



Date: April 2020  
To: All ETR Employees  
From: Human Resources

RE: **Families First Coronavirus Response Act (FFCRA)**

Dear Staff,

First and foremost, our intent and focus is providing opportunities for each of you to remain fully employed in active status during this break without utilizing any additional governmental resources. Our last resort will be to utilize the resources that has been provided to you under the FFCRA, because they offer less resources to you than remaining fully employed in active status. Depending on your situation, the pay amount could be 2/3 your regular pay and has a time limit. Even if you qualify to be at home for one of the listed reasons, we have setup opportunities for you to complete work from home instead of changing your status to one of the COVID codes. Only in the case that you have exhausted all your opportunities to from home or do not have the ability to do task assignments from home will you have to move to the next level and make a decision about utilizing sick or vacation leave time. Then after that level then you will be at the level to implement any of the COVID leave reasons with the assistance from HR to determine the best possible option for each of your specific situations. The FFCRA resources that the government has set up do not allow you to use more than one funding code at a time for payroll, so there is no way to double up or add on money to your pay. The system is set up to entice employers to provide limited funds and job protection to employees that would otherwise be losing their jobs during this COVID time. In your case, we are keeping you employed and have no intentions of laying anyone off due to COVID.

With that said and keeping with our main focus, we do understand that you may have questions about the information floating around about your alternative options under the current COVID-19 FFCRA. Please allow HR the opportunity to succinctly present the information to you so you understand the details of the ACT and how it may impact your decisions and your families. The details presented here will not answer every question that may arise, so as always, contact us and discuss your specific situation. We are here to find the best solution for you during this time as you navigate the vast and changing information provided, which includes Emergency Family and Medical Leave Expansion Act (EFMLEA).

- 1. The Emergency Pay Sick Leave Act** requires employers to provide up to two weeks of paid sick leave (in addition to company policy sick leave) to employees who **are unable to work or telework** for any one of six specified reasons related to the COVID-19 pandemic. An employee may utilize this leave only if, but for a quarantine or isolation order, he/she would otherwise be able to perform their normal work duties. In other words, the employee is unable to assume normal duties due to this imposed restriction and not because there is no work. If the employee is being engaged and chose not to work, the employee then must use regular sick and/or vacation leave to fill hours for their absence.

**Emergency Pay Sick Leave Act (80 hours) has the following qualifiers:**

**Subject to a quarantine or isolation order**

The employee is unable to work or telework due to a need for leave because the employee is subject to a federal state or local quarantine order related to COVID-19.

The employee is unable to work or telework due to a need for leave because the employee has been advised by a health care provider to self-quarantine for reason related to COVID-19.

The employee is unable to work or telework due to a need for leave because the employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

**Caring for an individual – receives only 2/3 regular rate of pay.**

An employee is unable to work because he or she is caring for an individual who is subject to a quarantine or isolation order, or has been advised by a health care provider to self-quarantine. The regulations define this “individual” as an employee’s immediate family member, a person who regularly resides in the employee’s home.

On March 28, 2020, the extended Emergency Family and Medical Leave Expansion Act (EFMLEA) was approved with an effective date of April 1, 2020. The qualifiers for this expansion is as follows:

**2. Emergency Family and Medical Leave Expansion Act (EFMLEA) - eligible employees**

This ACT provides up to 12 weeks of leave—the first two weeks of unpaid leave (may use sick or vacation leave) followed by 10 weeks of paid leave at **2/3** regular rate of pay — to eligible employees who are unable to work or telework due to a need to care for their children under 18 years old whose school or place of care is closed or whose child care provider is unavailable because of the COVID-19 pandemic. The EFMLEA defines eligible employees as ones who have been employed for at least 30 calendar days.

**Documentation of need for leave under FFCRA**

All requesting employees must provide to Human Resource his/her name, the date(s) for which leave is requested, the qualifying reason for the leave, written statement that he/she is unable to work because of the qualifying reason. Where applicable or if requested the employee must provide additional documentation depending on the basis for the qualifying reason:

For paid sick leave due to the employee’s need to self-quarantine on recommendation of a health care provider, provide the name of the health care provider.

For paid sick leave due to the employee’s need to care for an individual who is subject to a quarantine or isolation order or who was advised to self-quarantine, provide the name of the health care provider.

For Emergency Family and Medical Leave Expansion Act due to the employee’s need to care for a child whose school or place of care was closed or whose child care provider is unavailable,

provide the name of the child being cared for; the name of the school, place of care, or child care provider; and “a representation that no other suitable person” will care for the child during the period of leave.

Please note that in any situation where the employee is exempt from any of the above qualifiers under FFCRA, the employee can still be considered for traditional FMLA leave, either because the employee has a “serious health condition” or because the employee is caring for a child, spouse, or parent with a serious health condition.

By law and the guidance of the Department of Labor, Human Resource is required to retain all documentation provided by employees pursuant to these requirements for a period of four years, whether any leave is granted or denied.

**We have included the Federal Employee Rights Poster for FFCRA below.**

**We hope you and your families will stay safe during this uncertain time.**

**Human Resources Staff**

# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

### ► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

### ► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- |   |   |
|---|---|
| <ol style="list-style-type: none"><li>1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</li><li>2. has been advised by a health care provider to self-quarantine related to COVID-19;</li><li>3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</li><li>4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</li></ol> | <ol style="list-style-type: none"><li>5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or</li><li>6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.</li></ol> |
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### ► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



**WAGE AND HOUR DIVISION**  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**

TTY: 1-877-889-5627

[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



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