



City of Albany

City Manager Administrative Directive

Number: 2020-01-004

Title: Temporary Policy for Response to COVID-19

Purpose:

The purpose of this temporary policy is to recognize that the novel coronavirus, also known as COVID-19, has impacted the city of Albany locally. Our employees are at the forefront of our concern as we work to adapt quickly to this emerging public health threat and navigate new temporary operational practices in order to continue to best serve our community. In times like these, our community may need our services the most.

General Policy:

The City of Albany is following the guidance of the Oregon Health Authority (OHA), Centers for Disease Control (CDC), and Linn and Benton county health departments. The City is adhering to the recommendations of these agencies regarding preventive measures including social distancing, quarantines, and curtailment of nonessential City functions. The City will continue to adjust as the recommendations of these agencies change.

All current employees on the City of Albany's payroll who fall into one of the following categories and are not approved to telecommute will be provided one-time "Excused Paid Leave" of up to two weeks of the employee's regularly scheduled hours.* These leave hours run concurrently with the mandated Emergency Paid Sick Leave Act (EPSLA) and Emergency Family Medical Leave Expansion Act (EFMLEA) for eligible employees.

Qualifying Reasons For COVID-19 Paid Sick Leave

1. Quarantine — to comply with a Federal, State, or local quarantine or isolation order related to COVID-19, or a City mandated quarantine. This does not include situations where the City orders its residents to "shelter in place."
2. Self-Quarantine — to self-quarantine, if an employee has been advised to do so by a medical professional due to COVID-19.
3. Diagnosis or Treatment — to obtain a medical diagnosis or treatment if an employee is experiencing symptoms of COVID-19.
4. Care for a Quarantined Individual — to care for an individual subject to quarantine or isolation due to COVID-19
5. Child Care — to care for an employee's child if the child's school or place of care has been closed or is unavailable for reasons related to COVID-19. The Emergency Family Medical Leave Expansion Act (EFMLEA) and Oregon Family Leave may provide for additional leave for this reason. (See attached Charts A, B, and C; excludes emergency personnel))
6. Substantially Similar Condition — to care for a substantially similar condition specified by the Secretary of Health and Human Services.

Employees provided administrative leave shall use Payroll Project Accounting Code 100800-10000-1000 and Comment Code 'COVID-19 Absence' to account for the absence.

- a. "Excused Paid Leave" with Project Accounting Code 100800-10000-1000 will pay an employee's regular wage without utilizing leave accruals. This Comment Code does not identify whether or not an employee is ill; but instead is used for the sole purpose of tracking expenses associated with the City's response to COVID-19.



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- b. Employees utilizing Project Accounting Code 100800-10000-1000 (regular hours) must complete the Coronavirus/COVID-19 Absence Form and submit it to their direct supervisor for approval before submitting a timecard with the COVID-19 category.
- c. The employee's direct supervisor will forward the completed form to HR via email: hr@cityofalbany.net. Supervisors shall **not** retain a copy of this form. HR and/or Payroll will provide access to the Project Accounting and "Excused Paid Leave" codes for the employee's use.

*See attached chart B & C for eligibility and pay information.

In the event the CDC or OHA directs the City to take advanced precautionary steps such as social distancing, quarantines, or curtailment of non-essential City functions, employees who are not determined to be essential, resulting in absence from work, must utilize their own leave accruals per the City's existing Collective Bargaining Agreements and applicable Oregon law. The City shall determine which employees are essential.

Policy

Guidelines:

1. Telecommuting Guidelines. If an employee meets one of the General Policy categories and is not ill:
 - a. An employee shall first attempt to telecommute in order to serve the public in the best possible manner.
 - b. When an employee is in a position with telecommuting capabilities, he/she shall talk with his/her supervisor to gain approval and make appropriate arrangements for temporary telecommuting.
 - c. When telecommuting, an employee must be available via computer or phone and provide a contact phone number where he/she can be easily and readily reached during their regular workday.
 - d. If an employee is not in a position with telecommuting capabilities and is unable to come to work for reasons mentioned in one of the General Policy Qualifying Reasons above, Project Accounting Code 100800-10000-1000, and Comment Code 'COVID-19 Absence' is to be utilized to account for time away from work.
2. Employees who are diagnosed with COVID-19 may be approved for FMLA/OFLA leave for 80 hours (or two weeks of the employee's regularly scheduled hours.) No FMLA/OFLA paperwork will be required for the first two weeks of this leave. If the employee requests FMLA/OFLA leave in excess of the two weeks, they will be required to complete appropriate medical certification paperwork. In this situation, their pay status will be converted to FMLA/OFLA leave.



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3. Any approved “Excused Paid Leave” hours (COVID-19) used by an employee in a work week will not be counted toward actual hours worked for the purpose of calculating overtime.
4. Exceptions: Exceptions to this temporary policy may only be granted by the City Manager or designee. Any situation or circumstance not covered in this temporary policy shall be governed by existing City policies and Collective Bargaining Agreements.
5. Implementation: Department Directors and all supervisory staff are responsible for implementing this policy within their respective departments. Observance of this policy is mandatory for all City employees and violation may result in disciplinary action up to and including termination.
6. Any employee who separates from employment is not entitled to payment for any unused emergency paid leave per EPSLA.
7. Review: This temporary administrative directive shall be reviewed by the City’s Executive Leadership Team at least every 30 days and updated or revoked as necessary. This temporary policy is only in effect during the time period covered by the COVID-19 Emergency Declaration issued by the State of Oregon.

Definitions:

Novel Coronavirus / COVID-19: A respiratory disease caused by a novel (new) coronavirus. The virus has been named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019” (abbreviated “COVID-19”).

Curtailed Operations: A change or reduction to the routine services; service levels; and activities and functions of any given office, department, or division.

Emergency Personnel: Police and Fire as defined by DOL

Household Member: Any other person who regularly resides in the employee’s household.

Immediate Family: As defined by Oregon Family Leave Act: the spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent-in-law, parent of same-gender domestic partner, grandparent or grandchild of the employee, or a person with whom the employee is or was in a relationship of in loco parentis. It also includes the biological, adopted, foster or stepchild of an employee or the child of an employee's same-gender domestic partner. For the purposes of OFLA, an employee's child in any of these categories may be either a minor or an adult at the time serious health condition leave, sick child leave, or leave under ORS 659.159(1)(e) is taken.



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Isolation: A method to separate sick people with a contagious disease from people who are not sick. Isolation is a term applied to infection control actions that are taken by public health officials to stop or slow down the spread of a highly contagious disease.

Medical Advice: Information or advice received from a medical professional.

Quarantine: Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

Social Distancing: Measures taken to restrict when and where people can gather to stop or slow the spread of infectious diseases. Social distancing measures include limiting large groups of people coming together, closing buildings, and canceling events.

Telecommuting: A work arrangement in which the employee works outside the normal work site, often working from home.

Linn and Benton County Health Departments: The regional health authority for public health concerns.

Resources:

[Linn County Health Department](#) (website)

[Benton County Health Department](#) (website)


[Oregon Health Authority](#) (website)

[Centers for Disease Control](#) (website)

[2-1-1](#) (website, or dial 2-1-1)

Attached Charts A, B, and C

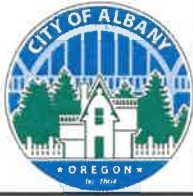
Review and Authorization

Amended Date: N/A	Effective Date: April 1, 2020
City Manager: 	

Form or worksheet revision related to this document? No Yes

If yes, attach a copy of the revised form or worksheet.

1. Training required? No Yes



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Chart A: Which Leave Law(s) Applies?

Need for Leave	FMLA	EFMLEA	OFLA	OR Sick Time	EPSLA
1. Subject to a local, federal, or state quarantine or isolation order	No	No	No	Depends. See OAR 839-007-0020(6)	Yes
2. Has been advised by a medical provider to self-quarantine due to COVID-19 concerns	No	No	No	Yes. OAR 839-007-0020(6)(b)	Yes
3. Is experiencing symptoms of and is seeking medical care for symptoms of COVID-19	Yes, if meets definition of "serious health condition"	No	Yes, if meets definition of "serious health condition"	Yes	Yes
4. Is caring for an individual for reasons 1-3	Yes, if individual fits the law's definition of "family member"	No	Yes, if individual fits the law's definition of "family member"	Yes, if individual fits law's definition of "family member"	Yes
5. Is caring for a child whose school has been closed, or whose childcare provider is unavailable, due to a public health emergency related to COVID-19	No	Yes For son or daughter as defined in FMLA; "school" means elementary and secondary schools (Excluding Emergency Personnel)	Yes For child as defined in OFLA; "school" is not defined.	Yes	Yes (Excluding Emergency Personnel)
6. Are experiencing any other "substantially similar condition"*	Yes	No	Yes	Yes	Yes

*As defined by the federal Secretary of Health and Human Services.

Legend:

- FMLA: Family Medical Leave Act (Federal)
- EFMLEA: Emergency Family Medical Leave Expansion Act (Federal)
- OFLA: Oregon Family Leave Act
- OR Sick Time: Oregon Sick Time
- EPSLA: Emergency Paid Sick Leave Act (Federal)



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Chart B: Which employees are eligible?

FMLA	Employees who have worked 1250 hours for the employer looking back over the last 12 months
EFMLEA	Employees who have worked for the employer at least 30 days immediately prior to need for leave.
OFLA	Employees who have been employed for at least 180 days for an average of 25 hours per week.
EPSLA	All employees

Chart C: To what pay is the employee entitled?

EFMLEA	First 10 workdays unpaid (employee can choose to use accruals or EPSLA); after that at least 2/3 of employee's regular pay during the leave, up to a maximum of \$200/day and \$10,000 total.
OR Sick Time	Up to 40 hours; prorated for part-time at regular rate. Temporary employees accrue OR sick time based on hours worked. Part-time regular employees accrue based on applicable policy and CBA.
EPSLA	Up to 80 hours; prorated for part-time. Pay regular rate, up to a maximum of \$511 per day and \$5,100 total. for reasons 1-3 in chart A. Employees must be paid 2/3 of their regular rate, up to a maximum of \$200 per day and \$2,000 total for reasons 4-6 in chart A..
Accrued Leave	Follow employer policy or Collective Bargaining Agreement to cover absences that are not covered by other leave laws.