

Amended and Restated Executive Order No. 4: COVID-19 Emergency Responder Pandemic Leave

Issue Date: December 11, 2020

Subject: COVID-19 Emergency Responder Pandemic Leave

Authority Signature: Erin Mendenhall, Mayor

Preface:

On March 10, 2020, the Mayor of Salt Lake City issued a “Proclamation Declaring a Local Emergency” (the “Emergency Proclamation”) in response to the global outbreak of COVID-19. Subsequently, on March 12, 2020, the Mayor of Salt Lake City issued a second emergency proclamation entitled “Mayor’s Exercise of Emergency Powers Related to Salt Lake City Emergency Proclamation No. 1 of 2020” (the “Exercise of Emergency Powers Proclamation”). That same day (i.e. March 12, 2020), and pursuant to the Emergency Proclamation and the Exercise of Emergency Powers Proclamation, the Mayor of Salt Lake City also executed an Executive Order entitled “COVID-19 Emergency Pandemic Leave” (“First COVID-19 Executive Order”).

On March 20, 2020, in response to the increasing community spread of COVID-19, the Mayor of Salt Lake City rescinded the First COVID-19 Executive Order and executed a second Executive Order entitled “COVID-19 Emergency Pandemic Leave, Pandemic-related Work Modifications, and Contracts Procurement” (“Second COVID-19 Executive Order”). Eleven days later (i.e. on March 31, 2020), in response to the federal government’s enactment of the “Families First Coronavirus Response Act” (“FFCRA”), the Mayor of Salt Lake City rescinded the Second COVID-19 Executive Order and executed a third Executive Order entitled “Families First Coronavirus Response Act (“FFCRA”), Pandemic-related Work Modifications, and Contracts Procurement” (“Third COVID-19 Executive Order”).

Because City employees classified as “emergency responders” in Section 2.2 of the Third COVID-19 Executive Order are ineligible to receive emergency paid sick leave and/or emergency family and medical leave in accordance with the FFCRA, Salt Lake City Corporation created and implemented a new form of paid leave entitled “COVID-19 Emergency Responder Pandemic Leave.”

Therefore, the Mayor of Salt Lake City enacts the following Amended and Restated Fourth Executive Order regarding “COVID-19 Emergency Responder Pandemic Leave” (“Amended and Restated Fourth COVID-19 Executive Order”).

This Amended and Restated Fourth COVID-19 Executive Order is effective December 13, 2020 and will remain in effect through June 30, 2021 unless otherwise amended or rescinded.

1. Definitions.

- 1.1. "COVID-19" means a human infectious disease identified and classified by the World Health Organization and the Centers for Disease Control and Prevention ("CDC") as "coronavirus disease 2019."
- 1.2. "Symptomatic" means experiencing symptoms (as designated by the CDC) of COVID-19.
- 1.3. "Self-quarantine" means: i) the separation of an individual reasonably believed to have been exposed to COVID-19 from others; or ii) any other practice classified as such by the CDC.
- 1.4. "City employee" includes all full-time employees (defined as City employees who are regularly scheduled and work 30 or more hours per week), part-time employees (defined as City employees who work up to 28 hours per week or less than 130 hours per month), and seasonal employees (defined as City employees who perform work that: i) by its nature, is not performed continuously throughout the year; ii) may only be performed at certain times during the year; and iii) lasts six (6) months or less).
- 1.5. "Emergency responder" includes all City employees classified as such in Section 2.2 of the Third COVID-19 Executive Order.
- 1.6. "Personal leave" means and refers to the leave described in Section XV of City Policy 3.03.05 (Leave Practices).
- 1.7. "Sick leave" means and refers to the leave described in Section XVI of City Policy 3.03.05 (Leave Practices).
- 1.8. "Hospitalization leave" means and refers to the leave described in Section X of City Policy 3.03.05 (Leave Practices).
- 1.9. "Vacation leave" means and refers to the leave described in Section XVII of City Policy 3.03.05 (Leave Practices).
- 1.10. "COVID-19 Emergency Responder Pandemic Leave" means and refers to the form of paid leave created and implemented by this Amended and Restated Fourth COVID-19 Executive Order.

2. COVID-19 Emergency Responder Pandemic Leave.

2.1. An emergency responder who is unable to telecommute (as determined by the employee's department director and/or their designee(s)) AND is:

- i. advised by a health care provider to self-quarantine due to concerns related to COVID-19; OR
- ii. is symptomatic and seeking medical diagnosis

is eligible to receive up to 80 hours (or up to 96 hours if the employee is a firefighter in the Operations Division of the City's Fire Department) of COVID-19 Emergency Responder Pandemic Leave at 100 percent of their regular rate of pay (in lieu of using personal leave, sick leave, hospitalization leave, and/or vacation leave).

2.2. An emergency responder who is unable to telecommute (as determined by the employee's department director and/or their designee(s)) AND is:

- i. caring for an individual in the employee's household who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- ii. caring for their child (defined as an individual under fifteen (15) years of age) who lives in the employee's household and whose school, place of care, or child care provider is closed or unavailable due to COVID-19 related reasons; OR
- iii. experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services

is eligible to receive up to 80 hours (or up to 96 hours if the employee is a firefighter in the Operations Division of the City's Fire Department) of COVID-19 Emergency Responder Pandemic Leave at 66.66 percent of their regular rate of pay (in lieu of using personal leave, sick leave, hospitalization leave, and/or vacation leave).

However, all COVID-19 Emergency Responder Pandemic Leave taken pursuant to this section: i) must be taken in increments equal to or greater than eight (8) continuous hours (or equal to or greater than 24 continuous hours if the employee is a firefighter in the Operations Division of the City's Fire Department); ii) cannot exceed more than two (2) continuous regular work shifts (or more than 48 continuous hours if the employee is a firefighter in the Operations Division of the City's Fire Department); AND iii) is contingent upon the approval of the employee's department director and/or their designee(s).

If an emergency responder has other forms of paid leave (i.e. personal leave, sick leave, hospitalization leave, and/or vacation leave) available, they may elect (but are not required) to utilize such available paid leave to account for the difference between 66.66 percent of their regular rate of pay and 100 percent of their regular rate of pay.

2.3. COVID-19 Emergency Responder Pandemic Leave (regardless of whether taken under Section 2.1 above, Section 2.2 above, or a combination of both Section 2.1 and Section 2.2 above) is

limited to a total time period not to exceed 80 hours (or not to exceed 96 hours if the employee is a firefighter in the Operations Division of the City's Fire Department).

- 2.4. The Human Resources Department and Finance Department are empowered to, and shall be responsible for, the administration of COVID-19 Emergency Responder Pandemic Leave.

Dated this 11th day of December, 2020,


Erin Mendenhall (Dec 11, 2020 14:40 MST)
Erin Mendenhall, Mayor

Approved as to Form:

Salt Lake City Attorney's Office


Katherine Lewis (Dec 10, 2020 21:07 MST)

Katherine N. Lewis, City Attorney