



**Emergency Sick Leave and Childcare Leave
Families First Coronavirus Response Act (FFCRA) Leave Guidelines
Effective April 1 – September 30, 2021**

Dear Colleagues,

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 FMLA Childcare Leave – Effective April 1, 2020 – September 30, 2021

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 selfquarantine.	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	First 2 Weeks: Unpaid (see Q&A below for options to receive pay) Remaining 10 Weeks: Extended FMLA Childcare Leave at 2/3 of your pay

***Under the FFCRA certain health care providers and emergency responders may not be covered.**

****Up to the Federally Designated Limits.** Please NOTE: where an employee's Union Agreement/Handbook, or the previously issued Employee Expectations provide a higher benefit, that benefit will apply.

Please see the **attached official notice** (FFCRA Poster) 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. Please see the **Employee Work Expectations** document distributed previously and located on the District Office of Human Resources webpages at <http://hr.fhda.edu/covid-19/index.html>. This document describes the types of leave an employee might have available to use depending on the situation. 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 Agreement or Handbook.

Beyond the 12 Weeks: Using an Employee's Own Vacation or Personal Necessity Leave

We remain optimistic that our current public health responses, including shelter in place, will resolve the current crisis before the conclusion of a 12-week period. However, if circumstances do not allow for schools to reopen, the District will revisit the circumstances and guidance in place at that time to determine next steps. If you continue to have to care for children who are at home due to school or care facility closure due to COVID-19 for longer than 12 weeks, you may need to use vacation, personal necessity leave, or leave without pay during your continued absence. The District will provide additional guidance regarding these circumstances, if they occur, at that time.

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 no pay for the first two weeks and then 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. See also QandA #6 below for additional information on options to receive pay for the first two weeks.

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 leave at 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.

Questions

NOTE: FFCRA limitations on the amount of daily and total payments applies.

NOTE: In the event of any inconsistency or contradiction, the FFCRA language will apply. NOTE: Dept. of Labor Q&A available here:

<https://www.dol.gov/agencies/whd/pandemic/ffcraquestions>

1. How do I ask for FFCRA Emergency Sick Leave or Childcare Leave?

- a. Please complete the Emergency Sick Leave and Childcare Leave **Application Form** located on the HR webpages under the COVID-19 Employee Information and Resources link. <http://hr.fhda.edu/covid-19/index.html>

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 District Office of Human Resource for assistance in calculating the hours of leave.
- b. Part-Time Faculty employees are entitled to leave based on the load they were assigned for Spring quarter.

4. Are overtime hours included?

- a. Overtime that would have been scheduled should be included in the calculation of FFCRA Emergency Sick Leave hours to be paid for the week. However, the FFCRA Emergency Paid Sick Leave is still capped at 80 hours. If the employee uses more hours in one week, the second week will have fewer FFCRA Emergency Sick Leave hours remaining.

5. 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.

6. 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 FMLA for Childcare purposes are unpaid, generally; however, you have a couple options:
 - i. 1) You may use your own vacation, personal necessity leave, or other available balances 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. 2) 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 FMLA for childcare purposes under the FFCRA will be paid at 66.7% (2/3) of your pay.

7. 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. If you must go on leave without pay at any time, you may need to go into a Direct Pay status; in that event, please contact the District Benefits Unit for assistance and further direction.

8. 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 3 weeks of FMLA leave in January 2020 due to a qualifying condition, you would have an additional 9 weeks of extended FMLA for childcare available at 2/3 of pay.

9. Can I take Emergency Sick Leave or Childcare Leave intermittently?

- a. *Leave Due to Illness or Quarantine:* Leave for qualifying reasons related to your own or another person's illness or quarantine may not be taken intermittently. Once you begin leave due to these reasons you must continue until such time as you are medically released for reasons related to yourself or caring for another person.
- b. *Leave Due to Childcare:* Leave for childcare on an intermittent basis requires mutual agreement between the employee and the assigned College or Central Services administrator, as determined by the campus or district office. A request to take Childcare Leave intermittently should be directed to your administrator as provided on the Emergency Sick Leave and Childcare Leave Application Form.