



Department Source: Law

To: City Council

From: City Manager & Staff

Council Meeting Date: April 6, 2020

Re: Personnel Code Temporary Deviations Due to COVID-19 Pandemic

Executive Summary

Due to COVID-19 pandemic, a bill has been prepared for Council consideration which authorize City Manager actions by allowing temporary deviations from existing City Code requirements to implement personnel leave, suspend employee evaluations and delay collective bargaining deadlines.

Discussion

In response to the Stay at Home Order the City Manager authorized the equivalent of 80 hours of COVID-19 Leave for all permanent employees under the City COVID-19 Compensation and Leave Policy. Since that time, the federal government enacted the Families First Coronavirus Response Act. That law expands the federal Family and Medical Leave Act to include COVID-19 leave for school/day care closure, and requires up to an additional 80 hours of paid leave related to COVID-19 under the Emergency Paid Sick Leave Act. The City has created a separate policy to address the federal law, the Coronavirus Response Leave Policy, effective April 1, 2020.

To implement the City policy and comply with the federal laws, several sections in the personnel code must be waived during this emergency:

1. Section 19-96 - Overtime

All references to "all hours in pay status" for overtime calculation are waived. The 80/136 hours of leave the City is granting under the City COVID-19 Compensation and Leave Policy and leave granted under the Federal Coronavirus Response Leave Policy will not be included as hours in pay status for the purposes of calculating overtime.

2. Section 19-130 - Sick Leave

(b)(7) Employees will be allowed to use sick leave for school, daycare, eldercare, etc. if that care becomes unavailable due to closure.

(e) Will allow employees who have not completed 30 days as an employee to use sick leave. The City will not reduce final pay for sick leave use if an employee leaves within the first six months of employment.

(f) Allows the City Manager to approve more than 20 working days for sick leave advance, and opens this leave to employees with less than one year of service.

3. Section 19-87 - Performance pay increases

(b) FY 2020 annual supervisor performance evaluations are suspended.

(d) Complete probation and complete qualifying performance evaluations are suspended unless the probationary or qualifying period needs to be extended.



4. Sections 19-25 and 19-25.1 – Employee Relations

Timeframes for the collective bargaining process are temporarily suspended. Negotiations will resume as soon as is practical after the emergency declaration is terminated.

The bill has an emergency clause which allows for Council to consider the bill and adopt it on the same day as introduction. In order to do so, the bill must receive a six-sevenths (6/7) vote of the entire Council.

Fiscal Impact

Short-Term Impact: Not applicable.

Long-Term Impact: Not applicable.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
	None.

Suggested Council Action

None.