



City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

RESOLUTION

A Resolution to Exempt Charles Town's Emergency Responders from the Families First Coronavirus Response Act

WHEREAS, on March 16, 2020, Governor Jim Justice declared a state of emergency for all counties in West Virginia to allow agencies to coordinate and create necessary measures to prepare for and respond to the outbreak of respiratory disease caused by a novel coronavirus now known as COVID-19; and

WHEREAS, on March 23, 2020 Governor Jim Justice issued Executive Order 09-20, which declares and orders West Virginians to stay-at-home unless performing an essential activity and that all non-essential businesses within the state to temporarily cease operations as a means for slowing the spread of COVID-19; and

WHEREAS, the intent of the Executive Order is to ensure the maximum number of people self-isolate in their places of residence to the greatest extent feasible, while enabling essential services to continue; and

WHEREAS, Jefferson County Board of Education has announced that Jefferson County schools remain closed for the remainder of the 2019-2020 school year and many other childcare providers are closed due to the Governor's Executive Order 09-20 provisions limiting gathering sizes to no more than ten persons and maintaining social distancing to at least six feet; and

WHEREAS, on April 1, 2020, a federal law called the Families First Coronavirus Response Act (FFCRA) went into effect for all employers with fewer than 500 employees creating two, new categories of temporary leave; the Emergency Family and Medical Leave Expansion Act (EFMLEA) and Emergency Paid Leave Act (EPSLA); to help slow the spread of COVID-19 and assist employees with related health and childcare issues; and

WHEREAS, the EMFLA entitles most employees who cannot work (or telework) up to twelve (12) weeks of leave, some unpaid and other paid at two-thirds an employee's regular rate of pay, to care for a son or daughter under 18 years of age if the child's school or place of care has been closed, or the childcare provider is unavailable due to a public health emergency; and

WHEREAS, the EPSLA entitles all qualifying employees who cannot work (or telework) up to eighty (80) hours of paid leave if the employee:

- (1) is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- (2) has been advised by a health care provider to self-quarantine related to COVID-19;
- (3) is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- (4) is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);

- (5) is caring for a child whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or
- (6) is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

WHEREAS, both the EFMLA and EPSLA allow the employer to exempt emergency responders, including law enforcement officers, public works employees, and others, from receiving benefits under the Act if they are needed to provide essential services such as public safety, infrastructure, and sanitation services; and

WHEREAS, Charles Town's sworn police officers, public works employees, and utility plant operators and maintenance workers are all essential employees who cannot work from home to provide critical public safety, infrastructure, and sanitation services; and

WHEREAS, the citizens of Charles Town rely on the work of these professionals to provide essential public services; and

WHEREAS, the Charles Town City Council understands the hardship that this exemption could present for some workers and their families during this public health emergency and remains committed to ensuring each employee is treated fairly and receives the assistance needed to provide health childcare services for themselves and their family.

NOW, THEREFORE BE IT RESOLVED, that the Charles Town City Council exempts its sworn officers and essential public works employees from eligibility of EFMLA benefits as well as the EPSLA benefits pursuant to qualification paragraphs (1) and (5), to ensure that the citizens of Charles Town continue to receive essential public safety, infrastructure, and sanitation services; and

NOW, THEREFORE LET IT BE FURTHER RESOLVED, that all City employees exercising entitlements under the FFCRA should be prepared to provide supervisors with appropriate documentation supporting qualifying conditions; and

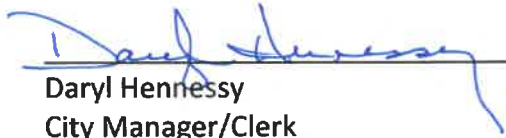
NOW, THEREFORE LET IT BE FURTHER RESOLVED, that the Charles Town City Council authorizes the Mayor to approve other leave benefits within the limitations of existing policies and budgetary resources, and after consultation with the City Manager and Chief of Police, for exempted employees on a case-by-case basis to meet emergency childcare and other health care related needs; and

NOW, THEREFORE LET IT BE FURTHER RESOLVED, that the Charles Town City Council encourages the Charles Town Utility Board to exempt utility plant operators and maintenance workers from eligibility of benefits from the EFMLA and qualifying conditions (1) and (5) of the EPSLA for the same public purposes.

Adopted the 10th day of April, 2020.



Robert M. Trainor
Mayor

Attest:


Daryl Hennessy
City Manager/Clerk