

Families First Coronavirus Response Act (FFCRA) Policy

It is the policy Social Development Commission to comply with the requirements of the Federal Families First Coronavirus Response Act (FFCRA). The FFCRA provides employees with Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave (EFMLA) for those affected by the COVID-19 pandemic, from April 1, 2020 through December 31, 2020.

Two Types of Leave Covered Under FFCRA

1) Emergency Paid Sick Leave (EPSL)

Emergency paid sick leave will be available for an employee who is unable to work or work remotely 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 health care provider to self-quarantine because of COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual subject (or advised) to quarantine or isolation;
5. The employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions; or
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.

Eligibility for EPSL

All employees, regardless of their tenure with the organization, with full-time or part-time status are eligible to receive this benefit.

Paid Benefits for EPSL

Eligible employees will receive up to two weeks of paid sick leave.

- Full-time employees: 80 hours at their regular rate of pay, subject to caps and reasons noted below.
- Part-time employees: the number of hours that the employee works, on average, over a two week period, subject to caps and reasons noted below.

Payments are capped at \$511 a day (\$5,110 in total) for dealing with an employee's own illness or quarantine (reasons 1, 2 and 3 above). Employees who are caring for an individual affected by COVID-19 and those whose children's schools have closed (reasons 4, 5 and 6 above) receive up to two-thirds of their pay, and that benefit is limited to \$200 a day (\$2,000 in total).

Return to Work Following EPSL

Employees are required to follow guidelines established by the [Centers for Disease Control and Prevention](https://www.cdc.gov/coronavirus/2019-ncov/return-to-work.html) as it relates to ceasing home isolation practices.

2) Emergency Family Medical Leave Act (EFMLA) Expansion

Employees will be entitled to take up to 12 weeks of job-protected leave if an employee is unable to work (or remote work) due to caring for the employee's son or daughter (who is under 18) because the child's school or place of care has been closed or his or her childcare provider is unavailable due to the public health emergency.

Eligibility for EFMLA

Under this policy, full-time and part-time employees who have been on Social Development Commission payroll for 30 days, prior to taking the leave, are eligible for leave.

Paid Benefits for EFMLA

The EFMLA provides for a combination of unpaid and paid leave.

- The first 10 days of EFMLA may be unpaid. An employee may choose to take any existing pay benefit (i.e. PTO) during the 10-day unpaid period, or the 10 days may be paid under emergency paid sick leave, if taken for a qualifying reason.
- After ten days of unpaid leave, employees are entitled to 10 weeks of job-protected leave of two-thirds their usual pay. Part-time employees are entitled to be paid two-thirds of their usual pay based on the average number of hours worked for the six months prior to taking the leave.
- The cap of the paid leave entitlement for employees is \$200 per day (\$10,000 in the aggregate).

Notifying Agency of the Need for FFCRA Leave

Employees should request their need for emergency paid leave as soon as possible, by notifying their immediate manager or human resources. If an employee is incapacitated, the employee's representative should give verbal notice as soon as possible. Calling in "sick" does not qualify as adequate notice. An employee must provide sufficient information regarding the reason for an absence for the agency to know that protection and benefits may exist under this policy.

Insurance Benefit Continuation During FFCRA Leave

Coverage under group health insurance will continue while on leave, but employees must continue to pay their portion of the premium. Other employment benefits [*such as group life insurance, AD&D, etc.*] will also be continued during the leave, as long as the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

Rights Upon Return from FFCRA Leave

An employee who takes leave under this policy may be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff, reorganization, furlough, change in job duties or other change in employment if the action would have occurred had the employee remained actively at work.

Certification for FFCRA Leave

Employees will generally not be required to submit paperwork to certify their need for leave, so as not to place additional burdens on our medical community during this pandemic. However, Social Development Commission reserves the right to request documentation in situations where there is reason to believe an employee has fraudulently obtained leave or paid benefits.