



## **EMERGENCY ORDER DES-02-20**

Pursuant to the Proclamation of a State of Emergency by California Governor Gavin Newsom on March 4, 2020 in response to the rapid spread of the novel coronavirus (COVID-19), the Governor's Executive Orders (including but not limited to N-33-20), the Order of the Sacramento County Health Officer dated March 19, 2020, the City's Proclamation of a Local Emergency dated March 16, 2020, the Families First Coronavirus Response Act (H.R. 6201) and Government Code Section 8634, I hereby issue the following Order:

1. In the interest of limiting the spread of COVID-19 and protecting the life, health and safety of Folsom residents, City facilities listed on Exhibit "A" attached to this Order are closed and shall remain closed until further notice.
2. As of April 1, 2020 and until notice is given to return to their normal and customary duty location, all non-essential permanent City employees designated by the Human Resources Department shall stay home and be subject to work assignments as determined by their department director from time to time. Decisions to remain at home or return to duty will be made as needed. If not working, non-essential permanent City employees will be able to access the Emergency Leave Benefit ("ELB"- see Section 4 below).
3. All permanent City employees performing essential services as determined by the Human Resources Department shall continue to report to their work locations and perform their duties.
4. Effective April 1, 2020, Emergency Leave Benefit described in Exhibit "B" attached hereto shall be implemented on a temporary basis for permanent full-time and permanent part-time non-public safety City employees, if eligible. Temporary ELB provided herein is not in addition to any emergency leave benefit which the City Council may approve from time to time during the COVID-19 public health emergency, shall terminate without recourse or accrual upon any action by the City Council approving emergency leave benefit for City employees, and any usage of the ELB leave benefit from April 1, 2020 shall be counted toward any emergency leave benefit ultimately approved by the City Council.

Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Folsom, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice.

**IT IS SO ORDERED:**

**DES-02-20**

Date: April 1, 2020

By: \_\_\_\_\_



Elaine Andersen

City Manager

Director of Emergency Services

## EXHIBIT A

### [CLOSURE OF CITY FACILITIES UNTIL FURTHER NOTICE]

- Folsom Public Library
- Steve Miklos Aquatic Center
- Folsom Art Center and the Gallery at 48 Natoma
- Folsom Senior Center
- Andy Morin Sports Complex
- Folsom City Zoo Sanctuary
- Folsom Community Center
- Rotary Clubhouse
- Athletic fields, including but not limited to Lembi, Livermore, Econome, Kemp, Catlin, Davies, Ed Mitchell, Briggs, Rodeo, Handy Family, McFarland, Mann, Nisenan, Cohn, and Sheldon parks
- Basketball courts
- Ball walls
- Bocce ball courts
- FIDO Field Dog Park
- Library book return (no overdue fees will accrue during temporary library closure)
- Pickleball courts
- Playgrounds and play equipment
- Tennis courts
- Volleyball courts
- B.T. Collins Disc Golf Course

## EXHIBIT B

### [Emergency Leave Benefit]

The Emergency Leave Benefit (ELB) is intended to satisfy the benefit requirements of the federal Public Health Emergency Leave Act (the Act) and the federal Emergency Paid Sick Leave Act (EPSLA).

Effective April 1, 2020, the City shall provide non-public safety permanent full-time and permanent part-time City employees with up to 512 hours of paid time off in the form of ELB for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons as specified in the EPSLA and the Act.

This temporary emergency leave benefit is being provided to (1) help ease the economic stress caused by the COVID-19 pandemic, (2) meet the requirements of EPSLA and (3) meet the requirements of the Act.

The following terms shall apply:

- A. Eligible employees shall mean all non-public safety permanent full-time and permanent part-time City employees as of March 31, 2020, or hired in the period of April 1, 2020 through December 31, 2020.
- B. Five Hundred and Twelve (512) hours of temporary ELB (hours to be prorated for permanent part-time positions) shall be granted to each eligible employee, not 80 as provided by the EPSLA and 400 as provided by the Act.
- C. ELB shall be paid based on 100% of the employee's regular pay (just as compensation is paid to employees when using annual leave), not on the lower amounts and caps as specified by the EPSLA and the Act.
- D. Employees shall be entitled to utilize ELB for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons as specified in the EPSLA and the Act, before they can be required to utilize any other paid leave benefit provided by the City.
- E. Employees shall be available during their normal and customary work schedule to perform work assignments as determined by their department director.
- F. Employees who wish to be on vacation or are sick or injured for non-COVID-19 reasons shall use their annual or sick leave rather than ELB.
- G. ELB shall run concurrently with FMLA Public Health Emergency Leave. An employee may choose to use ELB during the first 10 days of FMLA Public Health Emergency Leave which is, by law, unpaid.
- H. Employees may use ELB from April 1, 2020 through December 31, 2020 for absences due to the inability to work or telework because of COVID-19 related conditions or other reasons specified in the EPSLA and the Act.
- I. Unused ELB shall not carry over beyond December 31, 2020.

- J. There is no cash-out value to any ELB time.
- K. There is no use of any unused ELB at the time of separation of employment or beyond December 31, 2020.
- L. ELB cannot be donated as catastrophic leave or transferred to another employee for any reason.
- M. Use of ELB will count towards use of FMLA leave but any FMLA leave prior to April 1, 2020 will not reduce the amount of ELB.

The City retains the right to determine “essential services and duties”, to make work assignments, to determine if an employee can work at home or must come in to the job location, to telework, to schedule working hours, and whether or not employees are working full-time or part-time.

/// NOTHING FOLLOWS ///