



Families First Coronavirus Response Act (FFCRA) Frequently Asked Questions (FAQs)

April 1, 2020

On April 1, the Families First Coronavirus Response Act (FFCRA) became effective. This federal law provides emergency paid sick leave provisions and job-protected leave under the Expanded Family Medical Leave Expansion Act (EFMLEA) to employees who meet specific criteria as outlined below. Please review the FFCRA Guidelines for additional details.

Q1. I am a part-time employee. Does the FFCRA apply to me?

A1. *Yes, if you meet the criteria for the benefits (please see FFCRA Guidelines).*

Q2. If I used FMLA in the 2020 FMLA leave year, does my time on FMLA count towards my entitlement of EFMLEA under the new FFCRA?

A2. *Yes. If you took some but not all 12 weeks of leave under the FMLA, you would be able to use the remaining time under the EFMLEA. For example, if you were out on FMLA for 8 weeks in the 2020 FMLA leave year, you would only be eligible to use four weeks of EFMLEA by December 31. If you took an entire 12 weeks of FMLA in the past 2020 FMLA leave year, you are not entitled to EFMLEA under the FFCRA.*

Q3. I was advised to quarantine for 14 days in March. Is the Emergency Paid Sick Leave retroactive?

A3. *No. All benefits provided under the FFCRA are effective from April 1, 2020 and expire December 31, 2020.*

Q4. I am interested in applying for the Emergency Paid Sick Leave. What is the criteria for this leave?

A4. *The Emergency Paid Sick Leave is available for employees who are unable to work, either on-site or remotely, for the following reasons:*

- 1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;*
- 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 child care 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.*

Q5. Does the Governor's recent "Stay-at-Home" order qualify as a "State Quarantine or Isolation" order related to COVID-19, as described in number 1 of the Emergency Paid Sick Leave criteria?

A5. *No, the Governor's "Stay-at-Home" order does not qualify as a "State Quarantine or Isolation" order, as the Governor allows citizens to leave their home for the purposes of working, seeking medical treatment, buying groceries and prescriptions, and exercising.*

Q6. Can I apply for benefits under both the Emergency Paid Sick Leave and the EFMLEA?

A6. *Yes, but only if the reason is that you are unable to work, either on-site or remotely, and must stay home to care for a child whose school or place of care is closed or unavailable due to COVID-19 reasons.*

- Q7. Does the Emergency Paid Sick Leave run concurrently with the EFMLEA?
A7. *It can, depending on the circumstances.*
- Q8. I heard the EFMLEA is paid. Is this true? If so, how much am I paid?
A8. *The EFMLEA provides pay for the last 10 weeks (the first two weeks is not paid, but you may use available leave, or you may qualify for the Emergency Paid Sick Leave). The last 10 weeks you are paid two-thirds (2/3) of your daily rate up to \$200 per day. If you have available leave (PTO, annual leave or part-time leave), you can use it to make up the difference between your regular pay and your FMLA pay.*
- Q9. If I am sick or need to be out to care for a sick family member, do I need a doctor's note?
A9. *Yes, you will need a note from the doctor that says that you must be out of work and are quarantined or isolated due to COVID-19, and the note must include a start date and a return/end date.*
- Q10. If I can work remotely, am I eligible for FFCRA benefits?
A10. *No. Benefits provided by the FFCRA are specifically for employees who are unable to work - either on-site or remotely - due to COVID-19.*
- Q11. If my spouse is working remotely at home, can I still apply for benefits under the FFCRA?
A11. *If you can work remotely at home, then you are not eligible for benefits under the FFCRA. If you can't work remotely and you have suitable childcare (such as a spouse working at home or a family member to watch your children), then you are not eligible for the FFCRA. If you don't have suitable childcare and cannot work from home in your current assignment or performing alternative duties, you may be eligible for FFCRA benefits, but documentation from your child's school or day care must be provided stating the school and/or day care is closed due to COVID-19.*
- Q12. If I am out for reasons that are medical but not due to COVID-19, am I eligible for the EFMLA benefits under the FFCRA?
A12. *No, however you may be eligible for leave under the FMLA but not for the EFMLEA under the FFCRA.*
- Q13. If everyone knows all the schools are closed, why do I need a note?
A13. *The FFCRA requires documentation to support all requests for leave benefits. For a school or childcare provider closure due to COVID-19, you may provide a letter, email or public notice posted on the school or provider's website.*

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