City of Cambridge Temporary Policy on COVID-19 Related Employee Absences
Amended May 26, 2020

The City of Cambridge is committed to the health, safety and wellbeing of its employees and the community. As the local, national, and worldwide incidence of COVID-19 and the illness it causes continues to grow, it becomes even more imperative that we all do what we can to maintain a safe and healthy workplace that minimizes the transmission of contagious diseases.

Effective May 26, 2020, the City’s Temporary Policy on COVID-19 Related Employee Absences initially issued on March 17, 2020 is amended to recognize and incorporate the provisions of the federal Families First Coronavirus Response Act (FFCRA).

The FFCRA requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The provisions of the FFCRA are described in the attached poster. The provisions of FFCRA are in effect from April 1, 2020 through December 31, 2020.

The provisions of the FFCRA apply to all employees, regardless of budgeted hours or union status. To the extent this policy provides paid leave benefits beyond those that are required by the FFCRA and/or allows for greater flexibility in the use of accrued benefit time, those additional benefits apply to non-union benefit eligible employees in regular positions budgeted 20 or more hours per week. The City will be discussing this policy with union leaders, with a goal of extending similar benefits to bargaining unit employees.

Under the FFCRA, special rules apply to health care providers and emergency responders. At this time, the City of Cambridge has decided not to exercise its right to exempt its emergency responders. While it is our goal not to exempt emergency responders from these benefits it may be necessary to reevaluate this decision as this emergency continues.

A. Emergency Paid Sick Leave (EPSL) (formerly Paid Discretionary Leave)

Under the FFCRA, an employee is eligible for two weeks (up to 80 hours) of Emergency Paid Sick Leave (i.e., 80 hours for a 40 hour per week employee, 75 hours for a 37.5 hour employee, etc.) if he or she is unable to work (or unable to telework) due to a need for leave because the employee:

- is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- has been advised by a health care provider to self-quarantine related to COVID-19;
- is experiencing COVID-19 symptoms and seeking a medical diagnosis;
• is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
• is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons; or
• is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

A part-time employee is eligible for leave for the number of hours of leave that the employee works on average over a two-week period.

While the EPSL benefit under the FFCRA provides between 2/3 and full pay for the two weeks depending on the qualifying reasons for the leave, the City of Cambridge will provide all eligible employees with the two weeks (up to 80 hours) of Emergency Paid Sick Leave at 100% their regular rate of pay, regardless of qualifying reason. EPSL is a separate category of time and will not impact an employee’s other time balances (sick leave, vacation, personal, administrative, compensatory time).

You may take Emergency Paid Sick Leave intermittently if you are taking it to care for your child whose school or place of care is closed, or whose child care provider is unavailable, because of COVID-19 related reasons. If you are sick or possibly sick with COVID-19 or caring for an individual who is sick or possibly sick with COVID-19, the intent of FFCRA is to provide such paid sick leave as necessary to keep you from spreading the virus to others. Emergency Paid Sick Leave taken for those reasons must be taken in full-day increments continuously until you either (1) use the full amount of EPSL or (2) no longer have a qualifying reason for taking EPSL. If you no longer have a qualifying reason for taking EPSL before you exhaust the two weeks, you may take any remaining EPSL at a later time, until December 31, 2020, if another qualifying reason occurs.

NOTE: Employees who travel to CDC identified destinations (international or domestic) where the CDC is recommending that travelers remain at home, monitor their health, and avoid contact with others for a period of time after they return home, do not qualify for Emergency Paid Sick Leave unless they return sick or subject to a quarantine or isolation order due to illness or close contact with a COVID-19 positive individual. Absent a qualifying event, employees who chose to travel to these locations must use accrued sick or vacation time to stay home for the prescribed monitoring period following their trip.

Notification and Documentation

Employees who fall into one of the above categories and who would like to use Emergency Paid Sick Leave must advise their supervisor and the City of Cambridge Personnel Director orally or in writing. Notice must include:

• Your name;
• The date(s) for which you request leave;
• The reason for leave; and
• A statement that you are unable to work because of the above reason.

When requesting leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should also provide the name of the government entity that issued the order. If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice. Alternatively, the City may receive notice from a local public health official on behalf of the employee.

If you request leave to care for your child whose school or place of care is closed, or child care provider is unavailable, you must also provide:
• The name of your child;
• The name of the school, place of care, or child care provider that has closed or become unavailable; and
• A statement that no other suitable person is available to care for your child.

Employees may be required to provide supporting documentation (e.g. travel, doctor’s note, notice of school closure, etc.) as directed by the Personnel Director, City Manager or designee, however, approval for such leave will not be delayed based on a lack of documentation. If the leave is approved, the employee’s Department Head and appropriate payroll staff will be notified.

Employees do not need to exhaust other accrued time balances before accessing EPSL.

Emergency Paid Sick Leave is capped at two weeks (up to 80 hours) per employee. No employee will be eligible to receive more than two weeks of Emergency Paid Sick Leave.

B. Expanded Family and Medical Leave under the FFCRA (formerly Childcare during COVID-19 Related School Closure)

Additional leave, known as expanded family and medical leave (FMLA+) is also available under the FFCRA for employees who have been employed for at least 30 days prior to the start of their leave, who are unable to work (or telework) because of the need to care for a child whose school is closed or childcare provider is unavailable due to COVID-19 related reasons. Under the Emergency Family and Medical Leave Expansion Act (EFMLEA) of the FFCRA, the need to care for a child due to COVID-19 related reasons has been temporarily added as an additional qualifying reason to take FMLA leave. The maximum allowable weeks of leave under the FMLA does not change. Therefore, an employee who has already used leave under the FMLA can only use the amount remaining in their 12-week FMLA allotment for the calendar year. Additionally, as with other FMLA leave, employees may take FMLA+ leave on an intermittent basis.

• The first two weeks of FMLA+ leave is “unpaid” – but an employee may choose to apply their Emergency Paid Sick Leave, or other accrued time concurrently with the two week, unpaid portion of FMLA+ leave.
- After the initial two-week period, employees may take up to 10 additional weeks of paid leave at two-thirds the employee's regular rate of pay. While the FFCRA has a cap of $200 per day on these payments, the City will pay the full two-thirds amount without a daily cap on the benefit.

Beyond the FMLA+ leave and pay provisions, City of Cambridge employees who need to care for a minor child(ren) whose school or childcare provider is closed or unavailable for reasons related to COVID-19 may do so with any vacation, sick, personal, administrative or compensatory leave they have available for use, to supplement any portions of the benefits provided under FMLA+.

Notification and Documentation

Employees who qualify and would like to use FMLA+ must advise their supervisor and the City of Cambridge Personnel Director orally or in writing. Notice must include:

- Your name;
- The date(s) for which you request leave;
- The reason for leave;
- The name of your child;
- The name of the school, place of care, or child care provider that has closed or become unavailable; and
- A statement that no other suitable person is available to care for your child.

Employees may be required to provide other documentation as directed by the Personnel Director, City Manager or designee, however approval for such leave will not be delayed based on a lack of documentation. If the leave is approved, the employee’s Department Head and appropriate payroll staff will be notified.

Employees do not need to exhaust other accrued time balances before accessing FMLA+.

C. Employee Use of Accrued Time and Ability to Borrow Unaccrued Time

Employees who have received and exhausted the paid leave available under the FFCRA (Emergency Paid Sick Leave and FMLA+) and who need additional time off for a COVID-19 related reason described in this policy, may use their accrued sick leave (with no limit for their own illness or up to twenty working days for care of a family member) or other forms of accrued time (vacation, personal, administrative or compensatory).

In addition, employees who have exhausted either their vacation or sick leave and who still need to be absent for a COVID-19 related reason other than childcare may borrow up to two standard work weeks of either vacation or sick leave from future accruals (i.e., 40 hours for an employee who is budgeted 20 hours per week). For those employees who have exhausted their leave benefits under FMLA+ for childcare and at that time have less than two weeks of sick leave available for use may borrow up to two weeks of sick leave from future accruals.
Any request to borrow time must be submitted to the Personnel Director or designee along with supporting documentation.

No employee will be eligible to borrow more than two standard work weeks of time (sick leave or vacation leave) from future accruals. Employees who require additional time off after utilizing the maximum allowable benefits may request additional unpaid leave, including, without limitation, a personal leave, FMLA leave or Small Necessities Act leave, as applicable.

D. Prohibition Against Harassment, Discrimination and Retaliation

The City of Cambridge expects all staff to refrain from any form of discrimination, harassment or retaliation related to COVID-19, including without limitation, race, national origin, age, or disability. Any such instances should be reported to an employee’s supervisor, Department Head or the Personnel Director.

E. Potential Additional Policy Changes

The City of Cambridge reserves the right to make additions, revisions or other adjustments to this policy at any time. In addition, other City workplace policies may be amended, particularly if public health conditions worsen. This may be done to address the effects of more widespread illness or absences, more frequent needs for self-isolation or quarantine, disruption of care arrangements or the City’s priorities for pay continuity or for any other reason.

Dated: 5/27/20

By: Louis A. DePasquale
City Manager