

**CITY OF SANDY OAKS, TEXAS**

**RESOLUTION NO. 2021-130**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS APPROVING A POLICY ON EMPLOYEE EMERGENCY SICK LEAVE DUE TO COVID-19; PROVIDING FOR RETROACTIVE APPLICATION OF THE POLICY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on March 13, 2020, the Governor of the State of Texas (“State”) issued a proclamation certifying that a novel strain of coronavirus, COVID-19, poses an imminent threat of disaster in the State and declaring a state of disaster for all counties in Texas; and

**WHEREAS**, on March 18, 2020, Congress passed the Families First Coronavirus Response Act (“FFCRA”), expanding the Family and Medical Leave Act providing for emergency paid sick leave coverage for eligible employees; and

**WHEREAS**, the FFCRA became effective on April 1, 2020 and expired on December 31, 2020 and has not been extended by Congress; and

**WHEREAS**, on March 23, 2020, the Mayor of the City of Sandy Oaks (“City”) issued a “*Declaration of Local State of Disaster due to Public Health Emergency*” in accordance with Texas Government Code § 418.108, which was extended by City Council by Ordinance No. 2020-159 on March 26, 2020 incorporating all current and subsequent orders and proclamation issued by the Governor of the State of Texas and the County Judge of Bexar County and remains in effect; and

**WHEREAS**, the City, Bexar County, and the State continue to be in state of disaster as a result of COVID-19; and

**WHEREAS**, the City Council finds that emergency paid sick leave should be made available for all eligible employees of the City if the employee is unable to work or telework due to certain issues related to COVID-19 and they meet certain criteria as described herein;

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:**

**SECTION 1. FINDINGS OF FACT.** The above recitals are hereby found to be true and correct legislative and factual findings of the City Council of the City and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**SECTION 2. POLICY ON LEAVE RELATED TO COVID-19.** The City Council hereby approves the following policy related to an eligible employee’s emergency sick leave as a result of COVID-19.

- A. **Eligibility.** All full-time, part-time, temporary, seasonal, exempt, and non-exempt employees, public safety, and emergency personnel who have been employed by the City for at least 30 calendar days are eligible for paid emergency sick leave as a result of a qualifying reason for COVID-19 leave under this policy.
- B. **Notice.** Where leave is foreseeable, an employee should provide notice of leave to the employee’s supervisor as soon as is practicable. After the first workday of paid emergency sick leave, the

City may require employee to follow reasonable notice procedures in order to continue receiving paid sick leave.

C. **Qualifying Reasons for COVID-19 Leave.** An employee qualifies for emergency paid sick leave under this policy if the employee is unable to work (or unable to telework) due to a need for leave because 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 child care 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.

D. **Duration of Paid Leave.** A full-time employee is eligible for ten (10) days, or 80 hours, of emergency paid sick leave, and a part-time employee is eligible for the number of hours of paid emergency sick leave that the employee works on average over a two-week period.

E. **Unused Emergency Paid Sick Leave and Annual renewal.** Paid time provided under this policy does not carryover from one year to the next. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment from the City. An employee's emergency paid sick leave as a result of COVID-19 renews each calendar year.

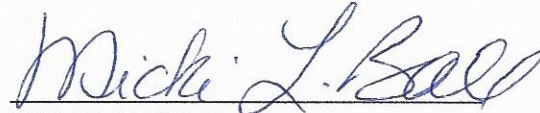
F. **City's Employee Leave Policy/Paid Time Off.** An employee may elect to substitute any accrued paid time off under the City's Personnel Policy Manual in lieu of and in addition to emergency paid sick leave as a result of COVID-19.

**SECTION 4. RETROACTIVE APPLICATION OF POLICY.** This emergency paid sick leave policy applies retroactively to eligible employees beginning January 1, 2021. Employees who have utilized leave due to the impacts of COVID-19 between January 1, 2021 and January 28, 2021 may request that the leave be recorded and paid as paid emergency sick leave, and that the hours deducted from their employee leave/paid time off will be retroactively replenished.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately from and after the passage and approval of this Resolution.

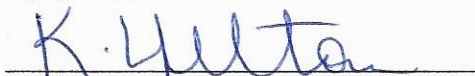
**PASSED AND APPROVED** on this 28<sup>th</sup> day of January 2021.

**CITY OF SANDY OAKS, TEXAS**



Micki L. Ball, Mayor

**ATTEST:**

  
Katherine Yelton, City Clerk