

CM-EO 2020-12

EXECUTIVE ORDER OF THE CITY MANAGER

PROVIDING FOR A TEMPORARY PERSONNEL POLICY FOR EMERGENCY RESPONDERS

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, on April 28, 2020, the City Manager received additional direction from City Council regarding the personnel policies and procedures of the City of Melbourne, and desires to adopt a temporary modifications to the personnel policies and procedures of the City of Melbourne.

NOW THEREFORE, IT IS ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA AS OF THE 29th 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 *Emergency Response Extra Leave Policy*, dated April 29, 2020, during the Governor's declared state of emergency regarding COVID-19, as set forth in the attached Exhibit 1.

SECTION 2. 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 Emergency Responder Extra Leave</p>	<p style="text-align: right;"><u>Authorization</u> Governor EO 20-52 Sec 18-26(4), City Code CM EO 2020-12 Adopted 4/29/2020</p>
---	--

Emergency Responder Extra Leave related to declared state of emergency regarding COVID-19:

In response to the federal Families First Coronavirus Response Act, the City identified certain employees as emergency responders exempted from certain benefits provided by the Emergency Paid Sick Leave Act Policy (“ePSL”) and the Emergency Family and Medical Leave Expansion Act Policy (“eFMLA”).

For purposes of the City of Melbourne, the following positions have been identified as “emergency responders” exempted from ePSL and eFMLA: 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.

This policy applies to those full-time City employees who are employed as “emergency responders” between March 9, 2020 (the effective date of the Governor’s COVID 19 declaration of emergency) and December 31, 2020 (the expiration date of ePSL and eFMLA).

A. First Responders Extra Leave.

For purposes of this policy, “first responders” are sworn law enforcement officers and certified firefighters.

First responders are limited in their use of federal benefits under the ePSL and eFMLA. Additionally, during the COVID 19 major national health emergency affecting all 50 states, first responders render services to preserve life, property and public health during conditions that significantly exceed normal response conditions for first responders, including direct physical contact with the general public.

Subject to the terms of this policy, a first responder will be eligible to access and use the following Extra Leave with pay for personal use:

- A first responder employed by the City between March 9, 2020 and May 8, 2020 will have access to 80 hours of Extra Leave;
- A first responder hired between May 9, 2020 and July 8, 2020 will have access to 40 hours of Extra Leave

- A first responder hired between July 9, 2020 and December 31, 2020 will have access to 20 hours of Extra Leave.

The Police Chief and the Fire Chief are not eligible for Extra Leave.

B. Emergency Responders Extra Leave (other than First Responders)

Emergency responders (other than sworn law enforcement officers and certified firefighters) are also limited in their use of federal benefits under the ePSL and eFMLA.

Subject to the terms of this policy, an emergency responder (other than sworn law enforcement officers and certified firefighters) will be eligible to access and use the 40 hours of Extra Leave with pay for personal use.

Department directors are not eligible for Extra Leave.

C. Conditions of Extra Leave provided by this policy.

- Extra Leave must be used, if at all, on or before May 31, 2022, at which time unused Extra Leave will expire automatically.
- Notwithstanding any other policy, Extra Leave may not be converted to cash and is not eligible for calculation of annual buyback.
- Extra Leave taken must be scheduled and approved pursuant to City and department policies and procedures similar to vacation leave.
- Extra Leave taken will be counted as time worked for purposes of overtime and pension.
- Extra Leave does not affect leave bank limits.
- A probationary employee may not take Extra Leave during his/her probationary period.
- Extra Leave will expire and be forfeited automatically upon separation from City employment for any reason, and will not be paid out on separation for any reason. Employees enrolled in DROP are not considered to be separated from City employment for purposes of this policy.