

## City of Birmingham COVID-19 Public Health Emergency Leave, Emergency Paid Sick Leave Act (EPSL) and Expanded Family and Medical Leave Act Families First Coronavirus Response Act (FFCRA)

The chart below summarizes relevant portions of leave available related to COVID-19 and the City's general procedure for implementing the leave.

	City of Birmingham's COVID-19 Public Health Emergency Leave	Emergency Paid Sick Leave (EPSL)	Expanded Family and Medical Leave Act (Expanded FMLA)
<b>Eligibility</b>	Limited to City personnel excluded from the provisions of EPSL & Expanded FMLA and have not received any other COVID-19 related paid leave or advanced leave benefits.	Employees, excluding essential personnel identified in sections (1), (4) and (6) in the City of Birmingham Protocol health care providers and emergency responders, are eligible on or after their first day of employment with the City. <sup>1</sup>	Employees, excluding essential personnel identified in sections (1), (4) and (6) in the City of Birmingham Protocol health care providers and emergency responders, are eligible on or after their first day of employment with the City.
<b>Applicability</b>	Applies to leave taken between April 6, 2020, and December 31, 2020	Applies to leave taken between April 1, 2020, and December 31, 2020	Applies to leave taken between April 1, 2020, and December 31, 2020
<b>Duration of Leave</b>	<ul style="list-style-type: none"> <li>• Up to 10 working days or 80 hours of paid leave</li> <li>• Up to 120 hours of paid leave for Fire Department 24-hour shift personnel</li> </ul>	Full time employees receive up to 80 hours. Part time employees receive the number of hours equal to average number of hours they work over a 2-week period.	Up to 12 weeks (depending on previous FMLA usage; first 2 weeks run concurrently with EPSL)
<b>Qualifying Leave Reasons</b>	<ol style="list-style-type: none"> <li>(1) The employee has been advised by a health care provider to self-quarantine due to COVID-19 illness.</li> <li>(2) Employee is experiencing symptoms of COVID-19, has sought testing at a facility approved by Human Resources and awaiting a medical diagnosis.</li> </ol>	<ol style="list-style-type: none"> <li>(1) Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.</li> <li>(2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</li> <li>(3) Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.</li> <li>(4) Employee is caring for an individual who is subject to (1) or (2).</li> <li>(5) Employee is caring for a son or daughter of the employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.</li> <li>(6) Employee is experiencing any other substantially similar condition specified by the Secretary of the U.S. Department of Health &amp; Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.</li> </ol>	<ol style="list-style-type: none"> <li>(1) Employee is unable to work, or telework, due to a need to care for a son or daughter under the age of 18 because (1) the child's school or place of care has been closed, or the employee's child care provider is unavailable, as a result of the COVID-19 pandemic.</li> </ol>

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<b><i>Paid Leave</i></b>	<p>Up to 80 hours of paid sick leave; Up to 120 hours of paid leave for Fire Department 24-hour shift personnel</p> <p>Employees must use their accrued sick leave for any time off outside of the emergency leave approval period.</p>	<ul style="list-style-type: none"> <li>• If employees take EPSL for the purposes listed under (1), (2), and (3) above, they receive their regular rate of pay or the applicable minimum wage, whichever is greater. However, an employee’s pay cannot exceed \$511 per day and \$5,110 in total.</li> <li>• For leave taken for the purposes listed under (4), (5), and (6) above, an employee receives 2/3 of their regular rate of pay, or 2/3 of the applicable minimum wage, whichever is greater. However, an employee’s pay cannot exceed \$200 per day and \$2,000 in total. The remaining 1/3 is unpaid leave. Employees may elect to substitute accrued vacation, sick and/or other paid leave.</li> </ul>	<p>Initial 10 days (2 weeks) is unpaid leave. However, an employee may use EPSL or may use any accrued leave, such as vacation, sick, attendance incentive leave, etc., for these first 10 days.</p> <p>After the tenth day of leave, the employee receives the greater of 2/3 of his or her regular rate of pay, or 2/3 of the applicable minimum wage, whichever amount is greater, for the number of hours the employee would have been regularly scheduled to work. However, an employee’s pay cannot exceed \$200 per day and \$10,000 in total. The remaining 1/3 is unpaid leave.</p> <p>Employees may elect to substitute accrued vacation, sick and/or other paid leave.</p>
<b><i>Relationship with other leaves</i></b>	<p>Employees may choose any type of accrued leave (i.e., sick, vacation, hot time, compensatory time) for any COVID related absence beyond the time provided. (Hot time is for fire department employees.)</p>	<p>Employees are not required to use any other accrued leave prior to using EPSL. Use of EPSL does not count against an employee’s paid leave accrual balances, such as accrued sick leave, vacation leave or other paid leave.</p>	<p>Employees are entitled up to a maximum of 12 weeks of FMLA leave. If an employee has already used their FMLA leave for the employee’s rolling calendar twelve months, the Act does not provide them an additional 12 weeks of leave.</p>
<b><i>General Procedure for Requesting Leave</i></b>	<p>Employees who wish to request leave under this provision must contact the City of Birmingham Human Resources Department, complete the FMLA Request Form and indicate that leave is needed due to a COVID-19 related issue. Medical documentation must be provided.</p> <p>Public safety employees are excluded from school closure leave and will be required to provide medical documentation for all absences related to COVID-19. FMLA should be requested in accordance with the City of Birmingham’s Family and Medical Leave Policy by contacting Human Resources at <a href="mailto:LOA@birminghamal.gov">LOA@birminghamal.gov</a>.</p>	<p>Employees who wish to apply for leave under this provision of the Act should contact his or her manager and/or supervisor and give the specific reason for the leave. A FMLA Request Form should be completed, and employees must provide a written notice of the need for leave indicating the specific reason. Medical documentation will be required, if requested. Employees must follow his or her department’s procedure for requesting leave. Any unused EPSL cannot be used beyond December 31, 2020 and does not carry over to calendar year 2021.</p> <p>FMLA should be requested in accordance with the City of Birmingham’s Family and Medical Leave Policy by contacting Human Resources at <a href="mailto:LOA@birminghamal.gov">LOA@birminghamal.gov</a>.</p>	<p>Employees who wish to apply for leave under this provision of the Act should contact his or her manager and/or supervisor and give the specific reason for the leave. A FMLA Request Form should be completed and employees must provide a written notice should include a brief statement listing the need for leave and the start date and end date. Medical documentation will be required, if requested. Employees must follow his or her department’s procedure for requesting leave.</p> <p>FMLA should be requested in accordance with the City of Birmingham’s Family and Medical Leave Policy by contacting Human Resources at <a href="mailto:LOA@birminghamal.gov">LOA@birminghamal.gov</a>.</p>

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## **i (1) Law Enforcement, Public Safety, First Responders and Municipal Courts**

- a) Emergency management employees
- b) Fire, including EMTs
- c) Police
- d) Jail employees
- e) 911 and 311 call center employees
- f) Hazardous material responders
- g) Frontline employees providing support to law enforcement public safety and first responders
- h) Managers providing support to law enforcement public safety and first responder

## **(4) Public Works**

- a) Workers who provide support for the operation, inspection and maintenance of essential facilities and operations including bridges, roads, real property, parks, sidewalks and other critical operations
- b) Fleet maintenance personnel
- c) Traffic signal maintenance personnel
- d) Workers such as plumbers, electricians and other service providers who are necessary to maintain the safety, sanitation and essential operations of residences
- e) Workers who support road and line clearing to ensure the availability of needed facilities, transportation and communications
- f) Workers who support the effective removal, storage and disposal of residential and commercial solid and hazardous waste
- g) Frontline employees who support public works employees and operations
- h) Managers who support public works employees and operations

## **(6) Other Community-Based Government Operations and Essential Functions**

- a) Employees, such as building maintenance workers, laborers and security to maintain building functions and the security of City facilities
- b) Employees who support the operations necessary to maintain other community critical functions such as permits, licensing and inspections