

OUTLINE OF FFRCA

- I. **OVERVIEW of FFRCA**
 - a. Provides two types of paid leave for employees impacted by the COVID-19 public health emergency.
 - b. Law takes effect on April 1 and is effective through December 31, 2020.

- II. **COVERED EMPLOYERS AND EMPLOYEES**
 - a. **COVERED EMPLOYER**
 - i. All private employers with fewer than 500 employees

- III. **PAID SICK LEAVE**
 - a. **COVERED EMPLOYEE**
 - i. Protections are available to an employee regardless of how long the employee has been employed at the agency.
 - b. **KEY PROVISIONS**
 - i. Provides up to 80 hours of paid sick leave for a full-time employee affected by COVID-19.
 - ii. If the employee is unable to work or telework in these circumstances, the employee must first use the FFRCA sick leave before using other paid leave provided by the employer.
 - iii. The FFRCA paid sick leave provisions do not diminish rights/benefits an employee is entitled to under an existing employer policy.
 - iv. **Paid sick leave for self-care related to COVID-19**
 - 1. Employee is subject to quarantine or isolation order
 - 2. Advised by health care provider to self-quarantine, OR
 - 3. Seeking diagnosis for symptoms
 - 4. In any of the above, the employee receives regular rate of pay, **capped at \$511 per day and \$5110 total**
 - v. **Paid sick leave to care for a family member**
 - 1. Who is subject to quarantine or isolation order
 - 2. Has been advised by health care provider to self-quarantine, OR
 - 3. Care for a child whose school is closed or whose childcare is unavailable due to COVID-19 precautions.
 - 4. In any of the above, the employee receives two-thirds the rate of regular pay, capped at \$200 per day and \$2000 total.
 - vi. **Part-time employees**
 - 1. May use the number of hours the employee works, on average, over two-week period.

- IV. **Emergency Medical Leave**
 - a. **Covered Employee**
 - i. Available to employees who have been employed for at least 30 days.
 - b. **Key Provisions**



- i. Creates new basis for which leave under FMLA may be used, expands to more employers, and requires that leave related to COVID must be paid, in part.
- ii. Emergency FMLA can be utilized by employee to take up to 12 weeks of job-protected leave for a lack of childcare if:
 - 1. Child's school is closed or childcare provider is unavailable due to COVID-19 precautions AND
 - 2. Employee is unable to work or telework
- iii. First two weeks of emergency leave are unpaid, followed by up to 10 weeks of paid leave.
- iv. An eligible employee may use two weeks of other paid leave, including paid sick leave available under FFRCA, for the initial two weeks of emergency FMLA.
- v. For paid portion of emergency FMLA:
 - 1. Employee receives two-thirds of regular pay, capped at \$200 per day and \$10,000 total for the number of hours the employee is normally scheduled to work over that period.
 - 2. If can't determine with part-time employee's hours with certainty due to varying schedule:
 - a. Employer must average the number of hours worked in six months before employee takes paid leave.

V. Exemptions

- a. US Dept. of Labor may exempt employers with fewer than 50 employees from providing paid sick leave, or emergency FMLA, if the requirements would jeopardize the viability of the business.
- b. Future federal regulations will be issued to address the exemptions.

VI. Resources

- a. [Dept. of Labor FFRCA Resources for Employers](#)
- b. [Dept. of Labor FFRCA Resources for Employees](#)
- c. [Dept. of Labor FFRCA Frequently Asked Questions](#)