

### FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

The Families First Coronavirus Response Act (FFCRA) was signed into law on March 18, 2020. Leaves under the FFCRA are effective beginning April 1, 2020 and remain in effect through December 31, 2020; leave taken under the FFCRA is not retroactive. This chart has been prepared to assist agencies in understanding some of the key differences between the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family & Medical Leave Expansion Act (EFMLEA).

|                               | <b>Emergency Paid Sick Leave Act (EPSLA)</b>  | <b>Emergency Family &amp; Medical Leave Expansion Act (EFMLEA)</b>  |
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| <b>Eligibility:</b>           | Day 1 of employment   | After being employed 30 calendar days   |
| <b>Exemptions:</b>            | Employees that are considered health care providers and emergency responders during the COVID-19 pandemic may be excluded from EPSLA.   | Employees that are considered health care providers and emergency responders during the COVID-19 pandemic may be excluded from EFMLEA.  |
| <b>Applicability:</b>         | Applies to leaves taken beginning on April 1, 2020 and ends on December 31, 2020. Leave may not be taken retroactively.   | Applies to leaves taken beginning on April 1, 2020 and ends on December 31, 2020. Leave may not be taken retroactively.   |
| <b>Qualification Reasons:</b> | <p>Employee qualifies if the employee is unable to work (or unable to telework) due to a need for leave because the employee:</p> <ol style="list-style-type: none"> <li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li> <li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li> <li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li> <li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li> <li>5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or</li> <li>6. 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.</li> </ol> | Employee qualifies if the employee is unable to work (or unable to telework) due to caring for a child whose school or place of care is closed (or paid child care provider is unavailable) for reasons related to COVID-19. (Reason #5 of EPSLA) |
| <b>Duration of Leave:</b>     | 2 weeks (an employee's FTE normally scheduled hours, up to 80)  | Up to 12 weeks  |

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| <p><b>Pay:</b></p>                              | <p><b>Reasons 1, 2, &amp; 3:</b><br/>A full-time employee is eligible for up to 80 hours of paid time in a 2 week period, based on FTE. This is capped at \$511/day or \$5110 over the 2 week period.</p> <p><b>Reasons 4, 5* &amp; 6:</b><br/>A full-time employee is eligible for 2/3 their regular pay, up to \$200/day or \$2000 over the 2 week period. The remaining 1/3 is unpaid.</p> <p><b>*Reason 5:</b><br/>Employees may elect to use the 2 weeks of paid EPSL to cover the first 2 unpaid weeks of EFMLEA.</p>  | <p>Initial 2 weeks (10 days) are unpaid, however an employee may use the two weeks of EPSL (if still available) or accrued leave during this time period to avoid being unpaid.</p> <p>The remaining 10 weeks of EFMLEA is paid to an employee at 2/3 their regular rate, up to \$200/day and \$10,000 in the twelve-week period. The remaining 1/3 is unpaid.</p> <p>Pay for the remaining 10 weeks is at a rate of 2/3's the employees FTE normally scheduled hours, subject to the monetary caps.</p>   |
| <p><b>Impact regular FMLA entitlements?</b></p> | <p>No</p>  | <p>Yes. These 12 weeks is NOT in addition to regular FMLA. An employee is still only able to use 12 weeks of leave in a 12-month period under Federal FMLA.</p>  |
| <p><b>Documentation</b></p>                     | <p>Employee completes Form FFCRA-HR-1 to request leave and provides supporting documentation that they are unable to work or telework due to a qualifying reason related to COVID-19.</p> <p>Examples: 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 them to self-quarantine due to concerns related to COVID-19.</p> <p>It is understood that it may be difficult for an employee to provide documentation in the event he or she is experiencing symptoms of COVID-19 and seeking a medical diagnosis, as not everyone is being provided access to testing and some medical facilities are telling patients with less severe symptoms to remain home. In this regard, we advise that you request a written statement from the employee stating the reason for leave in the event an employee is not able to provide documentation as well as advising the employee that the we reserve the right to request documentation at a later date.</p> | <p>Employee completes Form FFCRA-HR-1 to request leave and provides supporting documentation showing that the child's school or place of care is closed, or paid child care provider is unavailable, due to COVID-19-related reasons</p> <p>Examples: a notice of closure or unavailability from the child's school, place of care, or paid child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to the employee from an employee or official of the school, place of care, or paid child care provider.</p> |

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| <p><b>Leave Scenarios</b></p> | <p>For qualifying reasons 1-4, and 6: Leave taken under EPSLA is taken as a standalone leave meaning it does not run concurrently with any other leave.</p> <p>For qualifying reason 5, there are two scenarios:</p> <ol style="list-style-type: none"> <li>1) Employee uses EPSLA leave for 2 weeks, then begins their 12 week leave entitlement under EFMLEA. That means the employee would be paid for 2 weeks at 2/3 rate (EPSLA), then unpaid (or use accruals) for the first two weeks of EFMLEA, and then the remaining 10 weeks of EFMLEA would be paid at 2/3 rate. This would give the employee 14 weeks of leave (2 of the weeks being unpaid)</li> <li>2) Employee can elect to use EPSLA concurrently with EFMLEA during the first two unpaid weeks of EFMLEA. That means an employee would be out concurrently on EPSLA &amp; EFMLEA for weeks 1 and 2, and then weeks 3-12 would be just EFMLEA. This would give the employee 12 weeks of leave, but all receiving 2/3 rate of pay.</li> </ol> | <p>Leave can only be taken under EFMLEA if the employee is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. (Reason #5 of EPSLA).</p> <p>Employees can elect:</p> <ol style="list-style-type: none"> <li>1) Take 2 weeks EPSLA, then begin to use their leave entitlement under EFMLEA. This would give the employee 14 weeks of leave time. The first two weeks of the EFMLEA time would be unpaid, or the employee can elect to use accrued leave time, and the remaining 10 would be paid at a rate of 2/3 their regular salary.</li> <li>2) Employee can elect to use EPSLA concurrently with EFMLEA during the first two unpaid weeks of EFMLEA. That means an employee would be out concurrently on EPSLA &amp; EFMLEA for weeks 1 and 2, and then weeks 3-12 would just be EFMLEA. This would give the employee 12 weeks of leave, but all receiving 2/3 rate of pay.</li> </ol> |
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