



# Mayville State University

# The Families First Coronavirus Response Act (FFCRA)

H.R. 6201



# Families First Coronavirus Response Act (FFCRA)

- The Families First Coronavirus Response Act (FFCRA) 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.
- Since MaSU is a state entity we are covered under this act.

# Emergency Paid Sick Leave Act

# Emergency Paid Sick Leave Act

Employers are required to provide 80 hours of fully paid sick leave to full-time employees on top of any other existing paid leave program of the employer.

Pro-rata rules would apply to part-time employees.





# Emergency Paid Sick Leave Act

Leave provided under this provision shall take effect 15 days after enactment of this act (April 1<sup>st</sup>) and made available to covered employees immediately. The leave will sunset on December 31, 2020.

There is no payout or accrual of this leave.

# Emergency Paid Sick Leave Act

## Which employers are covered?

- A private employer with fewer than 500 employees
- A public agency (federal/state/governments, political subdivisions, schools)
- [for EPSL only] “Any other entity that is not a private entity”

# Emergency Paid Sick Leave Act

## Who is Eligible?

All employees, regardless of how long they have worked for the employer are eligible for paid sick leave, with the exception that an employer of health care providers or emergency responders may elect to exclude such employees.



# Emergency Paid Sick Leave Act

## 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:

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);
5. is caring for his or her son or daughter whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

# Emergency Paid Sick Leave Act

## How Long?

- FULL-TIME EMPLOYEES:
  - ⑩ 80 hours
- PART-TIME EMPLOYEES:
  - ⑩ the number of hours that the employee works, on average, over a 2-week period

## How Much?

- REASONS 1, 2, 3:
  - ⑩ 100% of regular rate, max of \$511 per day (\$5,110 total)
- REASONS 4, 5, 6:
  - ⑩ 2/3 of employee's regular rate, max of \$200 per day (\$2,000 in total)

# Emergency Paid Sick Leave Act

## Employer Responsibility

Employers are prohibited from retaliating against any employee who takes leave in accordance with the act. Employers that fail to pay required sick leave will be treated as a failure to pay minimum wages, which is in violation of the Fair Labor Standards Act.

# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)



# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

- Enacted March 18, 2020
- The law is effective April 1, 2020
- The law will end on December 31, 2020





# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## What is Expanded?

The Emergency Family and Medical Leave Expansion Act amends the current Family and Medical Leave Act (FMLA), allowing leave for eligible employees who can't work (or telework) because their minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.



# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## Who is Eligible?

Eligible employee is defined as an employee who has been employed for at least 30 calendar days by the employer.

# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## Employer Responsibilities

- Employers with 500 or fewer employees would be required to provide the paid leave.
- Employers are not required to pay initial ten days of leave; however, employees may substitute accrued vacation, personal or sick leave to cover unpaid leave portion.

# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## How's it Paid?

### First 10 Days

- The first 10 days of this leave may be unpaid; however, employees may elect to substitute available paid time off, such as vacation, personal or sick leave, during this time.

### After Initial 10 Days

- Employers must pay ten remaining weeks of leave at a rate not less than two-thirds of employee's regular rate, not to exceed \$200 per day and \$10,000 in the aggregate.

# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## Overview of Paid Leave Provisions

### FFCRA

#### Emergency Paid Sick Leave

- ✓ - Up to 80 hours (first 10 days)
  - ✓ - 6 different reasons
- ✓ - Full pay or 2/3 pay (depending on reason)
  - ✓ – subject to caps

#### Emergency Family & Medical Leave Expansion Act

- Up to 12 weeks (Days 11-60)
  - 1 reason only
  - Weeks 1-2: unpaid
- Weeks 3-12: 2/3 pay – subject to caps



# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## How to Document?

New law does not address whether employers can request documentation, or what documentation employees should provide to support need for leave.

- FMLA has never before covered school/child care closings
- State and local paid sick leave laws vary with respect to documentation rules

*Medical-related absences:*

- Default to FMLA classic, but with relaxed rules

# Emergency Family and Medical Leave Expansion Act (Expanded FMLA)

## Documentation?

### ***Non-medical absences:***

1. School/child care closures, likely relaxed standard:
  - Email/text message from the child's school, place of care
  - Closure announcement on the website of the school or place of care
  - *Possibly:* employee statement that, due to the event, the employee had to, and did, care for the child
2. Quarantine or isolation order
3. For recommended quarantine:
  - Note or letter from the health care provider
  - Include a description of the care or assistance the individual requires. Not likely to be FMLA classic medical certification

# DOL Information

## **Families First Coronavirus Response Act: Employee Paid Leave Rights:**

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

## **Families First Coronavirus Response Act: Employer Paid Leave Requirements:**

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

