

EXECUTIVE ORDER 4 - 2020

**AN EXECUTIVE ORDER OF THE CITY OF PARK HILLS, KENTUCKY,
PROVIDING FOR LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS
RESPONSE ACT**

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency in response to the coronavirus, COVID-19, pandemic; and

WHEREAS, on March 6, 2020, Governor Andy Beshear declared a state of emergency in Kentucky in response to the first documented case of the novel coronavirus, COVID-19; and

WHEREAS, the President signed into law the “Families First Coronavirus Response Act” to assist with the impact of COVID-19, and employees may be eligible for additional leave under the law;

WHEREAS, I, Kathy Zembrodt, Mayor of the City of Park Hills, Kentucky, did declare by Executive Order 3-2020 on March 23, 2020, that a state of emergency exists in the City of Park Hills, Kentucky;

WHEREAS, under such circumstances, I am further empowered under KRS §39A.100(2) and KRS §39B.070 to alter the leave policy of the City of Park Hills to comply with the temporary leave requirements imposed under federal law.

NOW and therefore, I, Kathy Zembrodt, Mayor of the City of Park Hills, by virtue of the authority vested in me by KRS Chapter 39A and 39B of the Kentucky Revised Statutes, do hereby order as follows:

1. Pursuant to the Emergency Paid Sick Leave Act, an employee shall be eligible for paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because the employee:
 - a. is subject to a federal, state or local quarantine or isolation order related to COVID-19;
 - b. has been advised by a healthcare provider to self-quarantine due to COVID-19 concerns;
 - c. is experiencing COVID-19 symptoms and seeking medical diagnosis;
 - d. is caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a healthcare provider to self-quarantine due to COVID-19 concerns (caring for another who is subject to an isolation order or advised to self-quarantine as described above is not limited to only family members).
 - e. is caring for the employee’s child if the child’s school or place of care is closed or the child’s care provider is unavailable due to COVID-19 precautions; or

- f. 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.

Eligible full-time employees will receive up to eighty (80) hours of paid sick leave. Eligible part-time employees will receive pay based on the average number of hours worked over a two-week period. Healthcare providers and emergency responders are excluded from the definition of employees who are allowed to take such leave.


2. Pursuant to the Emergency Family Medical Leave Expansion Act (EFMLEA), an employee that has been employed for thirty (30) days or more by an employer with fewer than 500 employees is eligible for up to twelve (12) weeks of job-protected leave to allow the employee, who is unable to work or telework, to care for the employee's child (under 18 years of age) if the child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency. Healthcare providers and emergency responders are excluded from the definition of employees who are allowed to take such leave.

- a. The first ten days of EFMLEA-qualified leave are unpaid. An employee may either be eligible for Emergency Paid Sick Leave as outlined in paragraph 1, above, or may take other paid leave concurrently with the EFMLEA.
- b. After ten days of EFMLEA-qualified leave, an eligible employee shall be paid according to the following:
 - i. Full-time employees at two-thirds the employee's regular rate for the number of hours the employee would otherwise be normally scheduled. The EFMLEA limits this pay entitlement to \$200 per day and \$10,000 in the aggregate per employee.
 - ii. Employees who work a part-time or irregular schedule are entitled to be paid based on the average number of hours the employee worked for the six months prior to taking Emergency FMLA. Employees who have worked for less than six months prior to leave are entitled to the employee's reasonable expectation at hiring of the average number of hours the employee would normally be scheduled to work
- c. The city will make reasonable attempts to return the employee to their prior position for up to one (1) year following the leave.
- d. The city's FMLA leave is otherwise unchanged and employees are not eligible for FMLA leave except as outlined, above, under the EFMLEA.

3. The executive authority shall determine which employees are eligible for continued work or telework based on the needs and capacity of the city.

All other Employee Manual rules not inconsistent with the Emergency Paid Sick Leave Act and EFMLEA shall remain in force. This order will terminate at the expiration of the Families First Coronavirus Relief Act, currently set for December 31, 2020.

Signed on this the 1 day of April, 2020,



Mayor Kathy Zembrod
City of Park Hills, Kentucky

ATTEST:



City Clerk