

RESOLUTION 2020- 10

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE IMPLEMENTING A POLICY TO ENSURE THE TOWN'S COMPLIANCE WITH THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT WITH RESPECT TO EXPANSION OF THE FAMILY MEDICAL LEAVE ACT AND THE EMERGENCY PAID SICK LEAVE ACT

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a respiratory disease caused by the SARS-Co V-2 virus that can result in mild or severe symptoms, including fever, cough, and shortness of breath, and can lead to serious illness or death, particularly in the case of older adults and persons with serious chronic medical conditions; and

WHEREAS, COVID-19 is frequently spread through close contact between persons and respiratory transmission; and

WHEREAS, on March 18, 2020, the United States Congress passed the Families First Coronavirus Response Act to assist employers and employees during the pandemic; and

WHEREAS, by Resolution 2020-07, the City Council adopted the most recent version of the Town of Ashland City Personnel Policy, which contains the Town's policies with respect to sick leave and employee absences during non-health emergency times; and

WHEREAS, so that the Town can adhere to the Families First Coronavirus Response Act, the City Council desire to make provisions with respect to Town employees' eligibility for Family Medical Leave (FMLA) and Emergency Paid Sick Leave (EPSL).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the Town of Ashland City, Tennessee that:

1. All full-time employees shall be eligible for eighty (80) hours of Emergency Paid Sick Leave (EPSL), and all part-time employees shall be eligible for EPSL in an amount equal to the number of hours that the employee works on average over a two-week period. This grant of EPSL shall be in addition to the sick leave time that employees are entitled to accrue under the current Town of Ashland City Personnel Policy.
2. The EPSL may only be used by an employee for qualifying reasons as specified in the Emergency Paid Sick Leave Act section of the Families First Coronavirus Response Act. Such qualifying reasons include:

- A. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
 - B. The employee has been advised by a health care provider to quarantine due to concerns related to COVID-19;
 - C. The employee is experiencing symptoms of COVID-19 and is seeking a diagnosis;
 - D. The employee is caring for an individual who is subject to a quarantine order or has been advised to quarantine as outlined above;
 - E. The employee is caring for a minor son or daughter if the school or place of care has closed or is unavailable due to COVID-19; or
 - F. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretaries of Treasury and Labor.
3. The EPSL time granted herein shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for EPSL, and it may not be carried over into the following year unless the Families First Coronavirus Response Act is amended to require such carry-over.
 4. For all employees that are eligible for leave under the Emergency Expansion of the FMLA for a qualifying need related to a public health emergency, as defined by the Families First Coronavirus Response Act, and including but not limited to an employee's inability to work (or telework) due to the employee's sickness, the sickness of a family member of the employee for whom the employee must provide care, or the need for the employee to provide care for his or her minor child if the school or place of care has been closed or the childcare provider is unavailable due to a public health emergency. At all times, an employee's eligibility for such Emergency FMLA leave shall be governed by the definitions and restrictions contained in the Emergency Family and Medical Leave Expansion Act contained in the Families First Coronavirus Response Act.
 5. An employee shall be paid for qualifying Emergency FMLA leave under the Emergency Family and Medical Leave Expansion Act in accordance with the directives of the said Emergency Family and Medical Leave Expansion Act. Pursuant to such Act, the first ten days of such leave shall be unpaid, however, an employee may use his or her accrued sick or vacation or other leave he or she has accrued during this ten-day period. For the remainder of the leave, the employee shall be paid at the rate of two-thirds of an employee's regular rate of pay at the hours the employee would normally be scheduled to work, with a maximum limit of \$200/day or \$10,000 in the aggregate.
 6. Employees are not entitled to reimbursement for unused EPSL or Emergency FLMA leave upon termination, resignation, retirement, or other separation from employment.

7. This Resolution and the provisions made herein shall expire at the later of December 31, 2020, or the termination date for the provisions herein as provided by a later amendment or expansion of the Families First Coronavirus Response Act.

We, the undersigned City Council members, meeting in Regular Session on this 12th day of May 2020 move the adoption of the above Resolution.

Councilmember Jim Adams moved to adopt the Resolution.

Councilmember Harold C. Green seconded the motion.

Voting in Favor 7 Voting Against 0

Attest:

Steve E. Allen
Mayor Steve Allen

Kellie Reed
City Recorder Kellie Reed, CMC, CMFO