

Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act went into effect on April 1, 2020. Two provisions in the act directly affect employers' obligations to provide a measure of leave pay under certain circumstances related to the pandemic. They are the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA).

EPSLA—Sick Leave Benefit

- All employees are covered regardless of length of service
- Applies to part-time and full-time staff
- Applies to all employees who are unable to work, or telework, because they:
 1. Are subject to a federal, state or local quarantine or isolation order (including stay-at-home orders).
 2. Have been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19.
 3. Are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
 4. Are caring for an individual who is subject to a quarantine or isolation order or has been advised by a healthcare provider to self-quarantine as described above.
 5. Are caring for his or her child whose school or place of care has been closed or whose child care provider is unavailable due to COVID-19 precautions.
 6. Are experiencing any other substantially similar condition specified by the Secretary of Health & Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
- 80 hour cap on EPSLA benefit, no matter how many of above reasons apply.
 - For reasons 1-3: employee is paid at regular rate, up to \$511/day or \$5111 in total
 - For reasons 4-6: employee is paid at 2/3 regular rate, up to \$200/day or \$2000 in total

EFMLEA

- Expands on the existing Family Medical Leave Act
- Can only be used for reason #5 above
- Entitles employee to 12 weeks of leave to care for child because school/daycare is closed
- Employee must have 30 days tenure with the employer
- First 10 days leave under EFMLEA are unpaid, but can be paid under the EPSLA
- Paid at 2/3 normal rate, up to \$200/day and \$10,000 in total

Example #1: An employee qualifies under reason 1-6. They will qualify for 80 hours of paid sick leave at the stated rates. If they qualified under reasons 1-4 or 6. Their benefit will end at the end of 80 hours.

Example #2: An employee has two grade-school aged children and the school has closed. The employee has worked more than 30 days and is a full-time employee. They will stay home to watch their children as there is no available daycare. For the first 10 work days, an employee can use existing vacation, personal, medical or sick leave provided under an employer's policy OR use the 80 hours of sick pay

under the EPSLA. The pay under the EPSLA is at 2/3 the employee's regular rate, capped at \$200 per day and \$2,000 in total. For the remaining 10 weeks after that they are on 2/3 pay under the EFMLEA, subject to caps of \$200 per day and \$10,000 in the aggregate.

- Effective April 1-December 31, 2020, will not apply to leave taken before April 1.
- Expansion covers COVID-19 related illnesses and situations only.
- Provisions of this act would apply to all local unit employees.
- An employee can be required to telework to the extent possible, using flexible hours so an employee could work at times when they are not taking care of a child.
- If an employee is able to telecommute part of the time, they can use the sick or family leave benefits intermittently.
- Employees are still entitled to employer-sponsored health benefits while on FFCRA leave.
- If an employee cannot go to work due to a stay at home order and cannot perform job duties by telecommuting, they qualify for two weeks of paid sick leave. For this situation to apply the employee must be unable to work because of the order and the employer must otherwise have work for the employee. Benefits are not payable if the employer does not have work for the employee to do.