

RESOLUTION NO. 2021- 30

**RESOLUTION AUTHORIZING PAID LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS
RESPONSE ACT FOR BOROUGH EMPLOYEES**

WHEREAS, on March 18, 2020, President Trump signed the Families First Coronavirus Response Act ("FFCRA") into law; and

WHEREAS, effective April 1, 2021, the FRRCA required all private sector employers with fewer than 500 employees and all state and local public employers, regardless of size, to provide employees with enhanced sick leave through two new laws, namely, the Emergency Family and Medical Leave Expansion Act ("EFMLEA") and the Emergency Paid Sick Leave Act ("EPSLA"); and

WHEREAS, the FFCRA's paid sick leave and expanded family and medical leave requirements created by the EFMLEA and EPSLA originally was effective as of April 1, 2020 and expired on December 31, 2020; and

WHEREAS, paid sick leave and expanded family and medical leave through the FFCRA may now voluntarily be provided by employers until March 31, 2021; and

WHEREAS, the FFCRA provides up to two (2) weeks (up to 80 hours) of emergency paid sick leave (EPSLA) *at the employee's regular* rate of pay, where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or up to two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay when the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition, up to specified daily and aggregate maximum payments, from April 1, 2020 through March 31, 2021; and

WHEREAS, the FFCRA provides up to two weeks of unpaid leave, followed by up to ten (10) weeks of paid emergency family and medical leave (EFMLEA) *at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, up to a maximum of \$200.00 per day and \$12,100 in the aggregate, total, from April 1, 2020 through March 31, 2021; and

WHEREAS, voluntary extension of the FFCRA does not increase the paid leave permitted, which is maxed out at two weeks for EPSLA and ten weeks for EFMLEA; and

WHEREAS, although paid sick leave and expanded family and medical leave is only required from April 1, 2020 through December 31, 2020, expansion of the leave is permitted, if voluntarily agreed to by the Borough employer, through March 31, 2021; and

WHEREAS, it has been determined that it is in the best interests of the Borough of Morris Plains to allow for voluntary expansion of FFCRA for qualifying employees of the Borough of

Morris Plains to be eligible to continue to receive paid leave under the EFMLEA and EPSLA, retroactive to January 1, 2021; and

WHEREAS, all qualifying employees of the Borough of Morris Plains are eligible for such paid leave under the EFMLEA and ESPLA, from April 1, 2020 through March 31, 2021, with limitations as set forth above and as provided by law.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Morris Plains, Morris County, New Jersey on this 21st day of January 2021 that all employees of the Borough of Morris Plains who are eligible for paid leave under the EPSLA and EFMLEA will be provided with such leave on a voluntary basis by the Borough of Morris Plains in accordance with the FFCRA, as set forth above and as provided by law, until March 31, 2021.

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CLERK'S CERTIFICATION

I, Rosanne Denman, Clerk of the Borough of Morris Plains, County of Morris, New Jersey, hereby certify that the foregoing is a true and exact copy of a resolution adopted at a meeting of said Mayor and Council of the Borough of Morris Plains held on the 21st day of January, 2021.

Rosanne Denman
Borough Clerk

Dated: January 22, 2021