



**HR – Emergency Paid Sick Leave for
Emergency Responders Related to COVID-19
City of Crystal Lake Administrative Directive**

PURPOSE:

The Governor of the State of Illinois has issued a disaster proclamation because of the COVID-19 virus outbreak. The Mayor has declared a state of emergency in the City of Crystal Lake because of the COVID-19 virus outbreak and the World Health Organization declared the COVID-19 virus outbreak a worldwide global pandemic. Under the Governor's proclamation, the City of Crystal Lake and the services it provides to residents and businesses are essential services.

During the COVID-19 pandemic and the declared national emergency, the City of Crystal Lake is committed to serving the needs of our community. In order to provide essential services for the health, safety and welfare of the community, it is critical all City employees be available to work to maintain operations. On March 18, 2020, the Federal Government enacted the Families First Coronavirus Response Act (FFCRA). The FFCRA contains the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. Under that FFCRA, Emergency Paid Sick Leave Act and Emergency FML Expansion Act, certain professional, healthcare and governmental organizations are excluded from coverage under the Acts because of the essential services those individuals and entities provide to the community.

The City reviewed the definition of emergency responder under the guidelines established by the Department of Labor for purposes of application under FFCRA. Based upon City operation and the needs of the community, the City has excluded all emergency responders as identified below from the application of the FFCRA.

As defined by the FFCRA, an emergency responder includes, but is not limited to, law enforcement officers, firefighters, paramedics, emergency management personnel, public works personnel, and persons with skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

Designated emergency responders include Fire, Police, and Public Works personnel as well as positions maintained in the command structure to support those departments.

The City understands that COVID-19 may affect all City employees including emergency responders as well. Accordingly, and in lieu of the benefits provided under the FFCRA, when a full time employee excluded as an emergency responder under the FFCRA is unable to work or telework, they may be eligible to receive up to 80 hours of paid emergency sick leave for the purposes and uses outlined in this directive.

The following positions are designated as Emergency Responders for purposes of this policy:

- City Manager
- Chief of Fire Rescue
- Chief of Police
- Deputy Chief of Police

- Deputy City Manager
- Director of Community Development
- Director of Finance
- Director of Human Resources
- Director of Information Technology
- Deputy Chief of Fire Rescue
- Fire Battalion Chief
- Fire Bureau Chief
- Fire Lieutenant
- Firefighter/Paramedic
- Fire Inspector
- Building Commissioner
- Building/Plumbing Inspector
- Laboratory Supervisor
- Building Inspector
- Engineering Inspector
- Director of Public Works
- Assistant to the Director of Public Works
- Public Works Superintendent
- Police Commander
- Police Sergeant
- Police Officer
- Community Service Officer
- Police Records Supervisor
- Public Works Supervisor
- Program Coordinator
- Facility Operator
- Distribution System Operator
- Maintenance Worker
- Collection System Operator
- Distribution System Operator
- Fleet Auto Technician

PROCEDURE:

An employee designated as an emergency responder under the FFCRA and for purposes of this policy may be eligible for up to 80 hours of Emergency Paid Sick Leave related to COVID-19 if the employee is unable to work, including a flexible shift or telework, for any of the following reasons:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 (To qualify for emergency paid sick leave, an employee must provide a quarantine or isolation order directed to the employee or the employee’s household specifically. The criteria for paid leave cannot be based upon general direction to the public, “shelter in place” or public emergency order); or
2. Has been advised by a health care provider to self-quarantine for reasons related to COVID-19; or
3. Has a COVID-19 medical diagnosis or is experiencing COVID-19 symptoms and is seeking a medical diagnosis; or
4. Is caring for a family member as defined by the FMLA who has a COVID-19 diagnosis or is subject to or advised by a healthcare provider to quarantine or isolate for reasons related to COVID-19.

The City will compensate employees who provide sufficient medical documentation, including a DOL Certificate of Healthcare Provider for the employee or their family member as defined by the FMLA for Categories 1, 2, and 3 above at 100% the employee’s base hourly rate. The City will compensate employees who provide sufficient medical documentation, including a DOL Certificate of Healthcare Provider for Category 4 at the rate of two-thirds (2/3) the employee’s base hourly rate of pay. The DOL Certificate for Healthcare Provider form is available on the Intranet or from

Human Resources. The emergency responder seeking benefits under this policy acknowledges that in order to receive benefits under this policy, he/she must provide the requested information and comply with this policy voluntarily.

Regarding Category 4 above, an employee may use accrued benefit time to supplement the remaining 1/3 of unpaid time at the employee's election. Employees will not be entitled to use benefit time to exceed 100% of their daily salary. Employees may use accrued sick (as allowed by the provisions in the Sick Leave Administrative Directive), vacation, personal business, or comp time for purposes of supplementing wages.

Emergency Paid Sick Leave is an additional benefit the City is providing to full time employees designated as emergency responders under the FFCRA and provides for a total paid sick leave benefit of 80 paid hours over a two-week period. An emergency responder who is exposed to a confirmed case of COVID-19 during their duties may be eligible to receive benefits under the applicable worker's compensation act. Under no circumstances, shall an employee be entitled to benefits under this policy and the workers compensation act for the same period.

The following guidelines apply to a request for benefits under this policy:

- Unless expressly rescinded, this policy will only be in effect from April 1, 2020 until December 31, 2020 and any leave taken under this policy must be completed on or before December 31, 2020.
- Between April 1, 2020 and December 31, 2020, a full time employee identified as an emergency responder may be entitled to a maximum of 80 paid hours of emergency paid sick leave as provided in this policy to be used only for purposes as described above.
- Emergency paid sick leave hours must be taken in full-day increments and the employee must continue to take paid sick leave each day until the employee either:
 - Uses the full amount of emergency paid sick leave; or
 - No longer has a qualifying reason for taking emergency paid sick leave and has provided the City with a note from a physician indicating they can safely return to work.
- Emergency Paid Sick Leave will run concurrently with unpaid leave under the Family and Medical Leave Act (FMLA). An employee may be entitled to additional leave under the City's FMLA policy but must comply with the requirements of the City's FMLA policy to qualify for any additional leave time.
- Employees who are not ill, but are either caring for a family member as defined by the FMLA or subject to a quarantine or isolation order will be required to work or telework if their Department Director determined that there is work that the employee may perform at home and/or if the employee can telework. If work or telework is available to the employee, the employee may be required to work in lieu of receiving paid sick leave benefits under this policy.
- The Department Director or Director of Human Resources will require a statement from a licensed health care provider and/or DOL Certificate of Healthcare Provider confirming the illness indicating the employee's condition falls within one of the criteria listed above and that the employee is unable to work (including telework). Appropriate documentation includes:

- The source of any quarantine or isolation order and may include a copy of the Federal, State or local quarantine or isolation order related to COVID-19 specifically applicable to the employee or family member as defined by the FMLA;
- The name of the health care provider who has advised the employee or family member as defined by the FMLA to self-quarantine due to concerns related to COVID-19;
- DOL Certificate of healthcare provider certifying the serious health condition of the employee or family member as defined by the FMLA.
- Employees are responsible for obtaining this health care provider's statement when requested by the City. The emergency responder seeking benefits under this policy acknowledges that in order to receive benefits under this policy, he/she must provide the requested information and comply with this policy voluntarily. Payment of emergency sick leave under this policy may be withheld pending the submission of proof of illness.
- Emergency paid sick leave will be paid at the employee's hourly rate at the time of leave use.
- Emergency paid sick leave hours will not carry over or be available after December 31, 2020 or be paid out upon employment termination. Emergency paid sick leave is not eligible to be used to purchase IMRF service credit upon retirement.

RESPONSIBILITY:

All City employees shall have the responsibility of familiarizing themselves with this directive and adhering to it. Any unauthorized use or abuse of emergency sick leave privileges for purposes other than those outlined above shall be grounds for disciplinary action, up to and including termination, and will be considered when reviewing the employee's overall performance.

This policy may be amended, suspended or rescinded at any time at the sole discretion of the City Manager's office. This policy does not provide the employees with any rights and the provisions of this policy are administered at the discretion of the City Manager's Office. Employees are required to adhere to the City's Administrative Directives, Safety Policies, and individual Department General Orders, Standard Operating Procedures or Special Directives. The City Manager may grant exceptions to this policy at his sole discretion.

Information regarding any diagnosis, official quarantine and/or information concerning an employee's illness or disability will remain confidential from all non-need-to-know employees and kept in the employee's medical files, which are in the possession of the Human Resources Department.

Department Directors and Supervisors shall have the responsibility to ensure that employees under their supervision fulfill the requirements of this directive. In addition, all supervisors shall assist with the administration of this directive.

This policy can be expressly withdrawn by the City at any time but no later than December 31, 2020.

Approved By: 
City Manager

Revised: 08/13/2020
Original Effective Date: 04/01/2020