



HUMAN RESOURCES DEPARTMENT

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LEAVE POLICIES RELATED TO COVID-19 *Effective March 29, 2020 through December 31, 2020*

(Revisions effective June 1, 2020)

The following policies address employee leave specifically related to the COVID-19 public health issues.

I. Paid COVID-19 Sick Leave

A. Eligibility

Every City of Missoula employee, regardless of date of hire, number of hours worked and employee status (i.e. seasonal, intermittent, regular, temporary) is eligible for two weeks (maximum 80 hours for full-time employee) paid sick leave to be used under the following circumstances, provided the employee is unable to work. *(This COVID-19 Sick Leave is in addition to current sick leave benefits provided by the City.)*

B. Qualifying Circumstances

Employees may use COVID-19 Sick Leave if at least one of the following conditions exists:

- 1) The employee has a current diagnosis of COVID-19;
- 2) The employee has been directed by a health care provider or governmental order to remain under quarantine, self-quarantine, or isolation in order to prevent the spread of COVID-19;
- 3) The employee is engaged in caregiving for an individual who has a current diagnosis of COVID-19 or is under quarantine as described in (2) above;
- 4) The employee is caring for a child (under 18 years of age) whose school or childcare provider is closed or unavailable for reasons related to COVID-19 precautions.

5) The employee is experiencing symptoms of COVID–19 and is seeking a medical diagnosis.

C. Calculation of Pay

An employee regularly scheduled to work forty (40) hours per week shall receive their regular base wage for the hours they are absent (e.g., 8-hour or 10-hour workday).

Part-time employees with a regular schedule shall receive pro-rated pay for the hours they are absent based on their regularly scheduled workweek. The maximum hours for which they are eligible shall be pro-rated based on their regular schedule (e.g., scheduled to work 20 hours per week = maximum 40 hours).

Available time for employees with varying schedules from week to week shall be calculated as follows: The number of hours equal to the average number of hours the employee was scheduled per day over the prior six-month period ending on the date on which the employee takes the paid sick leave. If the employee did not work over such period (e.g., seasonal employees), the calculation is determined by the number of regularly scheduled work hours per day based on communication at the time the employee was hired.

All wages shall be based on the employee’s regular base rate of pay.

D. Documentation and Notice

Employees wanting to use COVID-19 Paid Sick Leave are required to complete the “Request to Use COVID-19 Sick Leave” and submit a copy to Human Resources and their supervisor.

Where leave is foreseeable, an employee should provide notice of leave to the supervisor as soon as is practicable. An employee should notify the supervisor prior to the employee’s return to work.

No additional documentation, medical or otherwise, is required.

E. Special Provisions

- 1) The COVID-19 Sick Leave will be recorded and maintained separately from the employee’s regular accrued sick leave. The COVID-19 Sick Leave will not be carried forward after expiration of this policy.
- 2) The COVID-19 Sick Leave may not be donated to another employee.

3) The COVID-19 Sick Leave shall be used prior to other accrued and/or donated leaves in qualifying circumstances.

II. COVID-19 Additional Paid Leave

Employees who have completed at least ninety (90) calendar days of continuous employment with the City are eligible for up to an additional thirty (30) working days of paid leave after exhausting the two weeks of COVID-19 Sick Leave if conditions described in Sections I.B. 1-3, 5 above exist and employee is unable to work.

The additional thirty (30) days may not be used for situations described in Sections I.B.4 above. An employee's pay shall be calculated in accordance with I.C. above.

III. COVID-19 Extended Family Medical Leave

A. Eligibility

Employees who have been continuously employed at least thirty (30) calendar days regardless of number of hours worked and employee status (i.e. seasonal, intermittent, regular, temporary) is eligible for twelve (12) weeks of Family Medical Leave if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19 and the employee is unable to work.

IMPORTANT NOTE: "COVID-19 Family Medical Leave" taken by an employee is included in calculating the maximum 12 weeks in a 12-month period Family and Medical Leave maximum under existing City Human Resources policy. If an employee has taken regular FMLA within the immediately prior 12-month period, available COVID-19 Family Medical will be reduced accordingly.

B. Pay Conditions

1) The employee shall elect one of the following for the first two weeks of such leave:

a) Paid COVID-19 Sick Leave as defined in Section I above

- b) Leave without pay
- c) Use of employee's accrued regular sick, annual vacation, or compensatory time leave.

2) The remaining ten (10) weeks of leave shall be paid. The employee shall not be required to use other accrued leave time.

C. Calculation of Pay

A full-time employee is eligible for up to ten (10) weeks of paid COVID-19 Family Medical Leave at forty (40) hours a week. A part-time employee is eligible for leave based on the number of hours the employee is normally scheduled to work during a week.

Available time for employees with varying schedules from week to week shall be calculated as follows: The number of hours equal to the average number of hours the employee was scheduled per day over the prior six-month period ending on the date on which the employee takes the paid sick leave. If the employee did not work over such period (e.g., seasonal employees), the calculation is determined by the number of regularly scheduled work hours per day based on communication at the time the employee was hired.

All wages shall be based on the employee's regular base rate of pay.

D. Documentation and Notice

Employees wanting to use COVID-19 Family Medical Leave as defined in this policy shall complete the "Request to Use COVID-19 Family Medical Leave" and submit a copy to Human Resources and their supervisor.

If the employee elects to use COVID-19 Sick Leave for the first two weeks of such leave, the appropriate form shall also be completed and submitted to Human Resources and the employee's supervisor.

Where leave is foreseeable, an employee should provide notice of leave to the supervisor as soon as is practicable. An employee should notify the supervisor prior to the employee's return to work.

No additional documentation is required.

E. Special Provisions

1) The COVID-19 Family Medical Leave will be recorded and maintained separately from other paid leaves.

2) COVID-19 Family Medical Leave taken in accordance with this policy may be taken intermittently.

IV. Other Absences from Work

Employees who wish to be absent from work and who are unable to work remotely but do not meet the circumstances described in Section I.B. 1-5 above or Section VI.B. must use their sick or annual leave accruals per the City's existing policies and procedures. Donated leave may be requested by an employee in accordance with standard City policy set forth in the Human Resources Policy Manual and/or applicable collective bargaining agreement.

V. Donated Leave for COVID-19 Issues

A. Eligibility to Receive

All employees who accrue sick and annual leave are eligible to request donated leave. The 90-day qualifying period for use of sick leave and six-month qualifying period for use of annual leave is suspended.

Employees who have fewer than 40 hours of sick leave and 40 hours of annual leave (or less than an aggregate of 80 hours) may request donated leave from the COVID-19 Donated Leave Pool. Hours are pro-rated for part-time employees.

The number of hours an employee may receive depend on available hours in the pool.

B. Eligibility to Donate

Employees may donate an unlimited number of hours to the COVID-19 Donated Leave Pool, provided they maintain a minimum balance of 40 hours sick leave and 40 hours annual leave after the donation. The hours donated will not be removed from the employee's leave balance until the hours are provided to another employee.

VI. Public Health Safety Paid Administrative Leave

Public Health Safety Paid Administrative Leave is available to employees under the following circumstances. Employees are classified in one of two categories: 1) Emergency, as designated by their department head and defined in the COB, or 2) Non-essential/Essential.

A) Emergency personnel are ineligible for Public Health Safety Paid Administrative Leave. Emergency personnel are expected to report for work unless the employee meets the eligibility criteria for Paid COVID-19 Sick Leave, COVID-19 Additional Paid Leave, COVID- 19 Extended Family Leave, or standard sick leave policy provisions and have submitted appropriate paperwork to their supervisor and Human Resources.

B) Employees whose work is identified as Essential or Non-essential may be placed on Public Health Safety Paid Administrative Leave by their department head if the employee is unable to perform their regular duties for one of the following reasons:

- Job duties cannot be performed remotely (e.g., equipment operator, maintenance worker, etc.) and employee is unable to perform normal job duties because the department head has determined that those duties cannot be performed in a safe manner.
- Employee who has self-identified as high risk, per CDC guidelines, and is unable to perform work remotely.
- Employee is required by the City to self-quarantine due to circumstances not defined in I.B.1,2,3,5 above.

Public Health Safety Paid Administrative Leave may be paid on an intermittent basis or for all hours the employee is scheduled to work.