

FFCRA APPENDIX

On March 18, 2020 Congress passed and President Trump signed into law the Families First Coronavirus Response Act (“the Families First Act”). The Families First Act includes temporary provisions to expand the Family and Medical Leave Act (“FMLA”) known as the Emergency Family and Medical Leave Expansion Act (“Emergency FMLA”) and includes the Emergency Paid Sick Leave Act.

Emergency Family Medical Leave Expansion Act

- Eligibility:** All employees that have worked for at least 30 days.
- Duration:** Protected 12 weeks of leave in any rolling 12-month period for all reasons combined.
- Reason for Leave:** The Emergency FMLA provides a new qualifying reason for leave. Leave may be taken if an employee is unable to work (or telecommute) due to a need for leave to care for his or her son or daughter under 18 years of age if the school or place of care has been closed, or the child care provider¹ of such son or daughter is unavailable due to an emergency with respect to COVID-19 as declared by a federal, state or local authority.
- Paid Amounts:** Leave taken under the Emergency FMLA’s new qualifying reason is paid leave after a ten-day waiting period, i.e., the first ten days are unpaid. You may choose to use any other accrued paid leave during the first ten days of Emergency FMLA leave. After ten days, the rate of pay will be calculated by multiplying the numbers of hours an employee would normally be scheduled to work (or pro-rata hourly rate for exempt employees) each week by an amount that is “not less than 2/3 of an employee’s regular rate of pay” as that term is used by the Fair Labor Standards Act. Under Emergency FMLA leave, the

¹ “Child care provider” is one who provides child care services on a regular basis and receives compensation for those services.

maximum amount is \$200/day or \$10,000 total. Employees cannot supplement with accrued leave.

Expiration: Emergency FMLA is available for as long as a federal, state or local COVID-19 state of emergency is in effect and in any event only through December 31, 2020.

Emergency Paid Sick Leave.

Eligibility: All employees who work for the Town.

Duration: 80 hours protected paid leave, in addition to any other employer provided paid time off, for full-time employees. Part-time employees are entitled to emergency paid sick leave in an amount equal to the average number of hours worked over a two-week period.

Reason for Leave: An employee may take emergency paid sick leave if he or she is unable to work (or telecommute) because:

- (1) the employee is subject to a federal, state or local quarantine or isolation order related to COVID-19;
- (2) the employee has been advised by a healthcare provider to self-quarantine because he or she is infected with or has been exposed to COVID-19 or because he or she is at high risk of complications from COVID-19;
- (3) the employee is showing symptoms of COVID-19 and is seeking but has not yet received a medical diagnosis;
- (4) the employee is caring for someone subject to a federal, state or local quarantine or isolation order related to COVID-19 or the employee has been advised by his or her healthcare provider to self-quarantine for COVID-19 related reasons; or
- (5) the employee is caring for his or her son or daughter because his or her child's school or childcare facility has been closed or the childcare provider² is no longer available because of a COVID-19 related reason.

² "Child care provider" under the emergency paid sick leave provision of the Families First Coronavirus Response Act does not include the requirement of receiving compensation as is required under the Emergency FMLA.

(6) the employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Paid Amounts: Employees needing emergency paid sick leave for reason 1, 2 and 3 will receive the full amount of emergency paid sick leave with a maximum amount of \$511/day or \$5,110 total per employee. Employees needing sick leave for reasons 4 and 5 will receive 2/3 of the calculated payment with a maximum amount of \$200/day or \$2,000 total per employee. Employees cannot supplement with accrued leave.

Expiration: Emergency paid sick leave expires December 31, 2020.

*All other Town or Department sick leave policies not in conflict with the above remain in effect. Employees needing to take advantage of the FFCRA MUST contact Human Resources to be provided with the necessary forms and documents and must comply with all provisions of the Town's FMLA policy not in conflict with the FFCRA.