

MEMORANDUM

CITY OF GRAND RAPIDS

DATE: August 21, 2020
TO: Top Management
FROM: Mark Washington, City Manager
SUBJECT: **City Manager Administrative Order 2020 – 14: Policy and Guidance Regarding Available Options for Caregivers**

We continue to closely monitor the COVID-19 pandemic in collaboration with our partner agencies including the State of Michigan, Kent County Health Department, Kent County and our neighboring cities. The beginning of a new school year amidst continuing concerns about the virus have re-introduced challenges our employees faced in March-June of this year.

We have learned much about how to operate in these unique conditions and have modified our work and our workplaces to better maintain services, but we recognize that doing so with the added responsibilities of co-teaching our children is something that will have a persistent impact for the immediate future.

Understanding that every family situation is unique, and that each school or school district may be handling schooling differently in the fall, we have several options available to caregivers:

- Continued use of telecommuting
- Use of federally-mandated Emergency Paid Sick Leave
- Use of federally-mandated Expanded FMLA Leave
- Continued flexibility in scheduling, including an option for reduced work schedules where possible
- Any combination of the above

Unlike the Spring, where all residents and businesses were under a stay-at-home order, we now have a responsibility to remain open and available to our residents to provide services. Because of this, we ask that both supervisors and employees remain open and flexible to solutions that balance caregiving needs with the need to provide continued service to our community.

Telecommuting & Flexible Scheduling

A key to our continuity of operations response continues to be workforce flexibility. For those who are able, telecommuting remains an essential component for continuity of operations. Any employee wishing to telecommute should follow the procedures outlined in the City of Grand Rapids Teleworking Policy.

Department Directors are empowered to develop plans to maintain service according to their Continuity of Operations Plan. Directors/supervisors should meet individually with affected caregivers to understand their unique circumstances and reasonable alternatives/accommodations that will best support our employees while minimizing disruption to service levels. Elements of these plans could include one or more of the following options:

1. Establishing schedules or plans that enable staff members to telecommute and/or use accrued leave as work requirements allow*
2. Establishing offset (early/late shift) or rotational schedules should a minimum number of staff be required at your facility/office
3. Providing options for weekend and/or evening work hours where operationally feasible

** For employees who are telecommuting, please have them use the payroll code HOMWK for appropriate tracking.*

Reduced Work Schedule

Employees may elect to volunteer for a reduced (32-hour) work schedule in situations where the employee and supervisor are in concurrence that such an arrangement would not have a significant detrimental impact on service levels. Such an arrangement may provide additional flexibility for offset (early/late) schedules that support daytime schooling requirements.

1. Under such an arrangement, employees will only be compensated for hours worked but will maintain current benefits coverage.
2. Employees should understand that such an arrangement may have an effect on any benefits that are based on a percentage of the employee's income.
3. As with other provisions of this Order, certain essential positions or classifications may have limitations to eligibility.
4. Any arrangement under this provision should be reported to Labor Relations in advance.

Accrued Leave

To provide additional flexibility, **we will continue to allow use of earned sick time to care for school-aged children.** There are no other planned changes to leave or leave policies at this time. Federally-mandated provisions for Emergency Paid Sick

Leave and Extended Family and Medical Leave remain in effect through December 2020 and may be available to employees seeking additional flexibility to care for children. Those are outlined below.

Emergency Paid Sick Leave (EPSL)

The Families First Coronavirus Response Act (FFCRA) provides up to 80 hours of paid sick time for employees. This benefit went in to effect on April 2, and is not retroactive. This applies to all City employees, regardless of duration of employment.

1. This benefit provides up to 80 hours of paid sick leave at the employee's regular rate of pay if the employee is unable to work because:
 - a. The employee is subject to quarantine or isolation pursuant to a Federal, State or local government order or the advice of a health care provider
 - b. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis
 - c. The employee is caring for an individual subject to quarantine or isolation pursuant to a Federal, State or local government order or the advice of a health care provider
 - d. The employee is caring for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19
 - i. In recognition of the unique circumstances for schools in the fall, the City of Grand Rapids is interpreting this to include circumstances where a school may be open but providing virtual-only instruction, or where a caregiver has elected a virtual option for schooling.
2. Under the provisions of the CARES Act, Section 1(d) above applies to any City worker who is not required to report to work for essential functions and cannot reasonably be expected to telework. **To provide for additional flexibility, we will allow employees to combine EPSL with telework/alternative work schedules where the work requirements may provide for such an arrangement.**
3. Emergency responders/employees working in essential functions must receive prior authorization from their supervisor and Labor Relations before utilizing EPSL for reasons other than 1(a) or 1(b) above.
 - a. "Essential functions" has been defined by the Department of Labor as "...law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared

emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

- b. If an employee is uncertain of their status as an essential worker, they should verify with their supervisor and Labor Relations.
4. This benefit will apply to part-time employees based on their average number of hours worked.
5. Any employee wishing to take EPSL should do so through normal leave request processes.
6. Aside from this benefit, the City will continue to allow the use of an employee’s accrued leave for issues related to COVID-19.
7. These rules may be subject to updates and modification based on new or updated federal laws and/or future guidance provided by the US Department of Labor.

Applicability of Federally-Mandated Expanded FMLA Provisions (EFMLA)

The FFCRA provides for an expansion to eligibility for the 12 weeks of family and medical leave provided through FMLA. This benefit went into effect on April 2, and is not retroactive. This applies for any employee who has worked for the City for at least 30 days prior to April 2, 2020.

1. This benefit is available to any employee who is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.
 - a. In recognition of the unique circumstances for schools in the fall, the City of Grand Rapids is interpreting this to include circumstances where a school may be open but providing virtual-only instruction, or where a caregiver has elected a virtual option for schooling.
2. Emergency responders/employees working in essential functions must receive prior authorization from their supervisor and Labor Relations before utilizing this extended FMLA leave benefit.
 - a. “Essential functions” has been defined by the Department of Labor as “...law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities

employing these individuals and whose work is necessary to maintain the operation of the facility.”

- b. If an employee is uncertain of their status as an essential worker, they should verify with their supervisor and Labor Relations.
3. This benefit is paid at 2/3 the employee’s regular rate of pay.
4. Use of EPSL or accrued leave can apply toward the required two-week waiting period before EFMLA benefits may be applied.
5. EFMLA may be taken on an intermittent basis through December 31, 2020 as childcare/schooling may require. **To ensure continuity of services, we encourage that any intermittent EFMLA taken for the purposes of childcare/schooling should be regularly scheduled and agreed upon with the employee’s supervisor.**
6. Employees seeking to use the expanded FMLA benefit should do so using the standard FMLA procedures through Labor Relations.
7. These rules may be subject to updates and modification based on new or updated federal laws and/or future guidance provided by the US Department of Labor.

ENCOMPASS EAP Resources

Employees are reminded that there are a range of services available through ENCOMPASS WorkLife Services that may help in navigating through care options, including:

- Licensed childcare centers
- Licensed in-home childcare providers
- Licensed tutoring centers
- Licensed afterschool/before-school programs
- Other enrichment programs available in the employee’s area (camps, classes)

Employees may contact an ENCOMPASS work-life specialist to learn more about these programs and others that can provide support for families.

You are directed to implement these changes by Monday, August 24, 2020. Please work with your Deputy City Manager, Assistant City Manager or Managing Director to resolve any questions or concerns.

cc: Eric DeLong
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