



Families First Coronavirus Response Act (FFCRA) Information¹

What situations allow me to receive the benefit of FFCRA?

You are unable to return to work (or telework) because. . .

- You must care for your child under 18 years old because their school, place of care, or child-care provider is closed due to COVID-19.
- You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- You are caring for an individual who is subject to a quarantine or isolation order or who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

What proof is needed to claim FFCRA?

Regardless of the reason you are requesting leave, you must provide your employer either orally or in writing the following information:

- your name;
- the date(s) for which you request leave;
- the reason for leave;
- and a statement that you are unable to work because of the above reason.

If you request leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order.

If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice.

If you request leave to care for your child whose school or place of care is closed, or child-care provider is unavailable, you must also provide:

- the name of your child;
- the name of the school, place of care, or child-care provider that has closed or become unavailable;

¹ All information obtained from the following sources. H.R. Res. 6201, 116th Cong. (2020) (enacted); *Coronavirus Resources*, U.S. Dept. of Labor, <https://www.dol.gov/coronavirus#>.

- and a statement that no other suitable person is available to care for your child.

What benefits will I receive under FFCRA?

The benefits you receive depend on your reason for requesting leave. FFCRA provides:

- Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis. In these circumstances, you are entitled to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period; or
- Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay because the employee is unable to work because of a need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor. Under these circumstances, you are subject to a maximum of \$200 per day, or \$2,000 over the entire two-week period; and
- Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay where an employee, who has been employed for at least 30 calendar days, is unable to work due to a need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

If you are a part-time employee whose schedule varies from week to week to such an extent that an employer is unable to determine with certainty the number of hours you would have worked if you had not taken paid sick time, the employer shall use the following in place of such number:

- A number equal to the average number of hours that you were scheduled per day over the 6-month period ending on the date on which you took the paid sick time, including hours for which you took leave of any type.
- If you did not work over such a period, the employer will use the reasonable expectation at the time of hiring of your average number of hours per day that you would normally be scheduled to work.

How does FFCRA affect my health insurance?

If you elect to take paid sick leave, your employer must continue your health coverage. If your employer provides group health coverage that you've elected, you are entitled to continued group health coverage during your expanded family and medical leave on the same terms as if you continued to work. If you are enrolled in family coverage, your employer must maintain coverage during your expanded family and medical leave.

Can my employer require paid leave to run concurrently with FFCRA?

Paid sick leave under the FFCRA is in addition to any form of paid or unpaid leave provided by your employer, law, or an applicable collective bargaining agreement. To that end, your employer cannot require that FFCRA leave runs concurrent with other paid leave with limited exceptions.

If your request FFCRA leave to to care for your child or children because their school or place of care is closed (or child care provider is unavailable) due to a COVID-19 related reason, your employer can require that your employer provided leave runs concurrent with the FFCRA leave. Your employer must pay you full pay during the leave until you have exhausted available paid leave under your employer's plan- including vacation and/or personal leave (typically not sick or medical leave).

If you exhaust available paid leave under your employer's plan, but have more paid expanded and medical family leave available, you will receive any remaining paid expanded and medical family in the amounts and subject to the daily and aggregate limits in the Emergency Family and Medical Leave Expansion Act. Additionally, provided both you and your employer agree, and subject to federal or state law, paid leave provided by an employer may supplement 2/3 pay under the Emergency Family and Medical Leave Expansion Act so that the employee may receive the full amount of the employee's normal compensation.

If I elect to take leave under FMLA, does that affect my eligibility under the FFCRA?

If you are an eligible employee, you are entitled to paid sick leave under the FFCRA regardless of how much leave you have taken under the FMLA.

However, if your employer was covered by the FMLA prior to April 1, 2020, your eligibility for expanded family and medical leave depends on how much leave you have already taken during the 12-month period that your employer uses for FMLA leave. You may take a total of 12 workweeks for FMLA or expanded family and medical leave reasons during a 12-month period. If you have taken some, but not all of the 12 workweeks of your leave under FMLA during the current 12-month period determined by your employer, you may take the remaining portion of leave available. If you have already taken 12 workweeks of FMLA leave during this 12-month period, you may not take additional expanded family and medical leave.

What other options besides the FFCRA and FMLA do I have for paid leave?

If you have used paid leave under the FFCRA and FMLA, you may use your own accrued sick leave, vacation time, or ask for a leave of absence.

If you take a voluntary leave of absence and have not used the FFCRA, you may end your leave of absence and begin taking paid sick leave or expanded family and medical leave under the FFCRA if a qualifying reason prevents you from being able to work (or telework). However, you may not take paid sick leave or expanded family and medical leave under the FFCRA if your leave of absence is mandatory. This is because it is the mandatory leave of absence, and not a qualifying reason for leave, that prevents you from being able to work (or telework). In the

instance of a mandatory leave of absence, you may be eligible for unemployment insurance benefits.

May I carry over FFCRA benefits to next year if I do not use them?

Paid sick time under the FFCRA will not carry over to next year. The bill, along with its benefits, is set to expire December 31, 2020. However, this may change.