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DATE: March 31, 2020
TO: All City Staff
FROM: J.D. Schulte, Interim City Administrator
RE: Exemptions from the Families First Coronavirus Response Act
Grant of Additional Leave Benefits

The Families First Coronavirus Response Act (“FFCRA”) includes a rule providing emergency paid sick leave for reasons related to COVID-19 and a second rule expanding FMLA leave. The qualifying reasons under FFCRA for use of the emergency paid sick leave are:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to paragraphs (1) or (2).
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is 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.

Please note the FFCRA does not apply to personnel whose work facility is closed (e.g., Library employees and School Crossing Guards).

After discussing the personnel needs of the City of Moline and the requirements of the FFCRA with the Mayor, City Council, HR Manager Fleming, Fire Chief Snyder, Chief of Police Gault, and legal counsel, and in consideration of the City of Moline’s needs for personnel to respond to emergencies and maintain operations that support those functions, the City is exercising its statutory rights to except Emergency Responders from both the Emergency Paid Sick Leave Rule and the expanded FMLA Rule as set forth in the FFCRA. For purposes of these exceptions, “Emergency Responders” includes all Police Department personnel (excluding School Crossing Guards), all Fire Department Personnel, and all Public Works personnel.

In lieu of the FFCRA rules, the City is granting Emergency Responders up to two weeks (i.e., up to 80 hours in aggregate total for full-time employees) of paid sick leave for the same qualifying COVID-19 related absences and under the same terms and limitations as set forth in the FFCRA (listed above), *with the exception that leave taken for qualifying reason 5 (i.e., the employee is caring for a child because the child’s school or place of care has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions) must be taken on an intermittent basis and is subject to being denied when, in the opinion of the Chief of Police, the Fire Chief or the Director of Public Works, such leave cannot be accommodated due to immediate personnel needs.* Again, all other terms and conditions set forth in the FFCRA concerning COVID-19 related Emergency Paid Sick Leave benefits are incorporated into and made a part of the leave hereby granted by the City of Moline to Emergency Responders. For example, just as in the FFCRA, there is no carryover of unused COVID-19 related leave hours after December 31, 2020 and no payout for unused COVID-19 leave upon termination.

To be clear, the City’s exercise of its statutory rights under FFCRA to except Emergency Responders from both Rules does not affect any employee’s eligibility for FMLA leave under the terms of the FMLA in place prior to FFCRA enactment.

If you have any questions regarding these actions, please contact your supervisor.