

RESOLUTION R2020-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO IMPLEMENT THE FEDERAL FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) PROGRAM, IN ORDER TO EXPAND PROTECTED LEAVE BENEFITS TO CITY EMPLOYEES IN RESPONSE TO THE COVID-19 PANDEMIC, INCLUDING THE EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (EFMLEA) AND EMERGENCY PAID SICK LEAVE ACT (EPSL)

WHEREAS, as a result of the impacts of COVID-19, staff requests approval to implement the Federal FFCRA provisions Emergency Paid Sick Leave Act (EPSL) and Expanded Family Medical Leave Expansion Act (EFMLEA) and take public health emergency leave to care for the employee's child during a COVID-19 public-health emergency; and

WHEREAS, EPSL is meant to provide paid sick time to employees who are unable to work due to the effects of COVID-19 for the following reasons: (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 Federal, State, or local quarantine or isolation order or self-quarantine related to COVID-19; (5) 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; or (6) is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury. The City will provide full-time employees compensation at their regular rate for up to 80 and 40 hours of regular rate of pay for part-time employees; and

WHEREAS, emergency responders are excluded from eligibility for leave under the EPSL, except for leave taken under reasons, (2), or (3) listed above. The City may deny leave to emergency responders whose services are necessary for emergency response operations. In addition, emergency responders may be called back to service after being approved for leave if emergency conditions change and the emergency responder's service is required. The City has identified Emergency Responders (also referred to as Disaster Workers), and they are identified in three categories: (1) First Responders, (2) Public Works, Facilities, and Critical Support Personnel, and (3) Other Disaster Service Workers; and

WHEREAS, the City has made agreements with Napa City Firefighters Association (NCFA), Napa Chief Fire Officers (NCFO), and Napa Police Officers' Association (NPOA) on the amount of EPSL hours available to the respective groups for reasons (2) or (3). Per the agreements, NCFA will be eligible for 120 hours of EPSL.

ATTACHMENT 1

NCFO employees who work 56-hour shift will be eligible for 120 hours of EPSL. NPOA will be eligible for 80 hours of EPSL.

WHEREAS, EFMLEA is meant to expand the Family Medical Leave Act (FMLA) to allow employees to take public health emergency leave through December 31, 2020, to care for the employee's child under the age of 18 during a COVID-19 public health emergency also referenced in reason (5) of EPSL. The City will provide up to 12 weeks of protected time off for an employee who cannot work because the school or child-care provider of that employee's child is closed as a result of a public-health emergency. The first 10 days of the leave will be unpaid, and employees may use EPSL or other available accrued leave. After the tenth (10th) day of leave, the employee is entitled to Public Health Emergency Paid Leave under FFCRA. Full-time employee leave shall be paid by the City at the employee's regular rate of pay up to a \$12,000 aggregate cap (over a 12 week period). Part-time employees are entitled to their regular rate of pay, subject to a pro-rated \$12,000 aggregate cap (over a 12 week period) based on the number of hours they would otherwise have been scheduled to work during the time they are taking leave. Employees may use their available accrued leave (sick leave, vacation, CTO, or management leave) in the event that they reach the cap before the end of their leave.

WHEREAS, the EFMLEA expands certain provisions of the FMLA, but does not provide additional time beyond the 12 total weeks available for FMLA leave; and

WHEREAS, the City may deny EFMLEA leave if the employee is an emergency responder, whose services are necessary for emergency response operations; and

WHEREAS, employees must complete a self-certification form to request for EFMLEA; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. The City Council hereby: (a) approves the Families First Coronavirus Response Act (FFCRA) Program, attached hereto as Exhibit "A," and incorporated herein by reference; and (b) authorizes the City Manager to implement the Program.

3. This Resolution shall take effect immediately upon its adoption.

ATTACHMENT 1

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 21st day of April, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to form:

Michael W. Barrett
City Attorney