



The Families First
Coronavirus Response
Act (FFCRA)

Human Resources

Families First Coronavirus Response Act (FFCRA or Act)

The Families First Coronavirus Response Act (FFCRA) was signed into federal law on March 18th and is in effect April 1, 2020 through December 31, 2020. The **two provisions** under FFCRA provide additional paid sick time to all MSU employees and expands the Family Medical Leave Act (FMLA):

1. **Emergency Paid Sick Leave Act (EPSLA)**
2. **Emergency Family and Medical Leave Expansion Act (EFMLEA)**



Emergency Paid Sick Leave Act (EPSLA)

Emergency Paid Sick Leave Act (EPSLA)

EPSLA provides 80 hours of fully paid sick leave to all full-time and part time employees regardless of how long the employee has worked at MSU.

- Pro rated rules apply to part-time employees.
- This leave is in addition and does not impact accrued sick or annual leave balances.



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 Paid?

How Long?

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

How Much?

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



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 in violation of the Fair Labor Standards Act.



Emergency Family and Medical Leave Expansion Act (EFMLEA)

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:

- the **minor child's school or childcare service is closed due to a COVID-19 emergency declared by a federal, state or local authority.**
 - FMLA has never before covered school/child care closings
 - Medical related absences are still covered under FMLA



Employee Coverage

- Covers employees who have been on MSU payroll for at least 30 days prior to the start of their leave for 12 weeks (or 10 additional weeks following two weeks of emergency sick leave)
 - Employers are not required to pay initial ten days of leave under FMLA.
 - However, employees may utilize the Emergency Paid Sick Leave (80 hours of paid leave) provision of FFCRA to cover the unpaid leave portion.

Important Note:

- EFMLEA does not provide more than the 12 weeks of FMLA already provided within a rolling calendar year and does not eliminate any of the existing coverage for qualified medical reasons under traditional FMLA



Emergency Family and Medical Leave Expansion Act

How is it paid out?

First 10 Days

- The first 10 days of this leave may be unpaid; however, employees may utilize the emergency paid sick leave.

After Initial 10 Days

- Employers must pay ten remaining weeks of leave at 2/3 of employee's regular rate, not to exceed \$200 per day and \$10,000 in total.
 - (or \$12,000 over 12-week period including first 10 days).



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



Process Overview

1. Notify supervisor of your leave requirement as soon as possible
2. Complete the FFCRA absence request form and obtain divisional VP signature
3. Attach supporting documentation
 - (see next page on documentation)
4. Forward documentation to HR/Payroll for final eligibility check and processing.

Note:

FFCRA leave will not be incorporated into the HRMS self-service absence management system. Coding will be handled directly by the payroll office.



Documentation

1. School/child care closures:

- 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



We are here to serve YOU!

- Contact the HR/Payroll team with any questions at:
HR@minotstateu.edu

