



Families First Coronavirus Response Act (FFCRA) Guidelines Effective April 1, 2020

Emergency Paid Sick Leave Act (Emergency Paid Sick Leave)

The FFCRA provides up to 80 hours (ten workdays)/112 hours for sworn Fire shift employees of *emergency paid sick leave* to full-time employees who are unable to work, either onsite or remotely, due to COVID-19, and for specific reasons listed below. Part-time employees are entitled to this paid sick leave 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). Note: Employees do not get a new 80 hours of the emergency paid sick leave categories.

Qualifying reasons for *Emergency Paid Sick Leave* include (*COVID-19-Sick or COVID-19 Sick Childcare for reason #5*):

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 (*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 self-quarantined as described in #2 above;
5. The employee is caring for a child whose school, place of care, summer camp that the child normally goes to, 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. (DOL has provided no guidance to date on this.)

An employee who receives approval for *emergency paid sick leave* but does not use all ten (10) workdays/112 hours for sworn shift Fire employees and who no longer has a qualifying reason for taking *emergency paid sick leave* may use the remaining *emergency paid sick leave (COVID-19-Sick)* at a later time, until December 31, 2020, if another qualifying reason occurs.

Employees who seek benefits under *emergency paid sick leave* must submit a written request using the new *Request for Leave under the FFCRA* form to their supervisor or orally notify his/her

supervisor of this request for leave and provide the necessary required information (i.e., government entity who ordered quarantine; name of healthcare provider who advised self-isolation; COVID-19 symptoms or diagnosis; requirements on Page 1 re: unable to work due to childcare or school closure indicated on the *Request for Leave under the FFCRA* form). If there is oral notification, the supervisor will initially complete the form and indicate the specific required information on the form and pass the form on to the Timekeeper who will discuss with the HR Generalist/Liaison, as necessary to confirm eligibility, and work with the Timekeeper/supervisor to approve/deny the request.

The Emergency Family & Medical Leave Expansion Act (COVID-19 FMLA)
(Expanded Family & Medical Leave)

The FFCRA temporarily updates the Family and Medical Leave Act from April 1, 2020 to December 31, 2020 to provide employees with *up to 12 weeks of job-protected leave if they are unable to work, either onsite or remotely, as a result of their minor child's/children's school or child care 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 calendar days.*

Under the *Expanded FMLA (EFMLA)*, an employee must demonstrate:

- 1) They are unable to work, either onsite or remotely, and
- 2) They have a minor child/children whose school, place of care, or summer camp that the child usually goes to is closed, or child care provider is not available due to COVID-19 related reasons, and
- 3) No other suitable person is available to care for your child/children

Once approved, the first two (2) weeks are unpaid, however, the employee may choose to use available leave balances (accrued sick; accrued vacation; compensatory time, or *Emergency Paid Sick Leave* for Reason #5 (*COVID-19-Sick Childcare*), if they meet the EFMLA leave requirement of being employed at least 30 calendar days (see below), to cover this *otherwise unpaid* period. After the initial two (2) week period, the employee is eligible to receive two-thirds (2/3) of their full pay up, to \$200 per day, not to exceed \$12,000, for the remaining ten (10) weeks, as needed. If the employee chooses not to utilize the above-referenced paid leave categories or has no paid leave to use, the employee is eligible to receive two-thirds (2/3) of their full pay, for the remaining ten (10) weeks, as needed, not to exceed \$12,000. If approved, this leave may be taken on an intermittent basis.

This *EFMLA* 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 past 12 months, they are not eligible to take *EFMLA*. Likewise, an employee who has only used eight (8) weeks of FMLA during the past 12 months is eligible for only four (4) weeks of *EFMLA*.

If an employee qualifies for *EFMLA*, the HR Generalist/Liaison will provide the normal *FMLA Notice of Eligibility Rights & Responsibilities* and the *Request for Leave under the Families First Coronavirus Response Act (FFCRA)* form to the employee.

Employees who seek benefits under the *EFMLA* must submit a *Request for Leave under the FFCRA form* to their supervisor or provide oral notification to their supervisor who will initially complete the information on the leave form, including the necessary required information indicated on that that form, including number of hours and dates. That required information is: the name of the employee's minor child/children; the name of the school, place of care, or child care provider, or summer camp that the child usually goes to that has closed or become unavailable due to COVID-19-related reason; and a statement that no other suitable person is available to care for your child. The various leave options are also on the form.

After the leave request form for *EFMLA leave* has been reviewed by the HR Generalist/Liaison, that *Request for Leave under the FFCRA form* and a copy of the *FMLA Notice of Eligibility Rights & Responsibilities* will be sent by the HR Generalist/Liaison to the *FMLA Coordinator* for review and approval. Per normal *FMLA* procedure, the *FMLA Coordinator* will review and approve/disapprove the request for *EFMLA leave* and advise the employee, the supervisor, the HR Generalist/Liaison, and the Timekeeper of the approval/disapproval via a *FMLA Designation Notice with a disapproval/approval* of the *Request for Leave under the FFCRA form*.