



**OFFICE OF THE MAYOR  
CITY OF COVINGTON**

Joseph U. Meyer  
Mayor

Covington City Hall  
jumeyer@covingtonky.gov

**EXECUTIVE ORDER  
CITY OF COVINGTON, KENTUCKY**

**EXECUTIVE ORDER NO. 2020-EO-09**

**LOCAL ADOPTION OF THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT**

WHEREAS, the President signed into law the “Families First Coronavirus Response Act” to assist with the impact of COVID-19, employees may be eligible for additional leave under the law, specifically under the Emergency Paid Sick Leave Act (EPSLA) and Emergency Family Medical Leave Expansion Act (EFMLEA); and

WHEREAS, on March 19, 2020, Mayor Joseph U. Meyer signed Executive Order 2020-EO-01, declaring a state of emergency in the City of Covington due to the outbreak of COVID-19 virus, a public health emergency; and

WHEREAS, applicable Kentucky laws authorize a mayor to exercise emergency powers to efficiently and effectively provide for the health, safety and welfare of citizens; and

WHEREAS, to comply with the temporary leave requirements of the Families First Coronavirus Response Act, the City of Covington is altering its leave policy for City employees.

NOW and therefore, I, Joseph U. Meyer, pursuant to the authority vested in me as Mayor of the City of Covington, Kentucky by KRS Chapter 39A, KRS 39B, and in furtherance of the declaration set forth in Executive Order 2020-EO-01, hereby order:

1. Pursuant to the **Emergency Paid Sick Leave Act (EPSLA)**, all employees are eligible for two weeks of paid leave at their regular rate of pay for certain qualifying circumstances (See attached and below for more information). 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 the last six months. The EPSLA allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave. Such exclusions are discussed in more detail below.

The qualifying circumstances under which the employee will receive this leave are if the employee is:

- (1) Subject to a federal, state or local quarantine or isolation order related to COVID-19;

- (2) Advised by a healthcare provider to self-quarantine due to COVID-19 concerns;
- (3) Experiencing COVID-19 symptoms and seeking medical diagnosis;
- (4) 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).
- (5) 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
- (6) 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.

2. Pursuant to the **Emergency Family Medical Leave Expansion Act (EFMLEA)**, an employee that has been employed for thirty (30) days or more 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 (See attached and below for more information). The EFMLEA allows the employers to exclude healthcare providers and emergency responders from the definition of employees who are allowed to take such leave. Such exclusions are discussed in more detail below.

- (1) The first 10 days of EFMLEA-qualified leave are unpaid. An employee may either be eligible for Emergency Paid Sick Leave as outlined in paragraph 1 or may take other paid leave concurrently with the EFMLEA.
- (2) Beginning the third week of EFMLEA, 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.
- (3) The City will return the employee to their prior position in accordance with the restoration requirements of the FMLA.
- (4) The City's FMLA leave policy is otherwise unchanged and any EFMLEA leave will count toward the employee's total twelve (12) weeks of job-protected FMLA leave.

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

4. In accordance with applicable laws, the definition of employees for purposes of application of the EPSLA and EFMLEA shall not include "emergency responders" employed by the City of Covington. Notwithstanding this exclusion, City of Covington emergency responders are not excluded from EPSLA and EFMLEA benefits based on the above-listed qualifications (2), (3), (4), and (6). Further, City of Covington emergency responders will be excluded from the definition of employees for above-listed qualifications (1) and (5), but with respect to qualification (1) the exclusion of emergency responders shall not apply if any applicable federal, state, or local quarantine order includes emergency responders.

5. To the extent any local employment policies conflict with federal and/ or state law, federal and/ or state law will supersede said local policies.

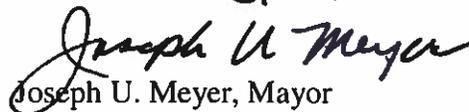
6. The above-listed policy changes shall temporarily amend and supersede any relevant policies within the City's personnel policy manual, adopted by Commissioners' Order No. ORD-181-19.

7. All other employee ordinances, policies and rules shall remain in force, including collective bargaining agreements that are not altered or amended by virtue of these policy changes being based on federal law revisions.

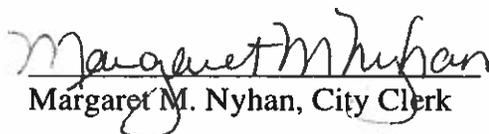
This Order shall remain in effect until terminated by the issuance of another Executive Order when I determine that a state of emergency no longer exists and the exercise of extraordinary measures are no longer required for the protection of the public health, safety and welfare, provided, however, that any changes to City policies required by applicable federal or state laws shall remain in effect until the expiration of any such federal or state laws.

**THIS ORDER IS EFFECTIVE MARCH 31, 2020 AND SHALL REMAIN IN EFFECT UNTIL RESCINDED BY EXECUTIVE ORDER.**

Signed on this the 31<sup>st</sup> day of March, 2020,

  
Joseph U. Meyer, Mayor

Attest:

  
Margaret M. Nyhan, City Clerk

3-31-20  
Date