



May 19, 2020

Item No. 7

**RATIFICATION OF EMERGENCY PAID SICK LEAVE AND EMERGENCY FAMILY AND MEDICAL  
LEAVE ACT EXPANSION POLICY**

**Presenter: Patricia Rios, Chief Administration Officer**

**RECOMMENDATION**

The Chief Executive Officer (“CEO”) recommends that the Board of Commissioners of the Chicago Housing Authority (“CHA”) ratify the Emergency Paid Sick Leave and Emergency Family and Medical Leave Act Expansion Policy (“Expansion Policy”).

The requested action complies in all material respects with federal, state, and local laws and Chicago Housing Authority board policies. Staff have completed all necessary due diligence to support the submission of this initiative.

**FUNDING**

N/A

**BACKGROUND**

In compliance with the Families First Coronavirus Response Act (“FFCRA”), certain employers were required to provide additional paid sick leave and expanded emergency family and medical leave to their employees. The FFCRA’s paid leave provisions were effective on April 1, 2020, and apply to certain leaves of absence taken between April 1, 2020, and December 31, 2020.

In response to the FFCRA and Executive Orders issued by the State of Illinois, on March 30, 2020, the CHA Board of Commissioners delegated authority to the CEO or Acting CEO, upon consultation with the CHA Board Chairperson and/or the Vice Chairperson, to create and establish policies deemed necessary and/or appropriate to ensure the continuity of CHA operations, without Board approval.

Accordingly, effective April 1, 2020, the CHA implemented the Expansion Policy which provides employees with up to two weeks of fully or partially paid sick leave for specified COVID-19 related reasons. When the absence is related to an employee’s own care, the Expansion Policy provides for compensation of an employee’s regular rate of pay (up to a maximum of \$511 per day). When the absence is related to the care of others or the care of a child due to school closure, the Expansion Policy provides for two third of an employee’ regular rate of pay (up to a maximum of \$200 per day).

In addition, family and medical leave, pursuant to the Family Medical Leave Act (“FMLA”), was expanded for qualifying reasons related to COVID-19 (“Emergency FMLA Leave”). The Expansion Policy provides for 12 weeks of leave when an employee is unable to work or telework due to a need to care for their child due to a school closure or the unavailability of a child care provider. After the first 10 days of Emergency FMLA Leave (paid or unpaid), the remainder of an employee’s Emergency FMLA Leave, up to

a total of 12 weeks, will be paid at two-thirds of the employee's regular rate of pay (up to a maximum of \$200 per day and \$10,000 total).

On April 6, 2020, the Department of Labor's publication clarified certain sections of the FFCRA, in response to which the CHA revised its Expansion Policy to include the following:

- While the Governor's Stay-at-Home Order (Executive Order 2020-1008 (IL 03/20/2020, and as amended)) applies under the Expansion Policy, it does not apply to those employees the CHA has deemed "essential workers".
- Under "Care for Others" clarification language was added to include "the individual depends on the employee for care" and "only if no other suitable person is available to care for the employee's child during the period of leave."
- The definition of child includes not only minors but was expanded to include older children who are incapable of providing self-care due to a mental and/or physical disability.

Respectfully submitted by:

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Patricia Rios  
Chief Administrative Officer

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James L. Bebley  
Chief Operating Officer

**RESOLUTION NO. 2020-CHA-XX**

**WHEREAS,** the Board of Commissioners of the Chicago Housing Authority has reviewed the Board letter dated May 19, 2020 entitled: **“RATIFICATION OF EMERGENCY PAID SICK LEAVE AND EMERGENCY FAMILY AND MEDICAL LEAVE ACT EXPANSION POLICY”**

**THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO HOUSING AUTHORITY:**

**THAT,** the Board of Commissioners ratifies the enclosed Emergency Paid Sick Leave and Emergency Family and Medical Leave Act Expansion Policy effective April 1, 2020.

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Angela Hurlock  
Chairperson  
Chicago Housing Authority