

**Town of Rockland**  
**Emergency Modification to the Family & Medical Leave and Sick Leave Policies**  
**Pursuant to the Declaration of Emergency adopted March 17, 2020**

**I. Introduction**

The Town of Rockland (“Town”) is adopting this emergency modification to its sick leave policy in response to the unprecedented public health emergency related to the novel coronavirus and its related disease, COVID-19 in an effort to provide its valued employees with as much flexibility as possible to enable them to care for themselves and family members. In addition, the federal government has enacted legislation impacting sick leave in response to the COVID-19 pandemic, known as the Families First Coronavirus Response Act (“FFCRA”) effective April 1, 2020. This emergency policy incorporates the new federal law requirements and extends the application of ordinary sick leave to situations not expressly covered by the FFCRA sick leave requirements. The FFCRA also contains a provision for the Emergency Family and Medical Leave Expansion (“EFMLE”).

The Town recognizes that its employees will be impacted by this public health emergency in numerous ways, including but not limited to the following: the employee may become symptomatic; the employee may be subject to quarantine due to exposure to a symptomatic individual; the employee may need to care for children due to the closure of schools and childcare centers; the employee may need to care for an immediate family member who is sick, under quarantine, in isolation or otherwise unable to care for themselves as a result of the COVID-19 pandemic. This policy attempts to address as many iterations of the impact as possible, but recognizes that unforeseen situations may arise necessitating a case-by-case determination consistent with the stated goal of extending flexibility to its employees.

**II. Duration**

This policy is adopted as the result of the exigency created by the COVID-19 pandemic and following the Board of Selectmen’s Declaration of Emergency on March 17, 2020. This emergency policy is in effect as of April 1, 2020. This policy shall remain in effect until a vote of the Board of Selectmen terminating the Declaration of Emergency or the expiration of the FFCRA, now scheduled to expire on December 31, 2020, whichever is later. Upon termination of this policy, this policy shall not create a past practice or precedent.

**III. Amendment**

The Town shall reevaluate this policy at their discretion during the effective period of the public health emergency. The Town may make amendments to this policy from time to time with or without prior notice to the employees and their designated representatives for collective bargaining purposes.

The Town also reserves the right to amend this policy due to changes in State or Federal legislation. Legislation currently pending before the Massachusetts legislature may provide paid time off benefits in excess of that granted to police officers and firefighters under the FFCRA and EFMLE. If legislation is passed entitling police or fire personnel to take leave under G.L. Ch. 41 § 111F for COVID-19 related reasons, police and fire personnel may be exempted from this policy.

#### **IV. LEAVE ELIGIBILITY & ENTITLEMENTS**

##### **a. MODIFIED TOWN SICK LEAVE**

Employees shall notify their supervisor of any absence by phone or email as promptly as possible.

The supervisor shall inquire as to whether this absence is related to COVID-19 and, if so, a description of how it is related to COVID-19. The supervisor shall notify Human Resources in writing of the reason for the absence including a description of the relationship to COVID-19 so that a determination can be made as to the category of sick leave, including but not limited to, the use of Families First Coronavirus Act (FFCRA) sick leave that may cover the absence, if any.

An employee entitled to FFCRA sick leave may elect to use any ordinary sick leave option which may be available at the time of the COVID-19 related absence to which they are entitled or elect to use FFCRA sick leave after 4/1/20.

##### **b. FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)**

Under FFCRA, all full-time employees will be entitled to **two weeks (80 hours)** of emergency paid sick leave (hereinafter “FFCRA sick leave”). Part-time employees are granted FFCRA sick leave equivalent to their average hours worked in a two-week period. FFCRA sick leave is granted regardless of an employee’s actual available ordinary sick leave as a separate benefit. Employees who cannot work or telework may elect to be paid FFCRA sick leave if the employee is:

1. subject to a coronavirus quarantine or isolation order;
2. has been advised by a health care provider to self-quarantine due to coronavirus concerns;
3. is experiencing symptoms of coronavirus and is seeking a medical diagnosis;
4. is caring for an individual described in (1) or (2) above;
5. is caring for a child whose school or place of care is closed, or the childcare provider of the child is unavailable, due to coronavirus precautions; or
6. is experiencing any other substantially similar condition specified by Human Health Services (“HHS”) in consultation with the Treasury and Labor Departments.

FFCRA sick leave under categories 1, 2, or 3, entitles employees to their regular rate of pay, up to \$511 per day and \$5,110 in total.

FFCRA sick leave under categories 4, 5, or 6, entitles employees to receive two-thirds of their regular rate of pay, up to \$200 per day and \$2,000 in total.

c. **UPON EXHAUSTION OF FFCRA SICK LEAVE**

If an eligible Employee elects FFCRA, upon exhaustion of FFCRA leave, Employees absent due to the COVID-19 pandemic shall utilize paid time off in the following manner:

- i. Sick time exhaustion- Employees shall utilize paid sick time first. The Town during this pandemic shall allow sick time to be utilized for care of an immediate family member and/or childcare.
- ii. Other paid time off exhaustion- Employees shall then utilize other paid time off such as personal and/or vacation time.

d. **EXHAUSTION OF ALL PAID TIME OFF AND FFCRA SICK LEAVE**

In the event all leave is exhausted, Employees absent due to the COVID-19 pandemic shall notify the Director of Human Resources. The Town will allow borrowing against accruals for FY21.

e. **MODIFIED EMERGENCY FMLA EXPANSION LEAVE POLICY**

An eligible employee may take up to twelve (12) weeks of EFMLE leave if the employee is unable to work (including telework) in order to care for their child under the age of eighteen (18) as a result of the closure of their school or place of care for reasons related to the COVID-19 public health emergency.

The initial ten (10) days, with a maximum of eighty (80) hours total, of EFMLE leave are unpaid, but an employee may elect to use FFCRA sick leave or any accrued paid time off, including ordinary sick, vacation or personal time.

After the initial 10-day period of EFMLE, an employee is entitled to receive two-thirds (2/3) of their regular rate of pay for the number of hours he or she would be regularly scheduled to work, up to a maximum of \$200 per day and \$10,000 in total.

In the case of an employee whose schedule varies from week to week to such an extent that the Town is unable to determine with certainty the number of hours the employee would have worked if the employee had not taken leave, the Town shall calculate their regular rate

of pay based on the average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes such leave, including hours for which the employee took leave of any type.

Employees taking EFMLE leave must provide the Town/City with as much notice as is practicable. Employees on EFMLE leave are expected provide the Town updates as to their status and intent to return to work, as requested by the Town.