

GUIDANCE FOR SUPERVISORS FAMILIES FIRST CORONAVIRUS RESPONSE ACT

March 30, 2020

INTRODUCTION

This document is intended to provide guidance to supervisors in administering the leave provisions of the Families First Coronavirus Response Act (FFCRA). Please read it carefully to acquaint yourself with the leave provisions and the processes for employees to obtain approval to take such leaves.

Included with this Reader, you will find 2 application forms which are discussed below. Supervisors are responsible for making copies of these application forms available to employees and to receive completed forms from employees.

DEFINITION OF BENEFITS PROVIDED BY FFCRA

Earlier this month, you received information regarding the provisions of House Resolution 6201, The Families First Coronavirus Response Act, which provides employer paid leave for eligible absences related to the COVID 19 outbreak under the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act. Since then, SacRT staff has obtained additional information regarding the leaves for which some employees may be eligible, the eligibility requirements for each leave, the rates of pay associated with such leave and the effective date when such leaves will be available. The Act provides two types of leave.

Emergency Paid Sick Leave

Up to 80 hours of Emergency Paid Sick Leave is to be provided for employees who meet one of the following criteria:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID -19. This order is a specific order to the individual due to the individual's exposure to COVID-19 and not an individual subject to a general "shelter-in-place" order issued by a local, state or federal authority.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking medical diagnosis.
4. The employee is caring for an individual who is subject to an order as described in paragraph (1) or has been advised as described in paragraph (2).
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of Treasury and the Secretary of Labor.

Emergency Paid Family and Medical Leave

The second type of leave is Emergency Paid Family and Medical (FMLA) Leave. Up to 10 weeks of Emergency Paid FMLA Leave in addition to the 80 hours Emergency Paid Sick Leave discussed above, may be available to employees who have been employed by SacRT for at least 30 days and who are eligible under item #5 above. Any such leave taken will count against an employee's 12 weeks of potential FMLA leave. Any FMLA leave taken prior to applying for Emergency Paid FMLA Leave will reduce the time available for this additional leave.

Other COVID-19 Related Absences

Absences, even though related to COVID-19, that do not meet the specified criteria will not qualify for any employer paid leave. As discussed in previous communications, employees may use their own leave credits for such absences. Additionally, unless employees have been absent for 10 working days either in unpaid status or using accrued leave credits, they are not eligible for the employer paid leave provided pursuant to the Act. Parents sharing child care responsibilities because of school or child closures may be absent intermittently.

PAY PROVISIONS UNDER FFCRA

Full-time employees who meet criteria #1 through #3 under FFCRA will receive full pay up to a daily limit of \$511 if they need the 80 hours Emergency Paid Sick Leave. Employees who qualify for due to reasons #4 through #6 will receive 2/3 of their regular pay up to a daily limit of \$200.

Full-time employees who meet the criterion for the Emergency Paid FMLA Leave (#5) will receive 2/3 of their daily pay not to exceed \$200 per day.

Part-time employees who meet one of the criteria under FFCRA will receive a pro-rata rate of pay based upon the hours worked during the 6 months preceding their application for Emergency Paid Sick Leave. Separate instruction for obtaining this rate of pay will follow.

APPLYING FOR BENEFITS UNDER FFCRA

Emergency Paid Sick Leave

Employees who wish to apply for the 80 hours Emergency Paid Sick Leave must complete the appropriate application form, certify which criterion they satisfy and provide documentation to verify. Supervisors are required to provide an application to an employee who inquires about Emergency Paid Sick Leave, to receive completed applications, to record the date of receipt and to approve leave upon verifying the employee's eligibility. Pay codes and time-keeping instructions will be distributed separately.

Emergency Paid FMLA

Employees who wish to apply for the Emergency Paid FMLA Leave must complete the appropriate application form, certify that they are required to care for a child younger than 18 years of age due to a closure of the child's school closure and/or care provider and provide documentation to verify. Supervisors are required to provide an application to an employee who inquires about Emergency Paid FMLA Leave, to receive completed applications, to record the date of receipt and to contact the Human Resources Department to verify the employee's eligibility. Pay codes and time-keeping instructions will be distributed separately.

QUESTIONS

Please refer all questions regarding these special leaves to:

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