

From: Human Resources (HPD) <AskHR@hpd.nyc.gov>

Sent: Friday, March 26, 2021 9:07 AM

Subject: Return to Work Guidance on Leaves and Reasonable Accommodations

Dear HPD Team,

As we prepare for our return to the office, we would like to provide information for anyone who needs a reasonable accommodation in connection with their medical condition and/or anyone who needs to apply for leave if they are unable to report to work because of caregiver responsibilities. The Agency will hold a town hall meeting via Teams during the week of April 5, 2021, to address general questions regarding restart, and any other return to work questions.

Please be reminded that reasonable accommodations are only available in connection with a disability **and not for childcare or other caregiving issues**. A reasonable accommodation is a change or adjustment to a job or work environment that enables a qualified applicant or employee to perform the essential functions of their job. Employees can apply for a reasonable accommodation based on **their** medical condition or pregnancy, childbirth, or related medical conditions. To request a reasonable accommodation or ask questions about the reasonable accommodation process and/or required documentation, please contact Zenzile Vialva, EEO Officer at HPDEEO@hpd.nyc.gov.

Although caregiving is not a disability for purposes of a reasonable accommodation, employees may qualify for leave based on caregiving responsibilities. Employees who qualify can apply for any of the below leaves by contacting Tricina Stallings, Director of Benefits, at Stallint@hpd.nyc.gov.

**Families First Coronavirus Response Act (FFCRA)
Leave to Care for a Child under the Emergency Family & Medical Leave Expansion Act**

Leave to care for a child under the Emergency Family and Medical Leave Expansion Act (Division C of the FFCRA) is available only to employees who have been employed with the City of New York for thirty (30) days or longer. Eligible employees may take up to 12 weeks of Family Medical Leave to care for a son or daughter whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions and is unable to telework.

During the first ten workdays of such leave, the employee may:

- a) Receive excused leave at two-thirds of the regular rate of pay not to exceed \$200 per day or a total of \$2,000, or
- b) Elect to utilize accrued annual leave or compensatory time.

After the first ten workdays of leave to care for a child under this section, leave shall be paid at two-thirds of the regular rate of pay not to exceed \$200 per day or a total of \$10,000. The employee may not utilize accrued leave or compensatory time during this ten-week period. An eligible employee may utilize leave to care for a child intermittently as agreed upon by the agency and the employee. This leave must be taken in full-day increments if the employee is not teleworking. Excused leave may be taken in partial-day increments if the employee is teleworking by agreement between the employee and the agency.

Note - The maximum 12 weeks of leave under this section is reduced by the amount of the FMLA leave entitlement taken in that year. If an employee has exhausted his or her 12 weeks of leave, he or she may still take two weeks of partial pay leave for a COVID-19 qualifying reason.

**Families First Coronavirus Response Act (FFCRA)
Excused Leave at Partial Pay**

Employees are eligible for two workweeks of excused leave at partial pay (two-thirds of the employee's regular rate of pay, not to exceed \$200 per day or a total of \$2,000) as follows:

- a) The employee is caring for an individual subject to a governmental quarantine or isolation order and the employee must demonstrate that the individual depends on the employee for care and that he or she is unable to telework while caring for an individual under the governmental quarantine or isolation order.
- b) The employee is caring for an individual who has been advised by a licensed health care provider to self-quarantine either because of exposure to COVID-19 or because of heightened risk associated with exposure to COVID-19.
- c) The employee is caring for a son or daughter under 18 years of age whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions.

Family & Medical Leave Act (FMLA)

Eligible City employees can take up to 12 weeks of job-protected leave in a 12-month period for the following reasons:

- a) The birth of a child or placement of a child for adoption or foster care;
- b) To bond with a child (leave must be taken within one year of the child's birth or placement);
- c) To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- d) For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule. Employees are required to use leave accruals while taking FMLA leave.

Eligibility

The employee must:

- Have worked for the City of New York for at least 12 months; and
- Have at least 1,250 hours of service in the 12 months before taking leave.

If you have any additional questions about the information in this email, please reach out to AskHr@hpd.nyc.gov.