



▶ **FFCRA**

KNOW YOUR RIGHTS

What is the FFCRA

- ▶ “The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date through December 31, 2020.” (U.S. Department of Labor)

- ▶ Most Public Sector Employees
- ▶ Private Sector Employees with under 500 Employees
- ▶ In order to qualify, need to have been employed for at least 30 days
 - ▶ DO NOT need to meet the 1250 hours worked requirement under regular FMLA



Who is eligible
for FFCRA?

What benefits does FFCRA provide?

- ▶ “Generally, the Act provides that employees of covered employers are eligible for:
 - ▶ *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; 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 bona fide 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; 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 bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.”

*See <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at $\frac{2}{3}$ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- | | |
|---|---|
| <ol style="list-style-type: none">1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;2. has been advised by a health care provider to self-quarantine related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
|---|---|

► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

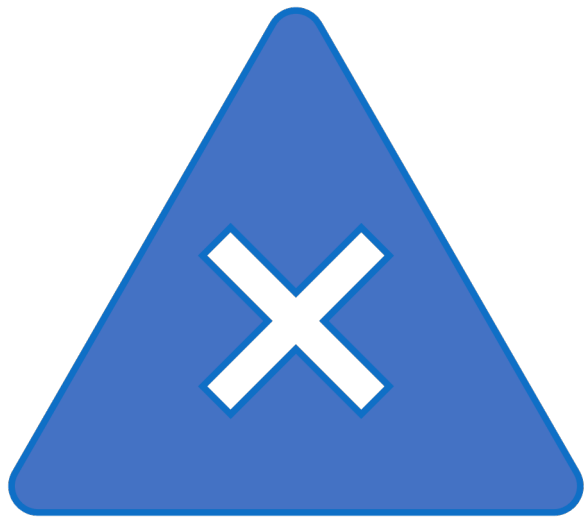
For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



WH1422 REV 03/20

How do I access
FFRCA?

Check with your Local Union to get information about the leave request procedure and how to apply. Every employer may be a little different with the procedure for leave requests.



What do I do
if I am denied
FFCRA
benefits?

- ▶ Contact your Local President
- ▶ Save all documents including:
 - ▶ Paperwork submitted
 - ▶ Documents provided to you from the employer
 - ▶ Any forms or applications filled out
 - ▶ Any emails sent to you from the employer
 - ▶ Any letters or responses sent to you from your employer



Frequently asked questions about FFCRA



- ▶ **Do I need to qualify for FMLA to be eligible for FFCRA?**
 - ▶ No. The 1250 hours worked requirement does not apply to FFCRA.
- ▶ **Does FFCRA for childcare purposes apply if my child is in a hybrid education setting?**
 - ▶ Yes, you are eligible to take paid leave under the FFCRA on days when your child is not permitted to attend school in person and must instead engage in remote learning. You may take paid leave under the FFCRA on each of your child's remote-learning days. This is NOT considered intermittent leave.
- ▶ **Can I take intermittent leave if I can work some of the days but need other days off?**
 - ▶ Only if the Employer agrees to allow intermittent leave but they are not required to do so.
- ▶ **Can I take the emergency paid sick leave benefit for the first two weeks when I am taking the FFCRA childcare leave option?**
 - ▶ Yes, an employee can elect to take the emergency paid sick leave benefit for the first two weeks of leave since a qualifying reason is to care for a child whose school or place of care is closed due to COVID related reasons.
- ▶ **If I elected to keep my child home from daycare or elected to have my child fully remote despite the School District being open for either hybrid or full in-person learning, can I take FFCRA childcare leave?**
 - ▶ No, since the child's school or daycare is technically open and you have elected to keep your child home, you do not qualify for FFCRA childcare leave benefits.

- ▶ **How long is FFCRA available?**
 - ▶ It expires on December 31, 2020
- ▶ **How many times can I use the leave benefits?**
 - ▶ Only one time. Once you use your benefits, they are not replenished.
- ▶ **What documentation do I need to provide to the employer/HR to certify my need for the leave?**
 - ▶ Check with your local president to determine the process in your district, but typically you will have to certify or provide documentation that you qualify pursuant to one of the outlined reasons on the chart.
- ▶ **Can the Employer make me exhaust my existing accrued leave time?**
 - ▶ No, unless the Employer bargained with the Union regarding a new policy requiring such.
- ▶ **Can I supplement my FFCRA 2/3 pay with my accrued leave benefits (prorated) in order to receive 100% of my salary?**
 - ▶ Only if the Employer agrees to do so.



Helpful Question and Answer Guide by DOL

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

