

WHEREAS, the US Congress has passed, and the President Donald Trump has signed, the Families First Coronavirus Response Act which includes the Emergency Family and Medical leave Expansion Act and the Emergency Paid Sick Leave Act, intended to ease the economic consequences stemming from the novel coronavirus disease (COVID-19) outbreak by expanding FMLA and sick leave available to certain employees effective April 1, 2020, and

WHEREAS, NYS enacted legislation regarding leave and other benefits for certain employees relating to COVID-19 effective immediately, and

WHEREAS, the legislation provides for a temporary change to the Town's health insurance coverage and FMLA rights, in pertinent part as follows:

The Town's health plans and its insurer must cover—without cost-sharing, preauthorization, or other medical management requirements—FDA-approved, in vitro diagnostic products to detect the virus that causes COVID-19. The coverage also includes related services furnished during urgent care, emergency room, or in-person or telehealth provider visits that result in an order for administration of a covered diagnostic test. This requirement is effective for the duration of the public health emergency declared by the Secretary of HHS.

The Town and its insurer are obligated to comply with the Emergency Family and Medical Leave Expansion Act, which amends the FMLA, to provide paid public health emergency leave to certain employees effective April 1, 2020 through December 31, 2020 for a 'public health emergency' such as COVID-19. The emergency leave generally is available when an employee, who has been employed for at least 30 days, is unable to work or telework due to a need for leave to care for a son or daughter under the age 18 because a school or place of care has been closed, or a paid childcare provider of such child is unavailable due to a public health emergency with respect to COVID-19 that is declared by a federal, state, or local authority. The first 10 days of leave may be unpaid, thereafter paid leave is required, calculated based on an amount not less than two-thirds of an employee's regular rate of pay and the number of hours the employee would otherwise be normally scheduled to work, not to exceed \$200 per day and \$10,000 in the aggregate. For the 10 day period an employee may elect to substitute any accrued, unused vacation leave, personal leave, or sick leave, for unpaid leave.

The Emergency Paid Sick Leave Act establishes a new paid sick time benefit effective April 1, 2020 through December 31, 2020. The Town must provide 80 hours of paid sick time to full-time employees who are unable to work or telework for specified virus-related reasons set forth below. Part-time employees are entitled to sick time based on their average hours worked over a 2-week period. This benefit is immediately available regardless of the employee's length of employment. The maximum amounts payable vary based on the reason for absence. Employees who are (1) subject to a quarantine or isolation order, (2) advised by a health provider to self-quarantine, or (3) experiencing symptoms and seeking diagnosis, must be compensated at their regular rate, up to a maximum of \$511 per day (\$5,110 total). Employees caring for an individual described in category (1), (2), or (3), caring for a son or daughter whose school is closed or child care provider is unavailable, or experiencing a "substantially similar condition" to be specified by HHS must receive two-thirds of their regular rate, up to a maximum of \$200 per day (\$2,000 total). The Town cannot require employees to find a replacement worker or use other sick leave before this sick time.

The above benefits have been enhanced by NYS legislation which took effect immediately. This law permits employees to take leave when they are subject to a mandatory or precautionary order of quarantine or isolation issue by NYS, the Dept. of Health, a local board of health or any governmental entity with authority to issue such an order due to COVID-19 (an Order). Public employers must allow employees 14 days of paid sick leave without deducting from the employee's accrued sick leave. The law creates a new category of Paid Family Leave which eligible employees may apply for if they are taking leave because they or their minor dependent child are subject to an Order. An eligible employee may also apply for disability benefits where the employee is unable to work due to an Order and has exhausted all paid sick leave provided under this law. PFL and disability benefits may be paid concurrently, however there are some exceptions. Further, employees can only obtain any leave and benefits under NYS law that are in excess of any leave or benefits provided by federal law or regulations.

NOW THEREFORE BE IT RESOLVED, that the above requirements are acknowledged by the Town Board and are, as long as in effect by federal or NYS law, rule or regulation, made a part of the Town Employee Handbook and/or applicable collective bargaining agreements, if any. This resolution shall take effect immediately. Copies of this resolution shall be posted on bulletin boards available to Town staff.