



To: THA Housing Authority Staff
From: Michael Mirra, Executive Director
Date: April 24, 2020
Subject: Executive Emergency Authorization #8:

- Required Absences From Work Due to Virus Risk
- Emergency Leave program effective 4-18-20

Michael Mirra

THA Board Resolution 2020-03-18(1) allows the Executive Director (or his designee) to take emergency actions during the COVID-19 pandemic that he deems necessary to ensure continued operations of Tacoma Housing Authority while protecting its employees, clients, vendors, partners and the community as a whole.

This Executive Action directs when staff must leave the workplace due to the virus risk. It also provides THA staff with temporary leave and telecommuting options during the pandemic.

1. EFFECTIVE DATE

This policy is effective April 18, 2020. It will continue until the Executive Director ends it with a follow up directive. THA, in its sole discretion expressed in a follow up directive from the Executive Director, may end or revise this policy.

2. SCOPE

This policy incorporates the prior Executive Actions related to the Coronavirus pandemic and the THA Temporary Emergency Families First Leave Options. Attached is a copy of a memo describing those options. Those actions and options will also end when this policy ends.

3. DEFINITIONS

Close contact means physical connection to another person that presents the following high probability of infection with the Coronavirus: living with or physically attending to a person with confirmed Coronavirus, being within six feet of a person with confirmed Coronavirus for about 10 minutes, or having someone with Coronavirus cough on you, kiss you, share utensils with you or if you had direct contact with that person's bodily secretions.

Coronavirus (also known as "COVID-19") is a new virus strain spreading from person-to-person. Its symptoms include fever, a cough and difficulty breathing, which may appear in as few as 2 days or as long as 14 days after exposure to the virus.

Coronavirus related absence is any absence from the workplace necessitated by Coronavirus, including but not limited to the following:

- absences required by this policy;
- employees' own health condition caused by the virus;
- health condition of a family or household member caused by the virus;
- school or childcare closure required by Coronavirus;
- employees having close contact but without symptoms so far; and
- employees who are both:
 - at higher risk of serious illness from the virus AND
 - are not able to telecommute.

Essential Employees are those who provide for and maintain the essential functions of THA services as described in the Continuity of Operations Plans. Essential employees must be available to perform their duties as determined by their management, except where unable to do so due to illness or other bona fide reason.

High -risk persons are those more susceptible to getting the virus or suffering its serious effect because either of the following attributes:

- 65 years or age or older;
- have underlying medical conditions, particularly if not well controlled, including chronic lung disease, moderate or severe asthma, serious heart conditions, immunocompromised, severe obesity, diabetes, chronic kidney disease undergoing dialysis and liver disease.

4. WHEN EMPLOYEE MAY NOT BE AT THE WORKPLACE

Staff may not be at the workplace in the following circumstances:

- 4.1 An employee who displays flu-like symptoms (other than fever, cough or shortness of breath) must promptly go home. The employee must not return to the workplace for at least 7 days from the onset of symptoms or 72-hours after the symptoms have cleared, whichever is longer. The employee should telecommute, if feasible. If the employee cannot work remotely, he or she must first use accrued leaves or Emergency Paid Sick Leave (EPSL) during the absence.
- 4.2 An employee who has had Close Contact (see definition) but who Does Not have symptoms may not be in the workplace for 14 days after the employee's last Close Contact (or after the staff person has 14 days without symptoms). The employee should telecommute, if possible. If the employee cannot work remotely, he or she must first use accrued leaves or Emergency Paid Sick Leave (EPSL) during the absence.

- 4.3 An employee who has had Close Contact (see definition) and the employee HAS symptoms should not be in the workplace for at least 7 days from the onset of the symptoms or 72-hours after symptoms have cleared, whichever is longer. The employee should telecommute, if feasible. If the employee cannot work remotely, he or she must first use accrued leaves or Emergency Paid Sick Leave (EPSL) during the absence.

5. TELEWORK

THA adopted *Temporary Emergency Telework Guidelines* to allow employees to telework and those guidelines are adopted by reference. If possible, employees not required to come into the office should complete a Telework application. The Temporary Emergency Telework Guidelines has been updated to include a section on Telework-Eligible Employees with Caregiving Responsibilities.

See *Temporary Emergency Telework Guidelines* and *Telework Application* can be found at tacomahousing.net/coronavirus-info-for-staff.

6. AVAILABLE LEAVE OPTIONS UNDER COVID-19

Under Executive Actions # 1 and #4, staff who were not at work received paid Administrative Leave. Those actions have expired. There are the replacement options:

6.1 Families First Leave Options

Effective immediately, in order to assist our employees, the *THA Families First Leave Options* will implement the Families First Coronavirus Response Act (FFCRA). The FFCRA leave benefits are temporary and will expire on December 31, 2020, or as otherwise dictated by law.

See Attached *THA Families First Leave Options* for further information.

Additionally, during this pandemic, THA will relax its normal procedures for doctor's notes. In order to reduce the strain on the medical community, HR has the discretion to waive the need for doctor's notes.

6.2 Other Paid Leave & Benefit Options

Employees may opt to utilize other forms of paid leave or benefits. These benefits are provided by THA, by Washington State and through the Federal Stimulus Package. The employee is responsible for coordinating with their supervisor and Human Resources when choosing the type of leave or benefit. The options include:

- *THA-provided* – Sick Leave, Annual Leave, Floating Holidays, Short-term disability
- *State-provided* – Paid Family & Medical Leave, unemployment benefits
- *Federal increases to unemployment compensation.* – Effective immediately through July 31, \$600 in addition to the State-provided unemployment benefit. In addition, 13 weeks may be added to the State-provided benefits for a total of 39 weeks

6.3 Paid Administrative Leave

Effective 4/18/20, THA will consider paid Administrative Leave for employees, based on the following:

- *The employee's supervisor is unable to schedule 40 hours of work per week.*
- *Requests for paid Administrative Leave must be submitted by the department Director.*
- *Requests must be sent to the Human Resources Director each week.*
- *The HR Director will review all requests.*

Attachment - *THA Families First Leave Options*

Cc: Derek Young, THA Board Chair



To: Tacoma Housing Authority Staff
From: Michael Mirra, Executive Director
Date: April 24, 2020
Subject: Families First Leave Options

Michael Mirra

The Emergency Operations Committee appreciates and recognizes all that our employees have done to continue to serve our clients during the COVID-19 pandemic. The pandemic has presented all of us with unprecedented challenges, in both our business and personal lives. As we face these challenges together, keep in mind that our strength is in our staff. Protecting their health and safety, and that of their families, is a priority for their own welfare. It is also a priority for THA's continued ability to serve its clients and the community not only during this pandemic, but when it is over. To help offer that protection, THA offers Families First Leave Options that Congress has directed. That attached chart helps to explain these options.

1. EFFECTIVE DATE

April 1, 2020 to December 31, 2020

**The effective date and contents of these options may be changed dependent on the Coronavirus State of Health Emergency response period.*

2. SCOPE

These options apply to full-time, part-time, regular, temporary, and probationary employees of the Tacoma Housing Authority (THA).

3. PURPOSE

The following leave policies will take effect in accordance with the Families First Coronavirus Response Act (FFCRA). These policies are temporary and will expire on December 31, 2020, or as otherwise dictated by law.

3.1 Emergency Paid Sick Leave (EPSL)

The FFCRA created a new form of paid sick leave called Emergency Paid Sick Leave (EPSL) for certain leave events related to Coronavirus. Employees are eligible to use EPSL immediately upon hire.

Reasons for Using Leave

EPSL may be used for the following reasons:

- (1) To comply with a federal, state, or local quarantine or isolation order related to Coronavirus;
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to Coronavirus;
- (3) The employee is experiencing symptoms of Coronavirus and seeking a medical diagnosis;
- (4) To care for an individual who is subject to an order as described in (1) above

or has been advised as described in (2) above;

- (5) To care for the employee's son or daughter (as defined in the FMLA), if a school or place of care is closed, or the childcare provider is unavailable, due to Coronavirus precautions; or
- (6) The employee is experiencing any other substantially similar condition as specified by the designated Federal agencies.

Amount and Usage of Leave

Full-time employees (those scheduled to work at least 40 hours per week) are eligible for **eighty** (80) hours of EPSL. Part time employees are prorated.

Employees working remotely may be eligible for intermittent leave while taking EPSL. Because each employee's circumstances will be different, intermittent leave arrangements will be established on a case-by-case basis.

Once an employee returns to work, if he/she has not exhausted the EPSL entitlement, the balance can be used at a later time for another qualifying reason.

Pay Rate

EPSL will be paid based on the employee's regular rate of pay, as determined under the Fair Labor Standards Act (FLSA), taking an average over a six-month period.

- For leave under paragraphs 1, 2, or 3 above, this rate will be the employee's full regular rate, capped at \$511 per day (\$5,110 in the aggregate).
- For leave under paragraphs 4, 5, or 6, this rate will be two-thirds (2/3) of the employee's regular rate, capped at \$200/day (\$2,000 in the aggregate).

Supplementing Pay Rate

An employee may elect to supplement the capped or two-thirds pay rate by using accrued and available Annual Leave or Sick Leave concurrently with EPSL. For example, an employee may opt to use a percentage of an annual leave day to increase the pay rate to the employee's full regular rate.

Termination of Leave

EPSL shall cease at the start of the employee's next scheduled work shift immediately following the termination of the need for EPSL as described above or when the employee has exhausted the EPSL entitlement, whichever is sooner. EPSL will not carryover from one year to the next or be paid out upon separation for any reason. *See* **Return to Work** below.

Notice and Certification Requirements. See below.

3.2 PAID FMLA – PUBLIC HEALTH EMERGENCY LEAVE

The FFCRA also added a new reason for employees to take Family and Medical Leave Act (FMLA) leave in relation to the current Coronavirus pandemic.

FMLA remains subject to the same twelve (12) workweek limit, counting any amounts of FMLA leave already used in the current leave year.

Eligible Employees

An employee who has been employed for at least thirty (30) calendar days may qualify for Paid FMLA-Public Health Emergency Leave.

Reason for Using Leave

Paid FMLA-Public Health Emergency Leave can be used when an employee is unable to work, including telework, due to caring for the employee's son or daughter under age 18 (as defined in the FMLA), if the son or daughter's school or place of childcare has been closed, or the childcare provider is unavailable.

This must be the result of a Coronavirus related emergency declared by a Federal, State, or local authority.

Amount and Usage of Leave

All employees will be entitled to twelve (12) weeks of leave with the first two (2) weeks being unpaid. The remaining ten (10) weeks will be paid as set forth below in the "Pay Rate" portion of this policy.

Employees' pay will be based on their regularly scheduled work hours. No premium for hours over forty (40) will be included. Exempt employees will be paid based on their regular weekly salary.

Employees may be eligible for intermittent leave while taking Paid FMLA-Public Health Emergency Leave. Because each employee's circumstances will be different, intermittent leave arrangements will be established on a case-by-case basis. Once an employee returns to work, if he/she has not exhausted the full entitlement, the balance can be used at a later time for another qualifying reason.

Use of THA Accrued Leave

The first ten (10) days of Paid FMLA-Public Health Emergency Leave will be unpaid unless the employee has another form of paid leave available — annual leave, sick, or floating holidays — and elects to use that paid leave. Likewise, the employee may use EPSL for the first ten (10) days, if eligible.

Pay Rate

After the first ten (10) days, eligible employees taking Paid FMLA-Public Health Emergency Leave will be entitled to pay at:

- Two-thirds (2/3) of their regular rate of pay, as determined under the

FLSA, for the number of hours that the employee would normally be scheduled to work, capped at \$200/day and \$10,000 in the aggregate for the entire Paid FMLA- Public Health Emergency Leave period.

- **Supplementing Pay Rate.** An employee may elect to supplement the capped or two-thirds pay rate by using accrued and available Annual Leave and Sick Leave concurrently with Paid FMLA-Public Health Emergency Leave. For example, an employee may opt to use a percentage of an annual leave day to increase the pay rate to the employee's full regular rate.

Termination of Leave

Paid FMLA-Public Health Emergency Leave will continue until the employee has exhausted his/her twelve (12) week entitlement or the reason for using leave ends. See **Return to Work** below.

FMLA Administration

All other administrative provisions of the Agency's FMLA Policy apply to Paid FMLA-Public Health Emergency Leave, unless modified herein.

Notice and Certification Requirements

See below.

4. NOTICE AND CERTIFICATION REQUIREMENTS

Employees should provide Human Resources **written notice** of the need for leave.

Notice may be given by way of e-mail or a telephone call (followed by an email). Notice must include:

- the employee's name;
- qualifying reason for leave;
- statement that the qualifying reason prevents the employee from working either on-site or teleworking;
- the date(s) for which leave is requested.

In addition, THA will relax its normal procedures for doctor's notes. Employees are encouraged, when possible, to provide documentation to substantiate the need for leave and the qualifying reason.

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5. ADDITIONAL BENEFITS

The EOC continues to monitor benefit options, including Emergency Rule Unemployment Insurance and WA State Paid Family & Medical Leave. As this situation develops, we may explore other options that can be available to our employees.

QUESTIONS

Should an employee have any questions related to the benefits outlined in this document or other benefit options, he or she or they should contact Toby Kaheiki @ 253-306-2565 or Barb Tanbara @ 253-341-0106.

Employee Leave and Benefit Options | Tacoma Housing Authority

4/24/2020

Leave Reason	Emergency Paid Sick Leave (EPSL) <i>If necessary to receive a full paycheck, you may supplement this payment with your accrued leave.</i>	Paid FMLA-Public Health Emergency Leave (PFEL)* <i>If necessary to receive a full paycheck, you may supplement this payment with your accrued leave.</i>	THA Paid Sick, Annual Leave and Floating Holidays	ESD Insurance - Emergency Rule	WA State Paid Family & Medical Leave
1. You are subject to a THA, Federal, State, or local quarantine or isolation order related to COVID-19	You are entitled to your regular rate of pay, up to \$511 per day or \$5,110 over a 2-week period.	N/A	Yes	Yes	N/A
2. You have been advised by a health care provider to self-quarantine related to COVID-19	You are entitled to your regular rate of pay, up to \$511 per day or \$5,110 over a 2-week period.	N/A	Yes	Yes	N/A
3. You experience COVID-19 symptoms and seek a medical diagnosis	You are entitled to your regular rate of pay, up to \$511 per day or \$5,110 over a 2-week period.	N/A	Yes	Yes	Eligible after a one week waiting period
4. You are caring for an individual subject to an order described in (1) or self-quarantine as described in (2)	You are entitled to 2/3 your regular rate of pay, up to \$200 per day or \$2,000 over a 2-week period.	N/A	Yes	N/A	N/A
5. You are caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19	You are entitled to 2/3 your regular rate of pay, up to \$200 per day or \$2,000 over a 2-week period.	You are entitled to 2/3 your regular rate of pay, up to \$200 per day or \$10,000 over a 10-week period	Yes	N/A	N/A

*PFEL is only available to employees who have been employed for at least 30 days