CITY OF MADISONVILLE
OFFICE OF THE MAYOR
EXECUTIVE ORDER 2020-4

EXECUTIVE ORDER PROVIDING FOR LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

KNOW ALL MEN BY THESE PRESENTS:

That I, Kevin Cotton, Mayor of the City of Madisonville, Kentucky, pursuant to the authority vested in me by applicable law, **DO HEREBY ORDER** as follows:

WHEREAS, the President signed into law the "Families First Coronavirus Response Act" to assist with the impact of COVID-19, employees may be eligible for additional leave under the law;

WHEREAS, to comply with the temporary leave requirements, the City of Madisonville is altering its leave policy for city employees effective April 1, 2020;

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. Pursuant to the Emergency Paid Sick Leave Act, all employees are eligible for two weeks of paid leave at their regular rate of pay for the following reasons. Eligible full-time employees will receive up to eighty (80) hours of paid sick leave. Eligible part-time employees will receive pay based on the average number of hours worked over the last six months. The Act allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave. a. Subject to a federal, state or local quarantine or isolation order related to COVID-19; b. Advised by a healthcare provider to self-quarantine due to COVID-19 concerns; c. Experiencing COVID-19 symptoms and seeking medical diagnosis; d. Caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a healthcare provider to self-quarantine due to COVID-19 concerns (caring for another who is subject to an isolation order or advised to self-quarantine as described above is not limited to only family members). e. Caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to COVID-19 precautions; or f. Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

2. Pursuant to the Emergency Family Medical Leave Expansion Act (EFMLEA), an employee that has been employed for thirty (30) days or more is eligible for up to twelve (12) weeks of job-protected leave to allow the employee, who is unable to work or telework, to care for the employee's child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency. The Act allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave.

a. The first 10 days of EFMLEA-qualified leave are unpaid. An employee may either be eligible for Emergency Paid Sick Leave as outlined in paragraph 1. or may take other paid leave concurrently with the EFMLEA.

b. Beginning the third week of EFMLEA, an eligible employee shall be paid according to the following:
i. Full-time employees at two-thirds the employee's regular rate for the number of hours the employee would otherwise be normally scheduled. The EFMLEA limits this pay entitlement to $200 per day and $10,000 in the aggregate per employee.

ii. Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking Emergency FMLA. Employees who have worked for less than six months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work.

c. The city will return the employee to their prior position in accordance with the restoration requirements of the FMLA

d. The city's FMLA leave is otherwise unchanged and any EFMLEA leave will count toward the employee's total twelve (12) weeks of job-protected FMLA leave.

The executive authority shall determine which employees are eligible for continued work or telework based on the needs and capacity of the city.

All other Employee Manual rules shall remain in force.

This order will become effective April 1, 2020 and terminate at the expiration of the Families First Coronavirus Relief Act, currently set for December 31, 2020.

On this the 20tth day of March, 2020

Mayor Kevin Cotton

ATTEST:

City Clerk