



## Families First Coronavirus Response Act (FFCRA) Guidelines

April 1, 2020

The FFCRA provides emergency paid sick leave provisions to employees who meet specific criteria as outlined below. The FFCRA is effective from April 1, 2020, through December 31, 2020. **Benefits provided will not be retroactive, nor will they be extended past December 31, 2020.**

### Emergency Paid Sick Leave Act (EPSL)

The FFCRA provides up to 80 hours (10 workdays) of EPSL to full-time employees who are unable to work, either on-site or remotely, due to COVID-19 and for specific reasons listed below. Part-time employees are entitled to EPSL based on the number of hours the employee works, on average, over a two-week period. The Department of Labor (DOL) provided additional guidance related to determining the appropriate number of hours if the schedule is unknown or varies. Employees are eligible for this benefit upon hire (no waiting period).

Qualifying reasons for EPSL include:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19 (please note: this does NOT include the Governor's recent Stay-at-Home order);
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. The employee is caring for an individual subject to an order described in 1) above or 2) self-quarantined as described in 2) above;
5. The employee is caring for a child whose school or place of care is closed, or the childcare provider is unavailable for reasons related to COVID-19;
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

An employee who receives approval for EPSL but does not use all 80 hours (they no longer have a qualifying reason for taking EPSL), may use the remaining EPSL later, until December 31, 2020, if another qualifying reason occurs.

Employees who seek benefits under the EPSL must submit a written request to their Department Head/Supervisor and HR, and provide supporting documentation, using the new [Request for Benefits Under the FFCRA Form](#). **Required documentation includes a copy of the federal, state or local quarantine or isolation order related to COVID-19, or written documentation by a health care provider advising you to self-quarantine due to concerns related to COVID-19.** HR will confirm eligibility and approve/deny each request.

## **The Emergency Family and Medical Leave Expansion Act (EFMLEA)**

The FFCRA temporarily updates the Family and Medical Leave Act (FMLA) to provide employees with up to 12 weeks of job-protected leave if they are unable to work, either on-site or remotely, as a result of their son's or daughter's school or childcare services being closed due to the public health emergency associated with COVID-19. Employees are eligible if they have been employed for at least 30 days.

Under the EFMLEA, an employee must demonstrate 1) they are unable to work, either on-site or remotely, and 2) they have a son or daughter whose school or place of care is closed, or childcare provider is not available due to COVID-19 related reasons. Once approved, the first two weeks are unpaid, however the employee may use available leave balances to cover this period (Annual, PTO or Part-time leave). After the initial two-week period, the employee is eligible to receive two-thirds (2/3) of their full pay, up to \$200 per day, for the remaining 10 weeks, as needed, not to exceed \$10,000.

This EFMLEA is just another "reason" or "category" of FMLA that goes towards the total 12 weeks, per 12-month period, that can be taken by an employee. Therefore, if an employee has already used 12 weeks of FMLA leave in the 2020 FMLA leave year, they are not eligible to take EFMLEA. Likewise, an employee who has only used eight weeks of FMLA during the 2020 FMLA leave year may be eligible for four weeks of EFMLEA or FMLA leave.

Employees who seek benefits under the EFMLEA must submit a written request to their Department Head/Supervisor and HR, along with supporting documentation, using the new [Request for Benefits Under the FFCRA Form](#). **Required documentation includes a notice of closure or unavailability from the child's school or place of care due to COVID-19-related reasons. This includes a letter, email or public notice posted on the school or provider's website.** HR will confirm eligibility and approve/deny each request.

If you have additional questions, please contact the Department of Human Resources at 748-1551.