



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IA

Title:	Resolution Excluding Emergency Responders of the City of St. Charles from the Emergency Family and Medical Leave Expansion Act
Presenter:	Jennifer McMahon, Director of Human Resources

Meeting: City Council                      Date: March 30, 2020

Proposed Cost: \$0	Budgeted Amount: \$0	Not Budgeted: <input type="checkbox"/>
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**Executive Summary** *(if not budgeted please explain):*

Attached for Council consideration, is a resolution excluding the City’s emergency first responders - which include all sworn Police and Fire Department staff - from one provision of the recently-passed Families First Coronavirus Response Act (FFCRA). This Act was passed by Congress and signed into law by the President on March 19, 2020. It is effective from April 1, 2020 through December 31, 2020. The law provides an emergency expansion of the Family Medical Leave Act (FMLA) called Public Health Emergency Leave. It requires employers to provide paid time off for employees who are unable to work (or telework) due to a need to care for a son or daughter under 18 because the school or place of care has been closed or the childcare provider is unavailable due to a public health emergency. The employee must have been employed for 30 days and would be eligible to take up to 12 weeks off like the existing provisions of the FMLA. Although the first 10 days are unpaid (unless the employee chooses to use their benefit time), the City would be required to pay the employee at least two-thirds of their regular rate of pay up to a cap of \$200 per day and \$10,000 in the aggregate per employee.

The City has the right to exclude emergency first responders from this provision of the FFCRA and this action is being recommended to the Council by the Director of Human Resources after discussions with the Chief of Police and the Fire Chief. Both departments will need all emergency first responders available to work in order to provide an effective and efficient response to COVID-19.

**Attachments** *(please list):*

- A Resolution Excluding Emergency Responders of the City of St. Charles from the Emergency Family and Medical Leave Expansion Act

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve a resolution excluding emergency responders of the City of St. Charles from the emergency Family and Medical Leave Expansion Act

**City of St. Charles**  
**Resolution No. \_\_\_\_\_**

**A Resolution Excluding Emergency Responders of the City of St. Charles From the Emergency Family and Medical Leave Expansion Act**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

WHEREAS, on March 18, 2020, the President of the United States signed into law the Families First Coronavirus Response Act (“FFCRA”) which includes requirements for paid sick and emergency leave due to the COVID-19 pandemic; and

WHEREAS, the FFCRA includes the “Emergency Family and Medical Leave Expansion Act” which temporarily expands the Family Medical Leave Act of 1993, and requires employers to provide employees with partially paid leave for certain child care issues caused by the COVID-19 pandemic (*i.e.*, “Public Health Emergency Leave”); and

WHEREAS, the FFCRA authorizes the employers of health care providers and emergency responders to exclude such employees from the Emergency Family and Medical Leave Expansion Act provision of the FFCRA; and

WHEREAS, the President of the United States has declared a national emergency in response to the COVID-19 pandemic; and

WHEREAS, the City of St. Charles (the “City”) must take actions to provide for the continuation of essential services and provide for the health and safety of all City residents; and

WHEREAS, the corporate authorities are expressly empowered to legislate to protect the health, safety and welfare of the residents of the City; and

WHEREAS, the corporate authorities have determined that it is necessary to exclude its emergency responders from application of the Emergency Family and Medical Leave Expansion

Act provision of the FFCRA, in order to enable the City to continually respond to emergencies during the COVID-19 pandemic.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: The facts and statements contained in the preambles to this resolution are found to be true and correct and are hereby adopted as part of this resolution.

SECTION 2: The corporate authorities hereby exclude the City's emergency responders (*i.e.*, sworn members of the City Fire Department and City Police Department) from application of the Emergency Family and Medical Leave Expansion Act provision of the Families First Coronavirus Response Act.

SECTION 3: This Resolution shall be in full force and effect upon its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

PASSED by the City Council of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
Charles Amenta, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain: