

The information below is not intended to provide legal advice and should not be used as a substitute for legal guidance. Consult your city attorney for advice concerning specific situations.

MUNICIPAL ORDER. \_\_\_\_\_

MUNICIPAL ORDER PROVIDING FOR ADMINISTRATIVE LEAVE FOR EMPLOYEES DURING KENTUCKY STATE OF EMERGENCY FOR COVID-19

WHEREAS, the Governor has declared a State of Emergency on March 6, 2020 to assist in stopping the COVID-19 virus outbreak, this may require some employees to be placed on administrative leave;

WHEREAS, to help support the declared State of Emergency, the City of \_\_\_\_\_ is altering its leave policy for city employees;

NOW, THEREFORE, BE IT ORDERED AS FOLLOWS:

1. The city requires an employee with a COVID-19 diagnosis or an order to quarantine to follow the recommendations of medical professionals and provide any necessary documentation to the city, in accordance with applicable federal, state, and local law.
2. If an employee qualifies for leave under the Families First Coronavirus Relief Act, effective as of April 1, 2020, either under the Emergency Paid Sick Leave or Emergency Family Medical Leave Act (EFMLA), those provisions will control and the employee will not receive administrative leave. The City has adopted these provisions through Municipal Order \_\_\_\_\_.
3. The City will determine which positions to designate as nonessential and essential as well as which positions can be performed from home based on the needs of the city and the job position requirements.
4. Employees in nonessential positions who are directed not to come to work by the City and are unable to work from home due to the nature of their work (as determined by the City) will receive paid administrative leave during the declared State of Emergency.
5. The City may designate certain nonessential employees to work from home. If employees are designated to work from home, it will be considered paid work status.
6. All essential workers, which include police, dispatchers, fire, EMT, water, public works must report to work.

**Commented [A1]:** Unless your city has declared a state of emergency under KRS 39B, it must be adopted by municipal order (or ordinance) since paid leave provisions must go through the legislative authority. If the city has declared a state of emergency locally under KRS 39B then the provision can be adopted by executive order.

**Commented [A2]:** Optional to also cite the municipal order (or executive order, if appropriate) adopting the Family First Act provisions.

7. In the event that a nonessential employee working from home as designated by the City in paragraph 5. or an essential employee as designated by the City in paragraph 6. or cannot work due to one of the reasons contemplated by the Families First Coronavirus Relief Act and Municipal Order \_\_\_\_\_, the employee will be granted paid time off according to the Act's applicable leave provisions, but must return to work as soon as the employee, or the person they are caring for, is released by their physician. Written documentation of release to return to work may be requested according to federal, state, and local law.

**Commented [A3]:** Optional to also cite the municipal order (or executive order, if appropriate) adopting the Family First Act provisions.

All other Employee Manual rules shall remain in force.

This order will terminate at the conclusion of the State of Emergency as declared by the Kentucky Governor.

On motion of \_\_\_\_\_, seconded by \_\_\_\_\_, that the foregoing Municipal Order be adopted, the vote was called. On roll call the vote stood:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Commented [A4]:** Unless your city has declared a state of emergency under KRS 39B, it must be adopted by municipal order (or ordinance) since paid leave provisions must go through the legislative authority. If the city has declared a state of emergency locally under KRS 39B then the provision can be adopted by executive order.

**INTRODUCED, PUBLICLY READ AND FINALLY APPROVED ON ONE READING,** this the \_\_\_\_\_ day of March, 2020.

\_\_\_\_\_  
Mayor  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM AND LEGALITY THIS \_\_\_\_ DAY OF**

MARCH, 2020.

By: \_\_\_\_\_  
City Attorney

**Commented [A5]:** The city attorney signature is not required and can be removed. However, you will need to make sure your city attorney reviews the order.