


The Family First Coronavirus Response Act (FFCRA)
Understanding How the Act Affects the State of North Carolina Employees

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May 2020

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What is Family First Coronavirus Response Act

The Families First Coronavirus Response Act (FFCRA or Act) requires the State of North Carolina as an employer to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

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Emergency Paid Sick Leave Act (EPSLA)

EPSLA requires employers to pay employees for up to 80 hours of leave for employees who are unable to work for reasons having to do with COVID-19 where the employee:

- Is subject to Federal, State or Local quarantine or isolation order related to COVID-19;
- Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
- Is caring for an individual who is subject to Federal, State or Local quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self quarantine due to concerns related to COVID-19; or
- Is caring for his or her son or daughter whose school or place of care has been closed or whose child care provider is unavailable due to COVID-19 related reasons;
- This leave **does not** count against the 96 hours of sick leave an employee earns annually.

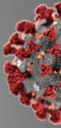
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Emergency Paid Sick Leave Act (EPSLA) (cont'd)

- Under EPSLA employees may only receive a total of 80 hours of pay
- Employees who are ordered to quarantine or isolation or are experiencing symptoms shall receive full pay at their regular rate of pay for up to 80 hours.
- Employees who are out to care for a family member due to quarantine/isolation order related to COVID-19 or to care for their child whose school or place of care is closed due to COVID-19 shall receive 2/3 of their regular rate of pay for the 80 hours.



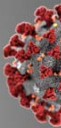
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
Emergency Paid Sick Leave Act (EPSLA) (cont'd)

- Employees who are not teleworking must take EPSLA in full-day increments unless it is authorized by the agency head.
- EPSLA can not be taken intermittently for the following reasons:
 - You or a family member who you are caring for have been required to enter into quarantine/isolation by State or federal entity;
 - You or a family member who you are caring for have been advised by a healthcare provider to self-quarantine due to concerns related to COVID-19;
 - You are experiencing symptoms of COVID-19 and are seeking medical diagnosis.
- If the employee is teleworking they may take EPSLA intermittently for the above reasons as long as it is authorized by the agency head.



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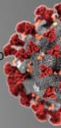
Emergency Family Medical Leave Extension Act (EFMLEA)

Requires employers to provide Family and Medical Leave to employees who are unable to work due to reasons related to COVID-19. The extension act provides an additional qualifying reason which is:

- Employees are eligible for EFMLEA if the need for leave is due to caring for a child whose school/place of care is closed or their childcare provider is unavailable due to a public health emergency, defined currently as related to COVID-19.


Other ways EFMLEA differs from regular FMLA are:

- Employees are eligible for EFMLEA if they have been employed by the state for at least 30 calendar days;
- Requires employers to pay employees for 10 weeks of EFMLEA (the first two weeks are not paid however if eligible the first two weeks may be paid under EPSLA).



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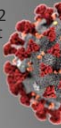
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Emergency Family Medical Leave Extension Act (EFMLEA) (cont'd)

- EFMLEA is **not** an additional 12 weeks of FMLA. Rather it is the original 12 weeks of FMLA an employee is entitled to in 12 months.
- Employees who have exhausted their 12 weeks of FMLA in the previous 12 months for reasons unrelated to COVID-19 are not entitled to EFMLEA but are entitled to EPSLA.
- The two weeks of EPSLA used for childcare due to school and care facility closures counts toward the employees 12 weeks of EFMLEA/FMLA.
- The two weeks of EPSLA used for an employee or family member in quarantine/isolation may count towards FMLA if it rises to the level of a serious health condition.

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Required Documentation

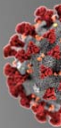
Employees requesting EPSLA or EFMLEA must provide their agency HR office either orally or in writing the following information:

- Employee Name
- The Date(s) of requested Leave
- Reason for leave; and
- A statement that you can not work due to a reason related to COVID-19


Employee's subject to quarantine provides all 4 items above plus:

- The name of the government entity that issued the order
- The name of the healthcare provider who advised self-quarantine

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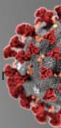
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Required Documentation (cont'd)

- Employees who are absent due to childcare issues provides the first four items above plus :
 - The name of the child(ren)
 - The name of the school, place of care, or childcare provider that has closed or become unavailable
 - A statement that no other suitable person is available to care for your child.
- Employees requesting FMLA beyond the two weeks of EPSLA because your COVID-19 illness rises to the level of a serious medical condition must provide medical certification under FMLA as required by policy.
- Employees requesting FMLA for reasons not related to COVID-19 must provide medical certification under FMLA as required by policy.

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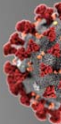
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EPSLA/EFMLEA Exemptions


- Employees who are classified as health care providers or emergency responders may be excluded from eligibility for FFCRA.

Definitions of health care providers and emergency responders are attached to this presentation for download.



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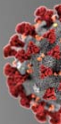
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Scenario 1: Rachel


Rachel has been an elevation inspector with the Department of Labor for six years and due to the nature of her job she is unable to telework. Rachel's Aunt Laura has agreed to care for her children because of the school closings. On April 18th Aunt Laura notified Rachel that she has been exposed to COVID-19 and is required to self quarantine for 14 days and she will not be able to care for Rachel's Children during this time.

1. Is Rachel eligible for EPSLA?
2. Is she eligible for EFMLEA? If so how many weeks
3. Will Rachel receive 100% of her salary rate or 2/3 salary rate?



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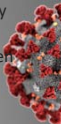
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Scenario 2: Tomas

Tomas has been employed as an Agency Legal Specialist with the Department of Justices for 8 months. He recently returned from a conference in Connecticut and since his return, he has not been feeling well and has had a fever and cough for about 3 days and has been out sick. Tomas has received a call from one of the conference organizers stating they were calling to let him know that an individual he encountered at the conference has tested positive for Coronavirus. Tomas notifies his HR department that he has been having symptoms and was notified he has been exposed. He has an appointment with his doctor in 4 days.

1. Under which reason can Tomas take leave?
2. Is Tomas entitled to EPSLA? If so will his pay be 100% or 2/3
3. Is Tomas eligible for EFMLEA? If so how many weeks?



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Scenario 3: Geoffrey

Geoffrey is a Ferry worker with the department of Transportation and is not able to telework due to the nature of his job. Geoffrey has been with DOT for 9 years. In November of 2019 Geoffrey went out on 5 weeks of FMLA when his wife had their first child. On April 10, 2020 Geoffrey was diagnosed with Coronavirus and has been hospitalized due to his condition.

1. Is Geoffrey eligible for EPSLA?
2. Would Geoffrey be entitled to 100% pay or 2/3 pay under EPSLA
3. Is Geoffrey eligible for EFMLEA? If so how many weeks?

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