

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

The FFCRA requires government employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. Department of Labor's Wage and Hour Division administers and enforces the new paid leave requirements. These provisions are in effect from April 1, 2020 to December 31, 2020.

- 1) **Emergency Paid Leave Sick Act (EPSLA)** – provides for 80 hours of paid sick leave for full-time employees; part-time employees are entitled to the average number of hours an employee works over a 2-week period.
- 2) **Expanded Family and Medical Leave Expansion Act (EFLMEA)** – amends the FMLA provisions to provide up to 12 weeks of leave (10 weeks at 2/3 pay) for employees who are caring for their children at home because they do not have childcare due to schools or daycare providers being closed.

EPSLA

Eligibility: All employees are covered (for two weeks up to 80 hours, dependent upon the average hours worked).

Covers: Employees who are unable to work because they:

- 1) Are subject to a federal, state or local quarantine or isolation order related to COVID-19.
- 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 (and are unable to telework).
- 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.

Provides: Up to 80 hours of sick leave pay; except:

- Reasons 1, 2, 3 are paid at the regular rate, capped at \$511 per day or \$5,110 in the aggregate (2-week period).
- Reasons 4 or 6 are paid at 2/3 of the regular rate; capped at \$200 per day and \$2,000 in the aggregate (2-week period).
- Reason 5 is paid at 2/3 of the regular rate; capped at \$200 per day and \$12,000 in the aggregate (over a 12-week period as this intersects with EFMLEA).

EFMLEA (FMLA+)

Eligibility: Employees who have been employed 30 days or more. (Employees are eligible for no more than 12 weeks of FMLA and EFMLEA in total).

Exclusions: Employees at RCSO, ADC, JDC, ECC, ME, RCCF, LOR, RCCC and Detox are not eligible for EFMLEA.

Covers: Employees who are unable to work or telework because they:

Are caring for his or her child whose school or place of care has been closed or whose childcare provider is unavailable due to COVID-19 precautions (and are unable to telework). (See #5 above).

Provides: No pay for the first 2 weeks (although can potentially use EPSLA if available) and then 2/3 pay for the remaining 10 weeks capped at \$200 per day or \$12,000 in the aggregate over a 12-week period.

Federal Benefits (EPSLA and EFMLEA) vs. County Benefits (PEPEL and sick leave, etc).

Starting April 1, 2020: If applicable, federal benefits apply first. If employees used PEPEL prior to April 1st, it remains PEPEL and does not count towards the 80 hours of EPSLA. Employees are entitled to receive up to 80 hours of EPSLA as noted above. The county may allow employees to use PEPEL, sick leave or other leave entitlements to supplement the employee's pay in cases where they are receiving only a portion of their pay.