

**Emergency Sick Leave and Childcare Leave
Families First Coronavirus Response Act (FFCRA) Leave
Guidelines
Effective April 1 – December 31, 2020**

Although nearly all employees are working remotely right now, there may be circumstances that prevent an employee from being able to work, either due to their own or another person’s illness, or because children are at home due to school closures. **Depending on your circumstances, you may be eligible for full or partial pay.**

Employee Rights Under the FFCRA – Emergency Sick Leave and Expanded Family Leave Childcare Leave – Effective April 1, 2020 – December 31, 2020

The federal government recently passed legislation that provides for benefits to employees who are unable to work due to their own or another person’s illness or quarantine, or where the employee is unable to work due to caring for a child whose school or care facility is closed due to COVID-19 related reasons. Generally speaking, an employee may be eligible for pay under these conditions, up to a specified amount prescribed by this new legislation, as follows.

**Emergency Sick Leave and Childcare Leave Benefits Available Under
the FFCRA**

Reason	Length of Time	Paid by District*
You are ordered to quarantine due to COVID-19, or have been advised by a health care provider to self-quarantine	First two weeks (80 hours; part-time employees prorated equivalent)	Emergency Sick Leave at 100% Pay
You are experiencing COVID-19 symptoms and are seeking medical diagnosis	First two weeks (80 hours; part-time employees prorated equivalent)	Emergency Sick Leave at 100% Pay
You are caring for someone who was ordered to quarantine or was advised to self-quarantine.	First two weeks (80 hours; part-time employees prorated equivalent)	Emergency Sick Leave at 2/3 of your pay
You are experiencing a substantially similar condition as specified by the US Dept. of Health and Human Services	First two weeks (80 hours; part-time employees prorated equivalent)	Emergency Sick Leave at 2/3 of your pay
You are caring for a child whose school or place of care is closed due to COVID-19	Up to 12 Weeks	Expanded Family Leave Childcare Leave at 2/3 of your pay

***Up to the Federally Designated Limits.** Please NOTE: where an employee's Union MOU provides a higher benefit, that benefit will apply.

Please see the **official notice** (FFCRA Flyer) for additional information regarding these provisions. If you need to be absent and you qualify under these conditions, please contact your supervisor to let them know of your need and to make arrangements for your absence.

Beyond the Two Weeks: Using an Employee's Own Sick Leave, Vacation, or Personal Necessity Leave If you are ill, quarantined, or caring for someone who is ill, and need to be off work for longer than two weeks, you may qualify to use your own sick leave, vacation, or personal necessity leave following the initial first two weeks that will be covered by the Emergency Sick Leave. As with any other circumstances involving illness or injury, you may be eligible to apply your own leave, extended sick leave, or other alternatives in accordance with District policy and/or applicable employee's Union Contract.

Beyond the 2/3 of Employee Pay

Generally: Because the District currently remains open but working remotely, we encourage all employees to continue working to the extent that they can to help support our continued operations. Under these conditions, employees continue to receive full pay. As communicated previously, supervisors are encouraged to remain flexible and supportive to employees who need adjustments in their scheduled hours or other conditions in order to continue work.

Absence Due to Childcare: Employees who are unable to continue work due to childcare obligations will receive 2/3 pay up to a total of 12 weeks provided by the FFCRA. Employees wishing to use vacation or other applicable leave may do so to receive full pay prior to or after initiating leave at 2/3 pay under the FFCRA.

Absence Due to Illness of Another Person: Similarly, employees who are unable to continue work due to illness or injury related to COVID-19 for another person may be able to use vacation or other applicable leave to receive full pay, depending on whether the leave is for a covered family member, prior to or after initiating leave at 2/3 pay under the FFCRA.

Q&A Section

NOTE: Dept. of Labor Q&A available here:

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

- 1. How do I ask for FFCRA Emergency Sick Leave or Childcare Leave?**
 - a. Please complete the Emergency Sick Leave and Childcare Leave **Application Forms** located on the HR website under the COVID-19 Resources page.

- 2. Is this FFCRA Emergency Sick Leave and Childcare Leave taken from my current leave balances?**
 - a. No, payments of 100% or 66.7% (2/3) of your pay under this new legislation are in addition to your leave balances. The District will make payment irrespective of any amount of leave you have available personally.

- 3. If my schedule would have been less than full time during the period of FFCRA leave, how do I count my hours?**
 - a. Part-time Hourly employees are entitled to leave based on the hours they would have normally been scheduled to work. If the hours vary or are unknown, then an average number of hours worked during the prior six months. Hourly employees may contact the Office of Human Resource for assistance in calculating the hours of leave.
 - b. Part-Time Faculty employees are entitled to leave based on assigned load.

- 4. If I use all of my FFCRA Emergency Sick Leave due to a qualifying reason such as quarantine, and then later have another qualifying reason such as my own COVID-19 related illness do I have another 80 hours of Emergency Sick Leave Act leave available?**
 - a. No, the Act provides for up to 80 hours total (or the prorated portion), in any combination of qualifying reasons. It does not provide for additional hours for new qualifying reasons.

- 5. If I have to take leave to care for my child because the school is closed, how is FFCRA Childcare Leave applied?**
 - a. The first two weeks of Expanded family leave for Childcare purposes are unpaid, generally; however, you have a couple options:
 - i. You may use your own vacation, personal necessity leave, or other available balance for the first two weeks at full pay. See also above info about applying your own leave either before or after initiating FFCRA leave; or
 - ii. You may use up to 80 hours of FFCRA Emergency Sick Leave at 66.7% (2/3) of your pay, assuming you have not used the Emergency Sick Leave for other reasons.
 - iii. In either case, the remaining 10 weeks of the extended family leave for childcare purposes under the FFCRA will be paid at 66.7% (2/3) of your pay.

- 6. What happens to my benefits if I am on a FFCRA qualifying leave?**
 - a. If you are in paid status under these conditions, you and the District continue to make the same contributions to your health insurance coverage in the same manner as any other paid status.

7. If I have already taken some FMLA leave in the last 12 months, am I still entitled to additional FMLA leave for Childcare purposes?

- a. If you have already taken FMLA leave for another reason, you are still entitled to any remaining number of weeks up to 12 weeks total in the 12-month period for the purpose of childcare. For example, if you had taken 4 weeks of FMLA leave in October 2019 due to a qualifying condition, you would have an additional 8 weeks of extended FMLA for childcare available at 2/3 of pay.x