

**Executive Order No. 3:  
Families First Coronavirus Response Act (“FFCRA”), Pandemic-related  
Work Modifications, and Contracts Procurement**

Effective Date: March 31, 2020

Subject: Families First Coronavirus Response Act (“FFCRA”), Pandemic-related  
Work Modifications, and Contracts Procurement

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On March 20, 2020, in response to the increasing community spread of COVID-19, the Mayor of Salt Lake City rescinded the First COVID-19 Executive Order and executed a second Executive Order entitled “COVID-19 Emergency Pandemic Leave, Pandemic-related Work Modifications, and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”).

In light of the federal government’s enactment of the “Families First Coronavirus Response Act” (“FFCRA”), the Mayor of Salt Lake City seeks to rescind the Second COVID-19 Executive Order and issue a third Executive Order pertaining to the FFCRA and certain other items.

Therefore, the Mayor of Salt Lake City rescinds the Second COVID-19 Executive Order and enacts the following Third Executive Order regarding “Families First Coronavirus Response Act (“FFCRA”), Pandemic-related Work Modifications, and Contracts Procurement” (“Third COVID-19 Executive Order”).

This Third COVID-19 Executive Order is effective immediately and will continue for the entire period of time that the Emergency Proclamation is in effect unless otherwise amended or rescinded.

1. Definitions.

- 1.1. "FFCRA" means the "Families First Coronavirus Response Act."
- 1.2. "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."
- 1.3. "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).

2. FFCRA Eligibility.


- 2.1. Unless subject to Section 2.2 below or otherwise ineligible pursuant to applicable law, a City employee may be entitled to receive emergency paid sick leave and/or emergency family and medical leave in accordance with the FFCRA.
- 2.2. All City employees in the following City departments and divisions are classified as "emergency responders" and, as such, are not eligible to receive emergency paid sick leave and/or emergency family and medical leave in accordance with the FFCRA:
  - i. 911 Communications Bureau
  - ii. Department of Airports
  - iii. Fire Department
  - iv. Police Department
  - v. Department of Public Services (Facilities Division)
  - vi. Department of Public Services (Fleet Division)
  - vii. Department of Public Services (Streets Division)
  - viii. Department of Public Utilities
  - ix. Department of Sustainability (Waste and Recycling Division)

However, nothing in this section prohibits a City employee classified as an "emergency responder" from receiving any form of emergency paid sick leave and/or emergency family and medical leave created by a subsequent Executive Order and for which the employee is eligible.

- 2.3. The Human Resources Department and Finance Department are empowered to, and shall be responsible for, the administration of emergency paid sick leave and/or emergency family and medical leave in accordance with the FFCRA.

3. Outside and Secondary Employment. To the extent any City employee holds either: i) outside employment; and/or ii) secondary employment (as referenced in Salt Lake City Police Department Policy 1030) that requires the City employee (as a condition of the outside or secondary employment) to attend any gathering or activity prohibited by Salt Lake County Public Health Order 2020-03 or any subsequent order or directive issued by Salt Lake County or the State of Utah, such outside or secondary employment is hereby prohibited as being inconsistent, incompatible, and in conflict with the City's duties, functions, and responsibilities per Section 2.44.060 of the Salt Lake City Code.
4. Work-Related Travel. All out-of-state work-related travel is prohibited. To the extent City department directors consider certain out-of-state work-related travel to be critical/essential to the operation of their department, they are directed to contact the Deputy Chief of Staff as soon as possible to request an exception from the Mayor's Office.
5. Pandemic-related Work Modifications. City department directors and/or their designee(s) are immediately required to implement all necessary modifications to work group processes and protocols in an effort to protect subordinate employees from being exposed to and/or inadvertently transmitting COVID-19. Such modifications may include, but are not limited to: requiring employees to travel in single-occupant vehicles (including, if necessary, personal vehicles) to, from, and within work sites; assigning employees to alternating work shifts; facilitating online or other remote clock-in and clock-out procedures or requiring managers/supervisors to track employee work time on their behalf; and/or temporarily eliminating certain non-essential work assignments that cannot be performed while simultaneously maintaining social distancing. Any City employee who cannot perform a non-essential work assignment while simultaneously maintaining social distancing shall (at the discretion of their department director or their designee(s)) be placed on paid administrative leave for the purpose of ensuring the employee is compensated for all hours they ordinarily would have worked but cannot due to the inability to maintain social distancing.
6. Contracts Procurement. To the extent any City department or division requires additional cleaning or sanitizing supplies, the Mayor waives any applicable procurement requirement to execute a contract to secure such supplies and authorizes such City department or division to immediately execute such contract.

Dated this 31st day of March, 2020,

  
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Erin Mendenhall, Mayor

Approved as to Form:

Salt Lake City Attorney's Office

  
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Mark E. Kittrell, Acting City Attorney