

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (NEW LEAVE OF ABSENCE AND PAY OPTIONS)

WHAT IS THE [FAMILIES FIRST CORONAVIRUS RESPONSE ACT \(FFCRA\)](#)?

On Wednesday, March 18, 2020, President Trump signed into law the Families First Coronavirus Response Act (FFCRA). With regard to leave for school employees, first, the law expands the situations under which FMLA leave may be used due to COVID-19 related conditions and provides that a certain portion of said leave be paid. Second, the law provides for up to two weeks of paid sick leave for any employee unable to work in person or remotely under certain COVID-19 related conditions.

- [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)

WHAT DOES THE FFCRA DO FOR ME?

Emergency Paid Sick Leave

The FFCRA provides for up to two weeks (capped at 80 hours) of paid sick leave for any employee unable to work in person or remotely for certain Coronavirus-related absences.

Who is an eligible employee?

All employees are eligible for Emergency Paid Sick Leave as of April 1, 2020.

What is the Leave Benefit?

Full-time employees are entitled to two weeks (capped at 80 hours) of paid leave, while part-time employees are entitled to time equal to the number of hours they work on average over a two-week period.

The payment is calculated based on the employee's regular rate of pay, and the number of hours the employee would have otherwise been scheduled to work. For example, if an employee works 20 hours per week the benefit would be capped at 40 hours (20 hours x 2 weeks). This benefit will end as of December 31, 2020.

The six scenarios under which leave is provided to the employee under the FFCRA are as follows:

1. A Federal, State, or local quarantine or isolation order because the employee is diagnosed with COVID-19. (100% of pay, not to exceed \$511 per day or \$5,110 total).

2. A public health advisement that the employee self-quarantine due to concerns related to COVID-19. (100% of pay, not to exceed \$511 per day or \$5,110 total).
3. The presence of symptoms of COVID-19 for the employee and a need to seek medical diagnosis. (100% of pay, not to exceed \$511 per day or \$5,110 total).
4. To care for a family member described in numbers 1 or 2, above. (67.7% of pay, up to \$200 per day or \$2,000 total).
5. To care for a child because that child's school or place of care is closed or unavailable due to COVID-19 precautions. (67.7% of pay, up to \$200 per day or \$2,000 total).
6. The employee is experiencing any other substantially similar condition as may be specified by the Secretary of Health and Human Services, Secretary of the Treasury, and the Secretary of Labor. (67.7% of pay, up to \$200 per day or \$2,000 total).

Is this above and beyond the sick leave I already have?

Yes. This provides benefits above and beyond what is already provided to employees. Employees are entitled to use the leave before any otherwise-available paid leave provided by MMSD and there is no requirement of the exhaustion of other MMSD-provided leave before accessing the Emergency Paid Sick Leave.

FMLA Expansion

The FMLA is temporarily revised to allow eligible employees to take up to 12 weeks of job-protected leave if the employee is unable to work or telework due to a need to care for a child under 18 years of age because that child's school or place of care has closed due to COVID-19.

Employees will need to apply for an [MMSD leave of absence](#) to be eligible for this provision. Please provide documentation from your child's school or place of care that they are closed due to COVID-19.

Who is an Eligible Employee?

These new provisions apply to all employees who have been employed by MMSD for at least 30 calendar days, so many employees might qualify for these benefits even if they would not otherwise qualify for FMLA.

What is the Benefit?

The first 10 days of emergency FMLA leave may consist of unpaid leave, or the employee has the discretion to use any accrued benefit leave (Personal Illness, Floating Holiday, Vacation, etc.) during that period. After the 10 days, the employee must be paid for each subsequent day of leave thereafter directly by MMSD (accrued benefit leave

time is not used). After the 10 days, MMSD pay will be calculated at two-thirds the employees regular rate of pay based on the number of hours the employee would normally be scheduled to work. However, this amount will be capped at \$200 per day and \$10,000 “in the aggregate.”

Is this an additional 12 weeks of leave on top of the 12 weeks of leave previously provided under the FMLA?

No. The FFCRA simply adds new eligibility criteria to the old law. Therefore, the emergency FMLA leave benefit under the FFCRA counts toward an employee's total of 12 weeks of traditional FMLA leave. If an employee has already taken six (6) weeks of FMLA, the employee is only entitled to an additional six (6) weeks of total leave. Likewise if the employee used the emergency FMLA leave benefit under the FFCRA for a COVID-19 reason the employee does not have access to additional leave for traditional FMLA reasons later on in the 12-month period.

WHAT ARE THE EFFECTIVE DATES?

This program becomes effective April 1, 2020 and remains in effect until December 31, 2020.

HOW DO I REQUEST PAY UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT?

Employees will need to [apply for an MMSD leave of absence](#) to be eligible for pay under the FFCRA. Once the leave is processed your leave and any applicable pay will be processed accordingly.

WHAT HAPPENS TO MY BENEFITS WHILE ON FFCRA?

All insurance benefits will continue while on FMLA.

LEAVE OF ABSENCES EXCLUDING COVID-19 REASONS
(ALL OTHER LEAVE OF ABSENCES)

CAN I CHANGE MY RETURN TO WORK DATE TO AN EARLIER DATE?

If your doctor releases you to work sooner than you originally expected, you may return early. Returning to work means you are available to work and will be responsible for any work your principal or supervisor requests you to do. Please have your doctor fax your return to work slip to (608) 204-0346.

CAN I CANCEL MY APPROVED LEAVE OF ABSENCE IF MY MEDICAL PROCEDURE IS CANCELLED?

If you have a pre-scheduled medical procedure that has been cancelled due to COVID-19, we will cancel your leave. Please notify us of these situations along with your supervisor.

WHAT HAPPENS IF MY LEAVE OF ABSENCE WERE TO BEGIN DURING SCHOOL CLOSURE?

Your leave of absence will begin as normal. You will need to use your accrued benefit leave once your leave benefits. If you have a pre-scheduled medical procedure that has been cancelled due to COVID-19, we will cancel your leave.

WHAT IF I'M ON A LEAVE OF ABSENCE RIGHT NOW?

Your leave will continue as normal during the school closure. You will continue to use accrued benefit leave as originally requested, including any unpaid time if you do not have accrued benefit leave time.