

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**RESOLUTION NO: 20-08**

**A RESOLUTION** concerning

Policies and Procedures Handbook for the Employees of The City of Frederick

**BACKGROUND**

On June 2, 2011, the Board of Aldermen adopted Resolution No. 11-14, adopting a new Policies and Procedures Handbook for Employees of The City of Frederick ("Handbook"). Subsequently, the Board of Aldermen has adopted numerous additional resolutions amending various sections of the Handbook.

An outbreak of a serious respiratory disease ("COVID-19") caused by the novel coronavirus has arisen in the United States. COVID-19 creates a public health catastrophe and a public emergency. Accordingly, on March 13, 2020, finding that the impending threat to the City of Frederick by COVID-19 is a catastrophic health emergency requiring the City of Frederick to deploy resources and implement the emergency powers of the Mayor to protect the health and safety of city residents, Mayor O'Connor issued Executive Order No. 20-1, declaring a local state of emergency. Under such executive order, among other things, nonessential city employees have been directed to telework or otherwise remain at home indefinitely.

The Families First Coronavirus Response Act (the "FFCRA" or the "Act") an emergency relief bill that aims to provide financial support for individuals who have been affected by the ongoing global 2019 Novel Coronavirus ("COVID-19") pandemic, was passed by Congress and signed into law by President Trump on or about March 18, 2020. In summary, the FFCRA includes two different employee leave acts. First, the Emergency Paid Sick Leave Act requires covered employers to provide eligible employees two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay if the employee is unable to work for one or more of six specified reasons related to COVID-19 precautions. Second, the Emergency Family and Medical Leave Expansion Act expands the Family and Medical Leave Act by adding to the list of protected leave available to a covered employee a new category, which provides paid leave due to a qualifying need related to a public health emergency.

The Board of Aldermen recognizes that certain provisions of the FFCRA are in conflict with portions of the Handbook. The Board of Aldermen wishes to expressly state that the FFCRA prevails over any provision in the Handbook that is in conflict therewith. In addition, in consideration of the fact that most city employees are currently teleworking and it is uncertain when normal operations will resume, the Board of Aldermen wishes to temporarily amend certain provisions of the Handbook relating to the use of certain leave and holiday hours.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK**, that the Families First Coronavirus Response Act supersedes any provision within the Policies and Procedures Handbook for Employees of The City of Frederick inconsistent with such Act. Any such inconsistent Handbook provision shall be deemed repealed during the

effective period of the Act, currently April 1, 2020 to December 31, 2020, as may be hereafter amended.

**AND BE IT FURTHER RESOLVED** as follows:

The Handbook, in Section "Compensation", Title "Employee Compensation", under "Compensatory Time – Exempt Employees", states "Compensatory leave not used by the end of the fiscal year will be forfeited." For FY 2020 only, such provision is hereby suspended. Compensatory leave earned by exempt employees during FY 2020 must be used on or before June 30, 2021. Any compensatory leave not used by such date will be forfeited.

**AND BE IT FURTHER RESOLVED** as follows:

The Handbook, in Section "Benefits", Title "Holidays", under "Floating Holidays" provides for 8 hours to be used during each half of every fiscal year, further stating "You must use your floating holiday during the designated 6-month period" and "Floating holidays not used during the periods specified above will be forfeited". For FY 2020 only, such provision is hereby suspended. Floating holiday hours earned during the second half of FY 2020 must be used on or before June 30, 2021. Any floating holiday hours not used by such date will be forfeited.

**AND BE IT FURTHER RESOLVED** as follows:

The Handbook, in Section "Benefits", Title "Vacation Leave", provides "Any vacation leave accrual in excess of 240 hours as of June 30 of each year will be forfeited." That provision is hereby suspended such that vacation leave accrual in excess of 240 hours as of June 30, 2021 will be forfeited.


The Handbook further provides that full-time employees who resign or retire from City employment will receive payment equivalent to the monetary value of their unused, accrued vacation leave. Notwithstanding the foregoing provision, the maximum amount of such payment will remain equivalent had the carryover hours been limited to 240 hours. Vacation hours carried over in excess of 240 are not eligible for payment.

**AND BE IT FURTHER RESOLVED** that except as amended by this Resolution, the Policies and Procedures Handbook for Employees of The City of Frederick remains as adopted on June 2, 2011 and subsequently amended by the Board of Aldermen.

**ADOPTED AND APPROVED THIS 16th DAY OF April, 2020.**

**WITNESS**

  
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Michael C. O'Connor, Mayor

**APPROVED FOR LEGAL SUFFICIENCY:**

  
\_\_\_\_\_ **City Attorney**