the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) to assist employees during the Coronavirus Disease 2019 (COVID-19) global pandemic.
- B. This policy is effective from April 1, 2020 through December 31, 2020.
- C. The provisions of this policy are not intended to conflict with or supersede federal law, nor should they be interpreted or construed to do so. If any provision of this policy conflicts with federal law, federal law shall control.

**Section 2 Definitions**

In this policy, the following terms shall have the following meanings:

- A. Child care provider: A provider who receives compensation for providing child care services on a regular basis.
  - 1. Child care provider includes a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that is licensed, regulated or registered under state law and satisfies the state and local requirements.
  - 2. The eligible child care provider need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee's child.
- B. Emergency Paid Sick Leave: Paid leave under the Emergency Paid Sick Leave Act (EPSLA).
- C. Emergency responder:
  - 1. All commissioned Marana Police Department (MPD) law enforcement officers.
  - 2. All personnel in the MPD Communications Division.

- D. Expanded Family and Medical Leave: Leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA).
- E. Place of care: A physical location in which care is provided for the employee's child while the employee works. The physical location does not have to be solely dedicated to such care. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.
- F. School: An elementary or secondary school.
  - 1. "Elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school that provides elementary education, as determined under state law.
  - 2. "Secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under state law, except that the term does not include any education beyond grade 12.
- G. Son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is under 18 years of age, or who is 18 years of age or older but is incapable of self-care because of a mental or physical disability.

### **Section 3 [reserved]**

### **Section 4 Emergency Paid Sick Leave Act (EPSLA)**

- A. Eligibility
  - 1. All Town of Marana employees are eligible for Emergency Paid Sick Leave, with some exceptions for emergency responders.
  - 2. Emergency responder eligibility
    - a. Emergency responders are eligible for Emergency Paid Sick Leave for the reasons listed in Section 4(C)(1) through (4).
    - b. Emergency responders' eligibility for Emergency Paid Sick Leave for the reasons listed in Section 4(C)(5) and (6) will be determined on a case-by-case basis taking into consideration the Department's operational needs. If emergency responders are granted leave for either of these reasons, the Town Manager or Department Head may revoke the leave at any time based on changing operational needs.
- B. Emergency Paid Sick Leave Entitlement
  - 1. Eligible full-time employees are entitled to 80 hours of Emergency Paid Sick Leave for calendar year 2020.
  - 2. Eligible part-time employees are entitled to a number of hours equal to the number of hours that such employee works, on average, over a 2-week period for calendar year 2020.
- C. Qualifying Reasons for Emergency Paid Sick Leave. Employees shall be permitted to use Emergency Paid Sick Leave when the employee is unable to work or telework for any of the following reasons:

1. The employee is subject to a federal, state, or local quarantine due to concerns related to COVID-19 or is subject to any order from the federal, state or local government requiring the employee not to leave the employee's residence.
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. The employee is caring for an individual who is subject to an order as described in subparagraph 1 of this paragraph or for an individual who has been advised as described in subparagraph 2 of this paragraph.
5. The employee is caring for their son or daughter if the school or place of care of the son or daughter has been closed, or the child care provider of the son or daughter is unavailable due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition as specified by the United States Secretary of Health and Human Services.

#### D. Compensation

1. For qualifying reasons listed in Section 4(C)(1) through (3), Emergency Paid Sick Leave is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked. Payment shall not exceed \$511 per day and \$5,110 in the aggregate.
2. For qualifying reasons listed in Section 4(C)(4) through (6), Emergency Paid Sick Leave is compensated at 2/3 the amount described in subparagraph 1 of this paragraph.
  - a. Payment shall not exceed \$200 per day and \$2,000 in the aggregate.
  - b. An eligible employee may use any accrued vacation, MTO, sick, or compensatory leave for the remaining 1/3 of the employee's regular rate of pay to receive full pay while on Emergency Paid Sick Leave.
3. Part-time employees shall receive the pro-rated equivalent of this pay based on typical work schedule.

### **Section 5 Emergency Family and Medical Leave Expansion Act (EFMLEA)**

#### A. Eligibility

1. All Town of Marana employees who have been employed by the Town for at least 30 calendar days are eligible for Expanded Family and Medical Leave, with some exceptions for emergency responders.
2. Emergency responders' eligibility for Expanded Family and Medical Leave will be determined on a case-by-case basis taking into consideration the Department's operational needs. If emergency responders are granted Expanded Family and Medical Leave, the Town Manager or Department Head may revoke the leave at any time based on changing operational needs.

#### B. Expanded Family and Medical Leave Entitlement

1. Eligible employees are entitled to up to 12 weeks of Expanded Family and Medical Leave.

2. The employee must take the 12 weeks of Expanded Family and Medical Leave between April 1, 2020 and December 31, 2020.
  3. Any Expanded Family and Medical Leave taken by an employee will count towards the employee's 12-week FMLA leave entitlement as set forth in Section 4-7-4 of the Town of Marana's Personnel Policies and Procedures.
- C. Qualifying Reason for Expanded Family and Medical Leave. The employee is unable to work or telework due to a need to care for his or her son or daughter whose school or place of care has been closed, or whose child care provider is unavailable, for reasons related to COVID-19. An eligible employee has need to take Expanded Family and Medical Leave for the purposes of this paragraph only if no suitable person is available to care for his or her son or daughter during the period of such leave.
- D. Compensation
1. The first two weeks (or 80 hours) of Expanded Family and Medical Leave is unpaid leave. An eligible employee may elect to substitute Emergency Paid Sick Leave or any accrued vacation, MTO, sick, or compensatory leave for unpaid leave.
  2. The subsequent ten weeks (or 400 hours) of Expanded Family and Medical Leave shall be paid at 2/3 of an employee's regular rate of pay.
    - a. The 2/3 pay described in this paragraph shall not exceed \$200/day and \$10,000 in the aggregate.
    - b. An eligible employee may use any accrued vacation, MTO, sick, or compensatory leave for the remaining 1/3 of the employee's regular rate of pay to receive full pay during Expanded Family and Medical Leave.
  3. Part-time employees shall receive the pro-rated equivalent of this pay based on their typical work schedule.
- E. Return to Work. Employees returning from Expanded Family and Medical Leave are subject to the return to work provisions set forth in the Town of Marana's Personnel Policies and Procedures Section 4-7-18.

## **Section 6 Intermittent Leave**

- A. A Department Head may allow an employee to take up to the entire entitlement of Emergency Paid Sick Leave or Expanded Family and Medical Leave intermittently to care for the employee's son or daughter whose school or place of care is closed, or whose child care provider is unavailable, because of reasons related to COVID-19. If approved, the employee may take the intermittent leave in any increment of time agreed to by the Department Head and the employee.
- B. If a Department Head approves intermittent leave in accordance with this Section, the Department Head may revoke the approval at any time based on changing operational needs.
- C. An employee may not take Emergency Paid Sick Leave intermittently if the leave is taken for any of the reasons specified in Section 4(C)(1) through (4) or (6). Once the employee begins taking Emergency Paid Sick Leave for one or more of those reasons, the employee must use the permitted days of leave consecutively until the employee no longer has a qualifying reason to take Emergency Paid Sick Leave.

**REVISION HISTORY**

	<b><i>DESCRIPTION OF CHANGE</i></b>	<b><i>DATE</i></b>
<b>OR</b>	Original Release	4/1/2020
<b>REV</b>	Revision	6/30/2020
<b>REV</b>	Revision	8/5/2020  (Ratified by Council 8/18/2020 Resolution No. 2020-089)

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