

**New Leave Options Under the Families First Coronavirus Response Act
(04/01/20 – 12/31/20)**

Updated 04/08/20

Emergency Family & Medical Leave Expansion Act

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| Qualifying Conditions: | <p>An employee is unable to work (or telework) due to a need for leave to care for the son or daughter under 18 years of age of such employee if the school or place of care has been closed, or the child care provider of such son or daughter is unavailable, due to a public health emergency (meaning an emergency with respect to COVID-19 declared by a Federal, State, or local authority).</p> <p>Except that an employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this subsection. (See “Qualifying Exceptions” below).</p> |
| EFML Leave (Unpaid): | <ul style="list-style-type: none"> • 80 Hours (First 10 days @ 8 hours per day) • Prorated to FTE or average hours worked, if greater • May be unpaid (LWOP) • Employee can substitute other banked leave or EPSL Sick Leave • Available after 30 days of employment • May be taken intermittently |
| EFML Leave (Paid): | <ul style="list-style-type: none"> • 400 Hours (Remaining 50 days @ 8 hours per day) • Prorated to FTE or average hours worked, if greater • Paid at 2/3 of base rate • \$200/day or \$10,000/aggregate • Employee may substitute any banked leave for remaining 1/3 pay • Available after 30 days of employment • May be taken intermittently |

Emergency Paid Sick Leave Act

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| Qualifying Conditions: | <p>An employee is unable to work (or telework) due to a need for leave because:</p> <ol style="list-style-type: none"> (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2). (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human |
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| | <p>Services in consultation with the Secretary of the Treasury and the Secretary of Labor.</p> <p>Except that an employer of an employee who is a health care provider or an emergency responder may elect to exclude such employee from the application of this subsection. (See “Qualifying Exceptions” below).</p> |
| EPSL Sick Leave: | <ul style="list-style-type: none"> • 80 Hours • Prorated to FTE or average hours worked, if greater • At full base rate • \$511/day or \$5,110/aggregate (for qualifying condition 1-3 above) or \$200/day or \$2,000/aggregate (for any other reason) • Available to all Employees with no waiting period • May be taken intermittently in conjunction with telework (otherwise in full day increments) |

| Qualifying Exceptions | |
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| <p>Who is an emergency responder? (Per DOL regulations)</p> | <p>For the purposes of Employees who may be excluded from Paid Sick Leave or Expanded Family and Medical Leave by their Employer under the FFCRA, an emergency responder is anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility. This also includes any individual whom the highest official of a State or territory, including the District of Columbia, determines is an emergency responder necessary for that State’s or territory’s or the District of Columbia’s response to COVID-19.</p> <p>To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt emergency responders from the provisions of the FFCRA.</p> |
| <p>Who is a health care provider? (Per DOL regulations)</p> | <p>For the purposes of Employees who may be exempted from Paid Sick Leave or Expanded Family and Medical Leave by their Employer under the FFCRA, a health care provider is anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility,</p> |

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| | <p>nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.</p> <p>This definition includes any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services support the operation of the facility. This also includes anyone employed by any entity that provides medical services, produces medical products, or is otherwise involved in the making of COVID-19 related medical equipment, tests, drugs, vaccines, diagnostic vehicles, or treatments. This also includes any individual that the highest official of a State or territory, including the District of Columbia, determines is a health care provider necessary for that State's or territory's or the District of Columbia's response to COVID-19.</p> <p>To minimize the spread of the virus associated with COVID-19, the Department encourages employers to be judicious when using this definition to exempt health care providers from the provisions of the FFCRA.</p> |
| Can my department restrict my access to EPSL or EFML? | Potentially, based upon the business need of the department. Departments choosing to implement allowable restrictions will develop written criteria with the concurrence of Human Resources. |
| Who do I contact to get my leave request approved? | Employees may contact Human Resources for questions regarding FFCRA leave (EPSL and EFML) but <u>must</u> contact their department management for leave decisions. |

| Requests & Payment | |
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| Requests | <ul style="list-style-type: none"> • EFML Leave and EPSL Sick Leave are both additional types of leave created by Federal law. They are requested or assigned just like any type of leave, such as vacation, sick leave, comp leave, etc. • Department Payroll Coordinators will receive instruction as to any necessary special processing requirements. |
| Payment | <ul style="list-style-type: none"> • Payment for EFML Leave and EPSL Sick Leave will be made through your normal paycheck just like any type of leave. |

This program is overseen by the U.S. Department of Labor (DOL). Additional information is available at: <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>