

EMERGENCY ORDER NO. 7-2020

ISSUED BY THE TOWN ADMINISTRATOR

On March 13, 2020, the Town Administrator for the Town of Parker did issue an Order Declaring a Local Disaster Emergency in and for the Town of Parker (the “Emergency Declaration Order”). The Emergency Declaration Order is to be in effect until March 20, 2020, and consent has been obtained by the Parker Town Council to extend the Emergency Declaration Order to such time as the Town Administrator shall determine, in her discretion.

Pursuant to Section 15.14 of the Parker Town Charter, the Town Administrator shall assume the authority to execute any action necessary for the protection of life and property. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency.

The purpose of this Emergency Order No. 7-2020 is to amend Section 4.6 in the Personnel Manual, concerning Family and Medical Leave (FMLA).

- Public Health Emergency Leave. Section 4.6 of the Personnel Manual is amended with the following additional section, entitled “Public Health Emergency Leave (PHEL)”: “For purposes of providing Public Health Emergency Leave (PHEL) in accordance with the Families First Coronavirus Response Act (the “Act”), an “eligible PHEL employee” means any employee who has been employed for 30 days prior to the request for PHEL.¹ An eligible PHEL employee qualifies for PHEL if the employee is unable to work either in person or remotely due to a need to care for the employee’s son or daughter who is under 18 years of age, and the child’s school or place of care has been closed, or the child’s child care provider is unavailable due to the public health emergency. “Child care provider” means a provider who performs child care services on a regular basis and receives compensation for doing so.

PHEL consists of unpaid leave for the initial 10 days of leave, which may be paid leave if the employee elects to use accrued sick or vacation time. After the initial 10 days, the Town shall pay the eligible PHEL employee two-thirds the employee’s regular rate of pay for the duration of the PHEL, which can be up to 12 weeks total (excluding any amount of time taken during the previous 12-month period as FMLA leave); provided however, the employee’s daily pay shall not exceed \$200 per day or \$10,000 in the aggregate. For part-time employees, the pay is calculated using the number of hours the employee would normally be scheduled to work. For variable schedule employees, the pay shall be calculated in accordance with the Act.

¹ At this time, the term “eligible PHEL employee” includes emergency responders for the Town of Parker; provided however, the Town reserves the right to revise this definition at a future date, in accordance with the provisions of the Act.

- Emergency Paid Sick Leave. Section 4.6 of the Personnel Manual is amended with the following additional section, entitled “Emergency Paid Sick Leave (EPSL)”: “For purposes of providing Emergency Paid Sick Leave in accordance with the Families First Coronavirus Response Act (the “Act”), all full time and part time employees shall receive emergency paid sick leave (EPSL) when the employee is unable to work either in person or remotely for one of the following reasons:
 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 is seeking a medical diagnosis;
 4. The employee is caring for an individual subject to a quarantine or isolation order (as described above) or is caring for an individual who has been advised to self-quarantine (as described above);
 5. The employee is caring for the employee’s son or daughter because the child’s school or place of care has been closed, or child’s childcare provider is unavailable due to COVID-19 precautions; or
 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.

The paid leave shall be at the employee’s regular rate of pay. For leave taken due to reasons 1-3, paid leave shall be capped at \$511 per day and \$5,110 in the aggregate. For leave taken due to reasons 4-6, paid leave shall be capped at \$200 per day and \$2,000 in the aggregate, and the employee’s rate of pay shall be reduced to two-thirds of the applicable pay rate.

Full time employees shall receive up to 80 hours of paid EPSL and part time employees shall receive up to an amount based on the number of hours the employee works, on average, in a 2-week period. For variable schedule employees, the amount of hours shall be calculated in accordance with the Act.

This Emergency Order No. 7-2020 shall be effective on April 2, 2020, and shall remain in effect through the duration of the Order Declaring a Local Disaster Emergency, or until it is terminated or amended by the Town Administrator or until December 31, 2020, whichever is sooner.

Michelle Kivela

Michelle Kivela
Parker Town Administrator

Date 3-24, 2020

Time 8:19 am