

Families First Coronavirus Response Act (FFCRA)

Basic Facts

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FFCRA Basic Information

- March 18, 2020 – Signed into law
- April 1, 2020 – Took effect
- December 31, 2020 – Expires
- FFCRA applies to public agencies (local governments and political subdivisions such as libraries) that employ one or more employees.
- Sick leave provisions include:
 - Paid sick leave under the Emergency Paid Sick Leave Act (EPSLA) and
 - Temporary expansion to FMLA under the Emergency Family and Medical Leave Expansion Act (EFMLEA)

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Type of Leave Available Under FFCRA

Qualifying Employee	Type of Leave	Qualifying Reason: Employee is unable to work because	Length	Rate
All EEs	Paid Sick Leave	1. EE is subject to Federal, State, or local quarantine or isolation order related to COVID-19	2 weeks (up to 80 hours)	100% (subject to cap)
All EEs	"	2. EE has been advised by Health Care Provider to self-quarantine	"	"
All EEs	"	3. EE has CV symptoms & seeks medical diagnosis	"	"
All EEs	"	4. EE must care for someone who is: <ul style="list-style-type: none"> • subject to quarantine or isolation order or • advised by HCP to self-quarantine 	"	2/3 (subject to cap)
All EEs	"	5. EE must care for a child whose school or care provider is closed or unavailable due to COVID-19	"	"
All EEs	"	6. Other situation identified by Secretary of HHS	"	"
EE on payroll 30+ days	Expanded FMLA	EE must care for a child whose school or care provider is closed or unavailable due to COVID-19	+ 10 wks. (for total of 12)	"

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LIMITATIONS

- Does not apply retroactively. (Only for leave taken 4/1/2020 to 12/31/2020.)
- Paid sick leave does not carry over year to year.
- No reimbursement for unused leave.
- Paid sick leave is capped at 80 hours for any combination of qualifying reasons.
- Maximum amount of FMLA (including Expanded FMLA) is still 12 weeks.

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FFCRA Benefits: Paid Sick Leave

- 2 weeks of paid sick leave *in addition to* any other sick leave accrued under the employer's regular personnel policies
- Paid for hours the employee would have otherwise worked, up to 80 hours
- Pay is based on employee's regular rate (or minimum wage if that is higher)
- Reasons 1-3 (for employee's own health needs)
 - 100% of employee's regular rate
 - capped at a maximum of \$511 per day and \$5,110 for 80 hours
- Reasons 4-6 (to care for family member)
 - 2/3 employee's regular rate
 - capped at \$200 per day and \$2,000 for 80 hours

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FFCRA Benefits: Expanded FMLA

- FMLA is temporarily expanded to add one qualifying reason.
- The expansion applies to many small employers not previously subject to FMLA.
- Extended leave maximum is 12 weeks (includes 2 weeks of paid sick leave + 10 weeks of expanded FMLA).
- Payment is at 2/3 regular rate (or 2/3 minimum wage if that is more)
- Payment for the entire 12 weeks may not exceed \$200 per day and \$12,000 in total.

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Resources

- FFCRA Memo and updates are posted on ISL's COVID-19 webpage: <https://www.in.gov/library/COVID.htm>.
- Department of Labor's COVID-19 and the American Workplace webpage <https://www.dol.gov/agencies/whd/pandemic> includes fact sheets, notice provisions, Q & As, and a link to the new rules.