

CM-EO 2020-07

EXECUTIVE ORDER OF THE CITY MANAGER

PROVIDING FOR REVISED TEMPORARY PERSONNEL POLICIES

RELATED TO GOVERNOR'S DECLARATION OF EMERGENCY 20-52

The following Executive Order was adopted by the City Manager of the City of Melbourne, Florida on the date written below.

WHEREAS, on March 9, Governor DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida pursuant to Chapter 252 of Florida Statutes based upon substantial harm related to COVID-19 ("Governor EO 20-52"); and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued guidance to address COVID-19 advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, indoor and outdoor venues where groups of people congregate should be closed; and

WHEREAS, pursuant to Section 18-23 of Melbourne City Code, upon the Governor's said declaration of emergency, the city manager is authorized to order appropriate emergency measures as set forth in Section 18-26 of Melbourne City Code; and

WHEREAS, on March 20, 2020, the City Manager adopted and issued CM-EO 2020-01, temporarily modifying the personnel policies and procedures of the City of Melbourne to adopt temporarily policies in response to the declared state of emergency regarding COVID-19; and

WHEREAS, on March 31, 2020, the City Manager received additional direction from City Council regarding the Families First Coronavirus Response Act and the personnel policies and procedures of the City of Melbourne, and desires to adopt updated and revised temporary modifications to the personnel policies and procedures of the City of Melbourne.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA THIS 2ND DAY OF APRIL, 2020:

SECTION 1: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Travel-Based Self-Isolation Policy*, dated April 1, 2020, during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 1. This revised policy shall be deemed effective April 1, 2020 and

shall supersede the temporary policy of the same title adopted by CM-EO 2020-01 on March 20, 2020.

SECTION 2: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to repeal the temporary *Amendment to Sick Leave Policy* previously adopted by CM-EO 2020-01 on March 20, 2020. The revision and repeal is as set forth in the attached Exhibit 2. This repeal shall be deemed effective April 1, 2020.

SECTION 3: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt the *Emergency Paid Sick Leave Act Policy*, dated April 1, 2020, as set forth in the attached Exhibit 3. This temporary policy shall be deemed effective April 1, 2020.

SECTION 4: That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt the *Emergency Family and Medical Leave Expansion Act Policy*, dated April 1, 2020, as set forth in the attached Exhibit 4. This temporary policy shall be deemed effective April 1, 2020.

SECTION 5. That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the personnel policies and procedures of the City of Melbourne to adopt of the *Child Care Policy*, dated April 1, 2020, during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 5. This revised policy shall be deemed effective April 1, 2020 and shall supersede the temporary policy of the same title adopted by CM-EO 2020-01 on March 20, 2020.

SECTION 6: That this Executive Order shall take effect immediately upon adoption, and shall remain in effect for the duration of the Governor's Executive Order 20-52 unless this Executive Order of the City Manager is earlier revoked by the City of Melbourne.

BY: _____
Shannon M. Lewis
City Manager of the City of Melbourne

<p>Temporary Personnel Policy Travel-Based Self-Isolation Policy</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-07 Adopted 3/20/2020 Revised 4/1/2020</p>
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Travel-Based Self-Isolation Policy during declared state of emergency regarding COVID-19:

Because the Centers for Disease Control and Prevention (CDC) Travel Advisories will change from time to time depending upon new information, employees travelling internationally, domestically or on any cruise ship shall notify their department director prior to departure.

In the interest of public safety and welfare:

An employee who has or will be travelling to a country designated by the CDC as **Level 3** shall not return to work until 14 days after returning to the United States.

- The employee should self-isolate and monitor his or her health.
- An employee with no symptoms after the 14-day period may return to work.
- If symptoms of illness occur during the 14-day period, the employee should call the Brevard County Health Department, health care provider and department director.
- An employee who is quarantined due to travel to a Level 3 designated location is permitted to use any combination of vacation, compensatory or sick accrued leave or EPSLA leave. Alternatively, if possible, the Department Director may assign work pursuant to the Telecommuting Policy.
- A physician’s statement will be required in order to return to work.

An employee who has or will be travelling to a country designated by the CDC as **Level 2, or on a cruise**, shall monitor his or her health and limit interactions with others for 14 days after returning to the United States.

- An employee with no symptoms is to social distance him or herself from other workers but may return to work.
- Upon return to work, the employee shall keep a log of any other individual(s) he or she has close contact with.
- If symptoms of illness occur during the 14-day period, the employee shall not return to work and must immediately self-isolate and call the Brevard County Health Department, health care provider and department director. A physician’s statement will be required in order to return to work.
- An employee who does not perform work during this period is permitted to use any combination of vacation, compensatory or sick accrued leave or EPSLA leave. Alternatively, if possible, the Department Director may assign work pursuant to the Telecommuting Policy.

As requested by Human Resources, the employee shall provide adequate documentation supporting applicability of this policy.

EXHIBIT 2

<p>Temporary Personnel Policy Amendment to Sick Leave Policy</p>	<p><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-07 Adopted 3/20/2020 Revised 4/1/2020</p>
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Amendment to Sick Leave Policy during declared state of emergency regarding COVID-19:

Replaced with EPSLA Policy and EFMLA Policy

<p>Temporary Personnel Policy Emergency Paid Sick Leave Act Policy</p>	<p style="text-align: right;"><u>Authorization</u> CM EO 2020-07 Adopted 4/1/2020</p>
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COVID-19 related Emergency Paid Sick Leave Act (EPSLA) Policy effective April 1, 2020 through December 31, 2020:

The purpose of this policy is to incorporate the emergency paid leave required pursuant to the federal Emergency Paid Sick Leave Act (EPSLA).

Under the Emergency Paid Sick Leave Act (EPSLA), in addition to the eligibility to exercise accrued sick leave set forth in the City’s current sick leave policy and sick leave language in the City’s collective bargaining agreements, an eligible employee may receive up to 80 hours of paid sick leave for the following conditions:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19.
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.
- (3) The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
- (4) Caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine.
- (5) Caring for the employee’s son or daughter because the place of school or childcare is closed or the provider is unavailable due to COVID-19 related reasons.
- (6) Experiencing another substantially-similar condition as specified by the U.S. Dept. of Health & Human Services

As requested by Human Resources, the employee shall provide adequate documentation supporting eligibility under this policy.

The amount of wages paid under this policy is subject to the federal EPSLA, which is generally described as follows:

- For conditions (1), (2) and (3), wages paid are based on the employee's regular rate of pay for full time employees not to exceed \$511 per day and not to exceed \$5,110 in total.
- For conditions (4), (5) and (6), wages paid are based on 2/3 of the employee’s regular rate of pay for full time employees not to exceed \$200 per day and not to exceed \$2,000 in total.
- Part-time employees eligible for this leave will be provided paid leave

proportionate to their hours normally worked.

An employee who is sick (with other illnesses) should stay home and utilize leave as he or she typically would by following the City's established sick leave policy or leave provided for in a collective bargaining agreement.

Exemptions: The EPSLA provides an exception for "emergency responders" which is defined very broadly. For purposes of the City of Melbourne, the following positions have been identified as "emergency responders" exempted from this Policy: law enforcement personnel, communications personnel, key civilian police support personnel, firefighters, EMT's, paramedics, key firefighter support personnel, utility personnel responsible for water production and distribution, wastewater collection and treatment, utility system repair, key utility support personnel, fleet personnel, sworn law enforcement personnel within the Airport Police Department and all members of the Airport Operations/Maintenance Department . Human Resources will maintain a list of employees and positions considered "emergency responders." The City may modify the list of "emergency responders" as other critical positions are identified.

In recognition of the critical role that these exempted positions provide, the City has authorized that exempted employees shall be eligible for up to 80 hours of emergency paid sick leave consistent with this policy for the following limited reasons:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
4. The employee is caring for a member of the household who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or is caring for a member of the household who has been advised by a health care provider to self-quarantine.

<p>Temporary Personnel Policy Emergency Family and Medical Leave Expansion Act Policy</p>	<p><u>Authorization</u> CM EO 2020-07 Adopted 4/1/2020</p>
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COVID-19 related Emergency Family and Medical Leave Expansion Act (EFMLA) Policy effective April 1, 2020 through December 31, 2020:

The purpose of this policy is to incorporate the emergency family leave required pursuant to the federal Emergency Family and Medical Leave Expansion Act (EPSLA).

The Emergency Family and Medical Leave Expansion Act (EFMLA) amends the Family and Medical Leave Act (FMLA) to create a new category of protected leave for eligible employees who cannot work (or telework) due to the need to care for a son or daughter if the child's school or place of care has been closed and a child care provider is unavailable due to COVID-19.

The total amount of available leave time under the FMLA is unchanged by the emergency expansion (12 weeks in a 12-month period). The FMLA expansion does not create a separate leave period for COVID 19-related leave. For employees who have already used their FMLA, the EFMLA will not provide a benefit unless the employee begins a new 12-month FMLA period. Employees must provide notice to their employer as soon as practicable when the need for leave is foreseeable.

Under the EFMLA, the first 2 weeks (10 days) of leave necessitated by a public health emergency related to COVID-19 is unpaid. An employee may use emergency paid leave provided by EPSLA for the first 80 hours, if applicable, or may elect to use their accrued sick or vacation leave during that time period.

EFMLA leave after the first ten days is paid at a rate of two-thirds the employee's regular rate of pay based on the employee's regular schedule. However, paid leave pursuant to the EFMLA does not exceed \$200 per day, \$10,000 in total.

Employees must have been employed by the City for at least thirty days to be deemed eligible for EFMLA leave under this policy.

Exemptions: The EFMLA provides an exception for “emergency responders” which is defined very broadly. For purposes of the City of Melbourne, the following positions have been identified as “emergency responders” exempted from this Policy: law enforcement personnel, communications personnel, key civilian police support personnel, firefighters, EMT’s, paramedics, key firefighter support personnel, utility personnel responsible for water production and distribution, wastewater collection and treatment, utility system repair, key utility support personnel, fleet personnel, sworn law enforcement personnel within the Airport Police Department and all members of the Airport Operations/Maintenance Department. Human Resources will maintain a list of employees and positions considered “emergency

responders.” The City may modify the list of “emergency responders” as other critical positions are identified.

EXHIBIT 5

<p>Temporary Personnel Policy Child Care Policy</p>	<p><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-07 Adopted 3/20/2020 Revised 4/1/2020</p>
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Child Care Policy during declared state of emergency regarding COVID-19:

This policy applies to those employees that have been excluded from the federal EPSLA and the federal EFMLA as “emergency responders” as set forth in the Emergency Paid Sick Leave Act Policy and the Emergency Family and Medical Leave Expansion Act Policy.

Based upon the needs of the Department, Department directors are authorized to allow employees classified as “emergency responders” the use of the equivalent of federal EPSLA and federal EFMLA to care for a son or daughter of such 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.

Department directors are authorized to allow an employee to use the equivalent of federal EPSLA and federal EFMLA under this policy on the condition that the Department can provide continuity of services during the declared emergency regarding COVID-19 and that business operations of the Department are not substantially impacted. Using leave for purposes of child care under this policy is used at the Department director’s discretion. Not all employees are eligible for using leave under this policy and Department directors may decline a request to use leave under this policy based upon the nature of the position, the needs of the department, or other appropriate considerations. Authorized use of leave under this policy shall be limited to a two-week period and may be renewed for subsequent two-week periods at the discretion of the Department director and authorization for such leave may be revoked by the Department director based upon the needs of the Department.

As requested by Human Resources, the employee shall provide adequate documentation supporting eligibility under this policy.