

## City of Springfield, MA

### Families First Coronavirus Response Act (FFCRA or Act)

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new paid leave requirements. These provisions will apply from the effective date of **April 1, 2020 through December 31, 2020**.

#### DEFINITIONS

**Paid sick leave** – means paid leave under the Emergency Paid Sick Leave Act (EPSL).

**Expanded family and medical leave** – means paid leave under the Emergency Family and Medical Leave Expansion Act (FMLA+).

#### ELIGIBILITY

An employee must be employed for at least 30 calendar days and on payroll for the 30 calendar days immediately prior to the day the leave would begin. For example, if the employee requests to take a leave on April 1, 2020, the employee would need to have been on payroll as of March 2, 2020.

Generally, the Act provides to **all employees**:

- *Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor.

*Up to an additional 10 (ten) weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**The employee may not take 80 hours of paid sick leave for self-quarantine and then another amount of paid sick leave for another reason provided under the Emergency Paid Sick Leave Act.** The total number of hours for which an employee receives paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

Leave must be taken in full-day increments.

### **DOCUMENTATION FOR LEAVE:**

Employees must submit appropriate documentation to the Assistant Director of Human Resources to verify their need for EPSL and FMLA+. Documentation includes quarantine or isolation orders, doctor's recommendations, or a notice of a school or place of care closure.

Additional documentation is required in support of your expanded family and medical leave taken to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19-related reasons. For example, this may include a notice of closure or unavailability from your child's school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider.

Please also note that all existing certification requirements under the FMLA remain in effect if you are taking leave for one of the existing qualifying reasons under the FMLA. For example, if you are taking leave beyond the two weeks of emergency paid sick leave because your medical condition for COVID-19-related reasons rises to the level of a serious health condition, you must continue to provide medical certifications under the FMLA if required by your employer.

### **QUALIFYING REASONS FOR LEAVE:**

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (**or unable to telework**) due to a need for leave 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 a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

**If an employee is home with a child because the school or place of care is closed, or child care provider is unavailable, you may be eligible for both paid sick leave and expanded family and medical leave** but only for a total of twelve (12) weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

Please note, employees do not meet eligibility requirements if employees shelter in place, Business Closure Orders and are furloughed or temporarily laid off.

### **DURATION OF LEAVE:**

**For reasons (1)-(4) and (6):** A full-time employee is eligible for up to 80 hours of leave, and a part-time employee is eligible for the number of hours of leave that the employee works on average over a two-week period.

**For reason (5):** A full-time employee is eligible for up to 12 weeks of leave at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### **CALCULATION OF PAY:**

**For leave reasons (1), (2), or (3):** employees taking leave shall be paid at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

**For leave reasons (4) or (6):** employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

**For leave reason (5):** employees taking leave shall be paid at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of paid sick leave followed by up to 10 weeks of paid Emergency Family and Medical Leave Expansion)

Any additional questions regarding the Emergency Paid Sick Leave Act (EPSL) and/or the Emergency Family and Medical Leave Expansion Act (FMLA+), please email [cjulius@springfieldcityhall.com](mailto:cjulius@springfieldcityhall.com)

### **ELIGIBILITY WITH PREVIOUS FMLA:**

Eligibility for Expanded Family and Medical Leave depends on the amount of FMLA leave already taken during the previous 12-month rolling calendar year. If an employee has taken some but not all, 12 workweeks of leave under FMLA, you may take the remaining portion of leave available. If an employee has already taken 12 workweeks of FMLA leave during the 12-month period, you may not take additional expanded family and medical leave.

Any expanded family and medical leave you take will count against your entitlement for pre-existing and future FMLA leave.

Paid Sick Leave is not a form of FMLA leave and therefore does not count toward the 12 workweeks in the 12-month period. Please note if you take paid sick leave concurrently with the first two weeks of Expanded Family and Medical leave, which may otherwise be unpaid, then those two weeks do count towards the 12 workweeks in the 12-month period.