



TOWN OF FOXBOROUGH
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**Emergency Modification to the Sick Leave Policy
Pursuant to the Declaration of Emergency adopted March 17, 2020**

I. Introduction

The Town of Foxborough (“Town”) is adopting this emergency modification to its sick leave policy in response to the unprecedented public health emergency related to the novel coronavirus and its related disease, COVID-19 in an effort to provide its valued employees with as much flexibility as possible to enable them to care for themselves and family members. In addition, the federal government has enacted legislation impacting sick leave in response to the COVID-19 pandemic, known as the Families First Coronavirus Response Act (“FFCRA”) effective April 1, 2020, found at <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>. This emergency policy incorporates the new federal law requirements and extends the application of ordinary sick leave to situations not expressly covered by the FFCRA sick leave requirements.

The Town recognizes that its employees may be impacted by this public health emergency in numerous ways, including but not limited to the following: the employee may become symptomatic; the employee may be subject to quarantine due to exposure to a symptomatic individual; the employee may need to care for children due to the closure of schools and childcare centers; the employee may need to care for an adult family member who is sick, under quarantine, in isolation or otherwise unable to care for themselves as a result of the COVID-19 pandemic. This policy attempts to address as many iterations of the impact, but recognizes that unforeseen situations may arise necessitating a case-by-case determination consistent with the stated goal of extending flexibility to its employees. Where leave is foreseeable, an employee should provide notice to and approval from Human Resources. In unforeseen instances when advance notice is not possible, employees must provide notice within 24 hours to Human Resources to continue receiving paid sick time, if approved.

II. Duration

This policy is adopted as the result of the exigency created by the COVID-19 pandemic and following the Town of Foxborough Board of Selectman’s Declaration of Emergency on March 17, 2020. This emergency policy is in effect immediately. This policy shall remain in effect until a vote of the Board of Selectman terminating the Declaration of Emergency or the expiration of the FFCRA, now scheduled to expire on December 31, 2020, whichever is later. Upon termination of this policy, this policy shall not create a past practice or precedent.

III. Amendment

The Town shall reevaluate this policy frequently as the public health emergency evolves over time. The Town may make amendments to this policy from time to time with notice to the employees and their designated representatives for collective bargaining purposes.

IV. UTILIZATION OF LEAVE from 3/18/2020 - 3/31/2020

- a. Employees absent due to the COVID-19 pandemic will utilize paid time off in the following manner:
 - i. Sick time exhaustion- Employees shall utilize paid sick time first. The Town during this pandemic shall allow sick time to be utilized for care of a family member and/or childcare.
 - ii. Other paid time off exhaustion- Employees shall then utilize other paid time off such as personal and/or vacation time.

V. FFCRA: After 4/1/20, Employees may be eligible for FFCRA Leave.

This does not apply to emergency responders and/or essential public health and safety personnel as listed in Attachment A to this Policy. These employees are not eligible for FFCRA leave.

Under FFCRA, all full-time employees will be entitled to up to two weeks (70 or 80 hours depending on regular full-time hours) of emergency paid sick leave (hereinafter "FFCRA sick leave"). Part-time employees are granted FFCRA sick leave equivalent to their average hours worked in a two-week period. FFCRA sick leave is granted regardless of an employee's actual available ordinary sick leave as a separate benefit. Employees who cannot work or remote work may elect to be paid FFCRA sick leave, under one of six categories below, if the employee is:

1. subject to a coronavirus quarantine or isolation order;
2. has been advised by a health care provider to self-quarantine due to coronavirus concerns;
3. is experiencing symptoms of coronavirus and is seeking a medical diagnosis;
4. is caring for an individual described in (1) or (2) above;
5. is caring for a child whose school or place of care is closed, or the childcare provider of the child is unavailable, due to coronavirus precautions; or
6. is experiencing any other substantially similar condition specified by Federal Human Health Services ("HHS"), in consultation with the Treasury and Labor Departments.

FFCRA sick leave under categories 1, 2, or 3, entitles employees to their regular rate of pay, up to \$511 per day and \$5,110 in total.

FFCRA sick leave under categories 4, 5, or 6, entitles employees to receive two-thirds of their regular rate of pay, up to \$200 per day and \$2,000 in total.

VI. UPON EXHAUSTION OF FFCRA LEAVE

If an eligible Employee elects FFCRA, upon exhaustion of FFCRA leave, Employees absent due to the COVID pandemic shall utilize paid time off in the following manner:

- i. Sick time exhaustion- Employees will utilize paid sick time first. The Town during this pandemic will allow sick time to be utilized for family member care or childcare.
- ii. Other paid time off exhaustion- Employees will then utilize other paid time off such as personal and/or vacation time.

VII. EXHAUSTION OF ALL PAID TIME OFF AND FFCRA LEAVE

In the event all leave is exhausted, Employees absent due to the COVID-19 pandemic shall notify the Director of Human Resources. The Town will allow borrowing against accruals for FY21.

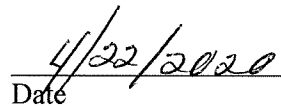
VIII. MODIFIED TOWN SICK LEAVE POLICY

Employees shall notify their supervisor of any absence by phone or email as promptly as possible. If the absence is related to the Town's emergency modification to sick leave or the Families First Coronavirus Response Act, then the Employee shall contact the Human Resources Director, who will inquire as to whether this absence is related to COVID-19. Human Resources will determine how the absence is related to COVID-19, so that a determination can be made as to the category of FFCRA that may cover the leave, if any.

An employee entitled to FFCRA sick leave may elect to use any ordinary sick leave to which they are entitled or elect to use FFCRA sick leave after 4/1/20. If the employee is eligible for FFCRA sick leave and chooses to elect to use FFCRA sick leave initially, upon exhaustion of FFCRA sick leave, the employee will then be eligible to use their ordinary sick time, if any, until exhausted. Thereafter, any other available paid time off may be used by the employee as described above.



William G. Keegan Jr., ICMA/CM, Town Manager



Date

ATTACHMENT A

Public safety and essential public health personnel not covered under FFCRA

1. Police Officers
2. Fire Fighters
3. EMS Employees
4. Dispatchers
5. Public Health Nurses