

FREQUENTLY ASKED QUESTIONS FOR FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) LEAVE

What is the Family First Coronavirus Response Act (FFCRA)?

The **FFCRA** provides eligible employees with two forms of paid leave that work in conjunction with each other. Generally, the Act provides eligible employees with “emergency paid sick leave” and “expanded family and medical leave” for specified reasons related to COVID-19. The Act covers the time period from April 1, 2020 through December 31, 2020. To further assist employees, Travis County has implemented starting March 22, 2020.

Does this cover all employees?

Employees are eligible for emergency paid sick leave from the first day of hire and employees who have been employed by Travis County 30 days or longer are eligible for expanded family and medical leave. The Act provides for certain exclusions for health care providers and emergency responders. The Department of Labor has defined these exclusions to include a health care provider as anyone employed at a health care center, clinic, 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. It also includes any individual employed to help maintain the operation of the facility. The DOL has defined an emergency responder is an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition or whose services are otherwise needed to limit the spread of COVID-19 and whose work is necessary to maintain the operation of the facility. For Travis County, roles such as these would be located in areas which may include employee wellness, law enforcement, corrections, juvenile detention and other secure facilities. HR Liaisons should consult with the elected/appointed official or county executive regarding the application of these exclusions.

What are qualifying reasons for the paid sick leave under this Act?

An employee is entitled to take up to 80 hours of emergency paid sick 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 child 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.

What is Expanded Family and Medical Leave?

In addition to the 80 hours of emergency paid sick leave described above, the Act provides up to 12 weeks of protected and paid leave if your minor child’s school/care center is closed due to a public health emergency and you are unable to work or telework because of the closure.

- Full Time, Part Time and Temporary employees are eligible.
- Employees who have been employed for 30 days or longer are eligible, with some exceptions for health care providers and emergency responders.
- The first 2 weeks (10 days) of COVID-19 related emergency family leave are unpaid so you may use your accrued leave or emergency sick leave for the initial 2 weeks. If additional time is required, Travis County will pay your remaining FMLA time, up to 10 weeks, at 100% of your regular hourly rate. If you work less than full-time your rate will modified accordingly. If you use your emergency

paid sick leave to cover the 2 weeks of unpaid emergency family leave, you will not be able to receive additional paid sick leave for future COVID-19 events.

Employees who need leave to manage dependent care issues should work with their supervisors to balance the needs of their specific circumstance with Travis County's business operations. Resources for dependent care in the area are posted on Travis Central (in the "employee information" section) as they become available.

I took FMLA when I was sick (or my family member was sick) before. Isn't this the same thing?

No. The FFCRA allows for family medical leave for employees who cannot work or telework because they are required to care for their minor child due to COVID-19-related school or child care closures. An employee's total FMLA is still 12 weeks in a 12-month period. See your FMLA administrator to determine your remaining FMLA balance if you have used FMLA in the past 12 months and need Emergency Family and Medical Leave due to school or child care closures.

Is all leave under the FMLA now paid leave?

No. The only type of FMLA that is paid is the expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act (EFMLEA). This covers leave taken only because the employee must care for a child whose school or care provider is closed for COVID-19 related reasons. Even then, the leave is paid only when it exceeds ten days. During the first 10 days of EFMLEA, you may elect to use leave accruals or the emergency paid sick leave described above. EFMLEA is set to expire on December 31, 2020.

How do I request this leave?

An employee should notify their manager/HR Liaison of the leave by submitting the Notice of Need for Families First Coronavirus Response Act Leave as soon as practicable; ideally, the notification should occur before the employee begins using leave. For your convenience, a form may be obtained from Travis Central (in the "forms" section, HRMD Forms under the Leave Forms) OR from your HR Staff contact/HR Liaison. Attached the relevant documentation to the request or immediately when the documentation is received.

What type of documentation do I need to provide with the Notice?

For employees subject to a quarantine or isolation order provide the name of the government entity that issued the order;

For employees who have been advised to self-quarantine due to COVID-19 concerns, the name of the health care provider who advised the employee;

For employee caring for someone else the employee must provide the name of the government entity that issued the quarantine or isolation order affecting the individual, or the information of the health care provider who advised the individual to self-quarantine; or

For the employee is taking care of a child whose school is closed or child care is unavailable due to COVID-19, the employee must provide the name of the child being cared for, the name of the school, place of care or child care provider that has closed, and a representation that no other suitable person will be caring for the child during the leave.

What is the pay amount?

You will be paid 100% of your wage rate for the emergency paid sick leave if you qualify based on the reasons under the FFCRA. If you work less than full-time you will receive a modified rate based generally on the number of hours your usually work. Please consult with your HR liaison for specifics.

What is the timesheet code do I use?

Once you have acknowledged that you qualify and provided the appropriate notice to your management or HR Liaison, use the following codes for the following reasons:

For leave taken from April 1 forward:

- 2021 COVID-19 Employee Sick Pd combined with Emergency Event ID 300320-EPS if the leave is for you for #1, #2, and #3 qualifying reason.
- 2022 COVID-19 Family Sick-Pd combined with Emergency Event ID 300320-EPS if the leave was used to care for others or due to school/closing reason.

For leave taken from March 22 – March 31:

- 1140 Administrative Leave paid combined with Emergency Event ID 300320-AL if the leave was used for any of the 6 qualifying reasons.

See your FMLA administrator for the use of other codes for FMLA qualifying usage, including emergency FMLA.

You can find details instructions on how to enter this time here:

<https://employees.traviscountytexas.gov/uploads/Time-Entry-During-COVID19-03262020.pdf>.

Can I use this leave for personal leave I took prior to March 22, 2020?

No. Leave taken prior to March 22, 2020, is not covered under this type of leave.

What if I am not sick but concerned to come to work and come into contact with someone who is? Is that what this leave is for?

You may request to use leave accruals or request telework options. Upon request, your manager will determine what is appropriate and reasonable based upon all the relevant factors. You will need to meet one of the six criteria to be eligible for the emergency paid sick leave.

I have to have non-elective surgery and be off of work for 6 weeks due to a non-COVID-19 related issue. Can I use Emergency Paid Sick Leave while I am off?

No. Emergency Paid Sick Leave is only designated to for the six reasons enumerated above. Other situations, such as the non-elective surgery identified, may qualify for regular FMLA.

Can I use this leave to supplement my non-scheduled hours?

No. Emergency Paid Sick Leave is allowed only designated for the six reasons above.

May I take my paid sick leave or expanded FMLA intermittently while teleworking?

Yes, if your supervisor allows it and if your inability to telework during your normal schedule due to one of the six qualifying reasons.

Is this leave paid upon termination?

No., You will not be paid for unused leave.

My child's school has moved to online instruction or to another model in which children are expected to complete assignments at home. Is this "closed"?

Yes. If the physical location where your child receives instruction or care is closed, the school or place of care is "closed" for purposes of paid sick leave and expanded FMLA.

Where can I find more information about the the Family First Coronavirus Response Act (FFCRA)?

Visit with your designated HR Staff member/HRMD Representative or you may visit <https://www.dol.gov/agencies/whd/pandemic>.

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