FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) FAQs

Q: What is the FFCRA?
A: Among other provisions, the FFCRA contains the Emergency Family and Medical Leave Expansion Act (EFMLEA) and the Emergency Paid Sick Leave Act (EPSLA), both of which require certain employers, including UC, to provide leave to employees for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

Q: What does the EPSLA provide?
A: Up to 80 hours* of emergency paid sick leave to an employee who is unable to work (or telework) for one of the following reasons:

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 health care provider to self-quarantine related to COVID-19;
3) The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4) The employee is caring for an individual subject to an order described in (1) or self-quarantined as described in (2);
5) The employee is caring for their son or daughter if their school or place of care has been closed, or their child care provider is unavailable, due to COVID-19 precautions; or
6) The employee is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

*Part-time employees are eligible for EPSLA leave for the number of hours that they are normally scheduled to work in a two-week period.

Q: What does the EFMLEA provide?
A: Up to 12 weeks of leave when an employee is unable to work (or telework) due to a need for leave to care for their child under 18 years of age if their school or place of
care has been closed, or their child care provider is unavailable, due to a public health emergency (see also, EPSLA reason #5).

Q: Who is eligible for EPSLA or EFMLEA leave?

A: All UC employees are immediately eligible for EPSLA leave. All UC employees who have been employed by UC for at least 30 days are eligible for EFMLEA leave.

*NOTE: The FFCRA does permit UC to exclude all employees who are health care providers or emergency responders from being eligible for EPSLA and EFMLEA leave. At this time, UC has elected not to exclude such workers from eligibility, but may reassess this determination at a later date due to business and/or operational needs or exigencies.

Q: Is EPSLA leave paid?

A: Yes. EPSLA leave is paid at an employee’s full rate of pay for 80 hours. For part-time employees, EPSLA leave is paid at their full rate of pay for the average number of hours they work in a two-week period.

Q: Is EFMLEA leave paid?

A: The first two weeks (10 days) of EFMLEA leave may be unpaid, but an employee is permitted to use EPSLA leave, or other accrued paid leave pursuant to applicable University policies, to remain in pay status. For full-time employees, the remaining 10 weeks of EFMLEA leave is paid at their full rate of pay. For part-time employees, the remaining 10 weeks of EFMLEA leave is paid at their full part-time rate of pay for the number of hours they are normally scheduled to work.

Q: Is all FMLA leave now paid?

A: No. Only EFMLEA leave is paid. All other FMLA leave will remain unpaid.

Q: Can EFMLEA leave, or EPSLA leave when used to care for an employee’s child whose school or childcare has been closed, or whose child care provider is unavailable, due to COVID-19 precautions, be used intermittently?

A: Yes. Employees must still follow applicable notice rules as set forth in applicable policies and procedures.
Q: How does the EFMLEA impact other leave taken under the FMLA? For example, an employee used six weeks of FMLA leave in the last 12 months. Is the employee now eligible for an additional 12 weeks of FMLA leave under the EFMLEA?

A: No. All employees are still limited to a total of 12 work weeks of FMLA leave, whether taken under the EFMLEA or the FMLA, in their own rolling 12-month calendar.

Moreover, the EFMLEA does not have any impact on approved FMLA leaves until after the employee returns from leave. If FMLA leave is intermittent, time off from work is reported according to the certified reason (sick/childrearing, etc.).

Q: Does the FFCRA have any impact on an employee returning from a current leave of absence?

A: A separate email and attached return notice template letter was sent to all departments/colleges for employees scheduled to return prior to May 31, 2020. Please contact Central Human Resources for additional guidance, if needed.

Q: If an employee has child/family care needs or otherwise must use EPSLA leave, EFMLEA leave, or UC accrued leave for COVID-19 related reasons, how does the employee request this leave/time off work?

A: Regular/required call-off procedures for sick leave/time will be used.

Q: What documentation is required to show that a school/childcare has closed, or a childcare provider is unavailable, due to COVID-19 precautions?

A: A notice letter or other written communication regarding the closure/unavailability is sufficient.

Q: What documentation is required to show that a school/childcare has reopened, or a childcare provider has become available?

A: A notice letter or other written communication regarding re-opening or availability is sufficient. It is the employee’s responsibility to notify their supervisor/manager when this occurs.
Q: Can an employee be required to use their accrued paid leave before using EPSLA or EFMLEA leave for a qualifying reason?

A: No. Employees who qualify for EPSLA or EFMLEA leave may not be required to use accrued paid leave before using EPSLA or EFMLEA leave.

Q: If an employee uses EPSLA or EFMLEA leave, do they need to be placed on a leave of absence?

A: No, if the employee is absent 14 calendar days or less. Yes, if the employee is absent 15 calendar days or more. Employees absent 15 calendar days or more due to school or daycare closure, or childcare provider unavailability, because of COVID-19 precautions will be placed on a childrearing leave of absence. All other employees absent 15 calendar days or more because of COVID-19 reasons will be placed on a medical leave of absence. Please note that an employee is quarantined will only be absent for 14 calendars days and would therefore not need to be placed on a leave of absence.
OTHER COVID-19 RELATED HUMAN RESOURCES FAQs

If a supervisor does not have any work for a full-time hourly or salaried employee and does not want them to report to work, is the supervisor required to pay them?

Yes. The ABS code, with comment COVID-19, should be used. The employee may be contacted for work-related questions by phone or email.

If an employee is required to come to work but their physician has advised them to stay home, may they use sick leave?

Yes, up to 80 hours of EPSLA leave should be used if the reason the employee is advised to stay home is COVID-19 related. After the 80 hours of EPSLA leave are exhausted, accrued sick leave must be used. Be mindful that physicians’ offices may be limiting in-person visits, and we will need to be flexible in our timelines for required documentation.

If someone reports they need to “self-quarantine” and they are unable to telework, do they need to take time off from work to self-quarantine?

If the employee is unable to work (or telework) because they are in quarantine due to a quarantine order, advice from a healthcare provider to quarantine, or are caring for someone who has been advised to quarantine by a healthcare provider, EPSLA leave should be used effective April 1, 2020 (time off paid previously for these reasons does not count toward this entitlement).

If an employee needs to “self-quarantine” for any other reason pursuant to UC’s self-reporting instructions, they should not take time off from work, but are expected, when able, to telework. At a minimum, an employee who is subject to a self-quarantine must be available for work-related questions by email or phone. Please contact Central Human Resources for further assistance.