

PERSONNEL ADMINISTRATIVE INSTRUCTION 7.5
COVID-19 PROCEDURES AND LEAVE BENEFITS
Effective April 1, 2020 – December 31, 2020

I. GENERAL

On March 18, 2020 the federal government enacted the Families First Coronavirus Response Act (FFCRA) which requires certain employers to provide leave benefits to certain employees to assist in addressing the challenges of the COVID-19 pandemic. These leave benefits take effect on April 1, 2020 and are in effect until December 31, 2020.

Prior to the FFCRA, the City had implemented its own enhanced leave benefits for certain employees impacted by COVID-19. The City COVID-19 Leave Benefits have been modified, effective April 1, 2020, to incorporate the specific provisions and definitions of the FFCRA. An employee's previous use of City COVID-19 Leave Benefit through March 31, 2020 will not impact an employee's ability to use the modified benefits now provided as a result of the FFCRA. These benefits include:

- Emergency Paid Sick Leave – which shall be known as COVID-19 Sick Leave Benefit
- Childcare Paid Family Medical Leave – which shall be known as COVID-19 Childcare Leave Benefit

II. PURPOSE

The purpose of this instruction is to provide guidance to employees and supervisors regarding the leave benefits available specific to the COVID-19 pandemic. The objective of such leave is to protect the safety and well-being of the City's workforce and take steps to ensure uninterrupted services to the citizens of Hampton.

Employees who are sick and exhibit signs of the virus should stay home and are encouraged to visit the Center for Disease Control (CDC) like for specific guidance and information <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>

Departments shall direct employees with symptoms of COVID-19 who pose a direct threat of exposure and infection to other employees and the public, to go home and seek further medical treatment from a licensed medical provider. If an employee is sent home for the reasons identified above, that time is applied towards the COVID-19 Sick Leave Benefit.

III. DEFINITIONS

- A. Employee: All Permanent Full Time (PFT), Permanent Part Time (PPT) and WAE employees.
- B. Emergency Responder: An employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of COVID-19 patients, or whose services are otherwise needed to limit the spread of COVID-19. For the purposes of this PAI only, the

list of positions and/or departmental divisions considered to be emergency responders can be found in Addendum A of this instruction.

- C. Licensed Health Care Provider: a licensed doctor of medicine, nurse practitioner, or other health care professional authorized to make medical diagnoses.
- D. Immediate Family Member: spouse, parent, guardian, child, sibling, grandparent, grandchild, including step, foster, half and mother-in-law and father-in-law relationships per Chapter Seven, Section V, of the City of Hampton Personnel Policies Manual. However, employees must produce documentation from a licensed health care provider certifying their immediate family member requires care related to COVID-19.

IV. COVID-19 SICK LEAVE BENEFIT

- A. Eligibility: Any PFT, PPT or WAE employee of the City, not otherwise excluded by this instruction, qualifies for COVID-19 Sick Leave Benefit if they fall under one of the following categories of eligibility events:

- 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; or
- 4. The employee is caring for an individual that is subject to an order described in 1 or self-quarantining as described in paragraph 2; or
- 5. The employee is caring for a son or daughter because the child's school or child care facility has closed due to COVID-19; or
- 6. The employee is experiencing any other substantially similar conditions specified by the Secretary of Health and Human Services.

- B. Benefit:

- 1. For eligibility events in IV(A) (1)-(3) as follows:
 - (a) PFT employees shall be eligible for a one-time benefit of up to two (2) weeks, the equivalent of 14 calendar days based on their normally scheduled hours, of paid COVID-19 Sick Leave at their full regular rate of pay.

- (b) PPT and WAE employees shall be eligible for a one-time benefit of paid COVID-19 Sick Leave based on the hours the employee is normally scheduled to work in a two-week period. For example, a PPT or WAE employee who normally works twenty (20) hours per week would only be eligible for up to forty (40) hours. This shall be paid at the employees' regular rate of pay.

2. For eligibility events in IV(A) (4)-(6) as follows:

- (a) PFT employees shall be eligible for a one-time benefit of up to two (2) weeks, the equivalent of fourteen (14) calendar days based on their normally scheduled hours, of paid COVID-19 Sick Leave at 2/3 of their regular rate of pay not to exceed \$200 per day and a total benefit not to exceed \$2,000.
- (b) PPT and WAE employees shall be eligible for a one-time benefit of paid COVID-19 Sick Leave based on the hours the employee is normally scheduled to work in a two-week period. For example, a PPT or WAE employee who normally works twenty (20) hours per week would only be eligible for up to forty (40) hours. This shall be paid at 2/3 of their regular rate of pay not to exceed \$200 per day and a total benefit not to exceed \$2,000.
- (c) This benefit may be used intermittently only if the employee is taking paid sick leave to care for their child whose school or place of care is closed, or whose childcare provider is unavailable, because of COVID-19 related reasons (eligibility event #5).
- (d) Emergency responders as defined in Section III(B) are excluded from eligibility under Section IV(B)(2).

C. Verification: All employees will be required to provide documentation to demonstrate they fall under an eligibility event and qualify for COVID-19 Sick Leave Benefit. Please see section (VI) Procedures for Leave Use for verification requirements.

V. COVID-19 CHILDCARE LEAVE BENEFIT

A. Eligibility: Any PFT, PPT, or WAE employee employed by the City for thirty (30) or more days, who cannot work or telework because the employee must care for a child under age 18 years of age or over 18 years of age if disabled, due to the closure of the child's school or child care provider caused by COVID-19 and such employee is not an emergency responder as defined in Section III(B) of this instruction.

B. Benefit:

- 1. An employee receives access to up to twelve (12) weeks of leave provided under the Family Medical Leave Act (FMLA) for childcare is eligible pursuant to

section V(A) of this instruction. If the employee has already utilized FML during the rolling calendar year, the number of weeks available for COVID-19 Childcare Leave Benefit will be reduced.

2. An eligible employee's first two (2) weeks (10 calendar days) of COVID-19 Childcare Leave Benefit are unpaid. However, the employee, at their sole option, may use one of the following for this period:
 - (a) Accrued leave (vacation, sick, personal days, comp time, etc.) or
 - (b) COVID-19 Sick Leave Benefit (pursuant to eligibility event #5)
 3. Following the initial ten (10) days of absence, the employee is awarded paid leave at 2/3 their regular rate of pay. COVID-19 Childcare Leave Benefit is capped at \$200 per day and not to exceed \$10,000.
 4. COVID-19 Childcare Leave Benefit may be used intermittently through December 31, 2020 until exhausted.
- C. Verification: All employees will be required to provide documentation to demonstrate they qualify for COVID-19 Childcare Leave Benefit. Please see section (VI) Procedures for Leave Use for verification requirements.
- D. Telework Determination: The determination as to whether an employee is able to telework is made by the department head.

VI. PROCEDURES FOR LEAVE USE

- A. Human Resources shall be responsible for processing requests and confirming eligibility for COVID-19 Sick Leave Benefit and COVID-19 Childcare Leave Benefit in accordance with the provisions set forth below:
 1. Employees are required to submit a medical note or other certification from a licensed medical provider confirming the diagnosis, quarantine and/or isolation requirements of the employee or immediate family member when seeking to use COVID-19 Sick Leave Benefit under any eligibility event except for #5 relating to childcare.
 - (a) Medical notes or other certification shall be submitted directly to Human Resources, not the employees' departmental supervisor, payroll representative, or other staff, via email to covid19@hampton.gov. Either the employee or their licensed medical provider may submit the information.

- (b) Human Resources shall review medical documentation, respond to the employee on whether they qualify for the leave benefit and if yes, enter the appropriate COVID-19 leave code in Kronos.
 - (c) Employees recognize that in using COVID-19 leave benefits, “COVID-19” will be reflected in Kronos for the purposes of tracking the leave and further, that information related to the use of COVID-19 leave may be shared on a need to know basis only, i.e. for Kronos, FEMA, VDH or other necessary purposes.
2. Employees are required to submit documentation verifying the closure of schools and unavailability of childcare due to COVID-19 and the employees’ relationship to the child needing childcare when seeking to use COVID-19 Sick Leave Benefit under eligibility event #5 or COVID-19 Childcare Leave Benefit.
- (a) Documentation shall be submitted directly to Human Resources, not the employees’ departmental supervisor, payroll representative, or other staff, via email to covid19@hampton.gov.
 - (b) Human Resources shall review the documentation, respond to the employee on whether they qualify for the leave benefit and if yes, enter the appropriate COVID-19 leave code in Kronos.
 - (c) Examples of documentation verifying closure of schools and unavailability of childcare include, but are not limited to: 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.
 - (d) Examples of documentation verifying an employee’s relationship to the child needing childcare include, but are not limited to: medical benefit enrollment documents, insurance card, birth certificate, court documents ie. custody order.

VII. RETURNING TO WORK

- A. Employees Tested or Symptomatic: Employees who tested positive for COVID-19 and/or were sent home due to observed symptoms of COVID-19 are required to submit a note to Human Resources from a licensed medical provider indicating they have been symptom free in accordance with Center for Disease Control guidelines and fit to return to work.
- B. Employees Exposed: Employees who have been exposed to COVID-19 are required to submit a note to Human Resources from a licensed medical provider confirming the known incubation period has elapsed and they are fit to return to work.

- C. Any employee utilizing COVID-19 leave benefits must be restored to the same or similar position at the conclusion of COVID-19 leave and upon their return to work.

VIII. EXTENDED ABSENCES

As with all illnesses, extended absences may be covered by available paid leave types including vacation leave, personal days, comp time etc. or for hybrid employees, they may be eligible for Short Term Disability. Inquiries regarding short-term disability should be directed to the Finance Department at 727-6230.

IX. TELEWORK/FLEXIBLE SCHEDULE/ALTERNATE WORK ARRANGEMENTS

Departments may utilize, where appropriate, alternative work practices to minimize spread of and exposure to infection.

- A. Factors to Consider: Departments shall consider the safety of employees and citizens as well as, business needs to ensure services to the public are not disrupted to the extent possible under the circumstances.
- B. Department Heads: All department heads shall:
 - 1. Review operational needs and determined what positons are aligned to successfully telework for the duration of the COVID-19 event only. Employees in the identified positions will receive instructions from the department head regarding the ability to telework, specific work tasks to be completed, deadlines and employees daily work schedule. Personnel Administrative Instruction 8.4, Alternate Worksite Program, is temporarily suspended to allow for expanded use of telework options by the workforce.
 - 2. Review operational needs and consider expanding the use of alternate work schedules, such as fewer people working more shifts to reduce employee contact.
 - 3. Review operational needs and consult with other departments to evaluate opportunities to temporarily reassigning employees to minimize critical staffing deficiencies. The reassignment shall be consistent with the employee's qualifications, training, and documented abilities.

X. PROHIBITED ACTIVITIES

- A. Retaliation and Discrimination
 - 1. It shall be unlawful to discipline, discriminate or retaliate against any employee for taking leave in accordance with this policy except where there is a founded case of fraud, waste or abuse.

2. It shall be unlawful to discipline, discriminate or retaliate against any employee for filing a complaint or assisting in a complaint alleging violations of the Emergency Family and Medical Leave Expansion Act and/or the Emergency Paid Sick Leave Act.
- B. Employee Replacement: Employers may not require an employee who needs COVID-19 Sick Leave Benefit to search for or find a replacement employee to cover the hours during which the employee is using their leave benefit.
- C. Supplementing of Leave: Employees may not use other types of accrued leave to supplement COVID-19 leave benefit caps or leave benefits paid out at only 2/3 the employee's regular rate of pay.
- D. Exclusions: Any employee who is an emergency responder as defined in Section III(B) of this instruction is excluded from eligibility for COVID-19 Childcare Leave Benefit and COVID-19 Sick Leave Benefit except that, leave will be granted under the COVID-19 Sick Leave Benefit for any of the following limited conditions, also set forth in Section IV(A)(1),(2) and (3):
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 due to concerns related to COVID-19.
 3. The employee is experiencing symptoms of COVID-19.
- E. Entitlement to Leave Upon Separation: Employees who separate from employment with the City shall not receive payment for unused COVID-19 Sick Leave Benefit or COVID-19 Childcare Leave Benefit.
- F. Fraud and Abuse: Any suspected of fraud or abuse of COVID-19 Sick Leave Benefit or COVID-19 Childcare Leave Benefit should be reported to Human Resources and will be investigated in accordance with City policies and procedures. An employee found to have misused such leave may be subject to disciplinary action up to and including dismissal.

XI. REVISIONS

The provisions of this instruction may be further defined as necessitated by public health events, standards, regulations, and Federal or State directives.

COVID-19 EMERGENCY RESPONDER LIST: 04/01/2020*

(This includes any employees who are temporarily assigned to perform the duties of positions like those listed below)

Department	Position/Division
Emergency Management	Deputy Coordinator
Emergency Management	Emergency Management Planner
Fire	Assistant Fire Chief
Fire	Battalion Chief
Fire	Deputy Fire Chief
Fire	Fire Captain
Fire	Fire Chief
Fire	Fire Lieutenant
Fire	Fire Rescue Maintenance Coordinator
Fire	Firefighter EMT
Fire	Medic/Firefighter
Fire	Office Specialist-Senior (EMS)
Fire	Recruit and Training Administrator
Fire	Recruit Firefighter
Fire	Warehouse Coordinator
Human Services	Adult Protective Service Division
Human Services	Child Protective Service Division
Parks, Recreation and Leisure Services	Blue Bird Gap Farm
Parks, Recreation and Leisure Services	Park and Beach Attendants
Parks, Recreation and Leisure Services	Park Rangers
Police	All sworn police officer
Police	Forensics - Civilian
Police	Information Desk - Civilian
Police	RTIC - Civilian
Police	Warrants - Civilian
Police	ComSec - Civilian
Public Works	All positions

*This list may be updated at any time.