

The Families First Coronavirus Response Act (FFCRA) creates two new benefits, effective April 1, 2020.

- Emergency paid sick leave (EPSL) for certain COVID-19 related absences
- FMLA leave for qualifying childcare needs (LQC) caused by the COVID-19 public-health emergency

EPSL Eligibility. All employees, except health care providers or emergency responders exempted by an appointing authority as allowed under federal law. Questions on eligibility should be directed to your HR Office.

EPSL Amount

- Full-time employees can use up to 80 total hours of EPSL.
- Part-time employees can use a prorated amount based on their average number of hours worked.

EPSL Period for Use. EPSL is available from April 1, 2020, to December 31, 2020.

EPSL Use, Reporting, and Pay. EPSL may be used for the following reasons:

1. Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19 and because of the order is unable to perform available work either at the worksite or by telework.
2. Employee is advised by a healthcare provider to self-quarantine due to concerns related to COVID-19 and because of the self-quarantine is unable to perform available work either at the worksite or by telework.
3. For the time during which the employee is taking affirmative steps to obtain a medical diagnosis while experiencing COVID-19 symptoms.
 - For reason 1, 2, or 3, federal law requires pay at the employee's regular rate, *up to \$511 per day*.
 - Total pay from EPSL for reasons 1, 2, or 3 cannot exceed *\$5,110*.
 - Employee enters the following on their timesheet:
 - **COV1** - FFCRA SELF SHIFT 1, **COV2** - FFCRA SELF SHIFT 2, or **COV3** - FFCRA SELF SHIFT 3
4. Employee is caring for an immediate family member, cohabitant, or other individual with whom the employee has a similarly close personal relationship subject to a self-quarantine or isolation order or advised by a healthcare provider to self-quarantine due to concerns related to COVID-19, and because of the need to care for such individual the employee is unable to perform available work either at the worksite or by telework.
5. Employee is unable to perform available work either at the worksite or by telework because of the need to care for the employee's minor child whose school or place of care has been closed or whose childcare provider is unavailable for reasons related to COVID-19 and no other suitable person is available to care for the child.
6. Employee is experiencing substantially similar conditions specified by the U.S. Secretary of Health and Human Services. (No such declarations of substantially similar conditions have yet occurred.)
 - For reason 4, 5, or 6, federal law requires pay at 2/3 the employee's regular rate, *up to \$200 per day*.
 - Total pay from EPSL for reasons 4, 5, or 6 cannot exceed *\$2,000*.
 - Employee enters the following on their timesheet:
 - **CVD1** - FFCRA OTHER SHIFT 1, **CVD2** - FFCRA OTHER SHIFT 2, **CVD3** - FFCRA OTHER SHIFT 3

Intermittent Use. Teleworkers may use EPSL intermittently. An employee working on-site may use EPSL intermittently only for reason 5, above.

Notice. After the first day of EPSL use, an employee must give their supervisor reasonable notice of any additional EPSL use. When providing notice, the employee must identify the dates for which the leave is requested, the qualifying reason for the leave, and state that they are unable to work because of the qualifying reason. Notice of foreseeable leave for reason five (childcare) must be given as soon as practicable.

Documentation: The employee may be required to provide information permitted by federal law showing any EPSL use is for a qualifying reason.

Overpayments. Because of system limitations, some employees who use EPSL may initially be overcompensated. All EPSL use remains subject to audit and may result in a need for repayment via later gross-pay adjustments.

Family and Medical Leave Act Leave for Qualifying Child Care (LQC) Eligibility. All employees who have worked for the state for at least 30 calendar days are eligible for LQC, except for health care providers or emergency responders exempted by an appointing authority, as allowed under federal law.

LQC Amount

- Employees can use 12 total workweeks of FMLA leave, including LQC, during their current 12-month FMLA-entitlement period.
- Employees who have already exhausted their 12-workweek entitlement through other FMLA use during the current 12-month FMLA-entitlement period are ineligible.
- FMLA-qualifying uses of COV codes and CVD codes will be counted toward the 12-workweek entitlement.

LQC Availability. LQC is available from April 1, 2020, to December 31, 2020.

LQC Use, Reporting, and Pay. An employee unable to perform available work either at the worksite or by telework because of the need to care for the employee's child whose school or place of care has been closed or whose childcare provider is unavailable for reasons related to COVID-19, and who has no other suitable person available to care for the child, may be eligible for LQC.

- AG, MEDC, MSHDA, MSF, MDOS, MSP, and Legislative employees must contact their local HR Office to request use of LQC.
- MDOC employees must submit their request to the Disability Management Unit (DMU).
- Employees working for all other departments must submit their request to the Disability Management Office.
- Employees must continue to enter their time in SIGMA for the duration of their leave.
- The first ten days of the FMLA leave are unpaid unless the employee uses eligible paid leave credits during the absence. If not using EPSL or other accrued leave, employees use the "FMLA" hours type to enter time for the first 10 workdays (80 hours). These hours will be unpaid.
- After the first ten days of LQC, an employee is paid 2/3 of their regular rate of pay *up to \$200 per day* for each subsequent day of LQC. The employee can instead use eligible accrued leave credits to receive regular pay but may not top-off the 2/3 pay with regular leave credits to receive full pay.
- An employee may not receive more than \$10,000 during an LQC.
- An employee uses the time code **FMCC** to receive the 2/3 pay benefit for 11th and later LQC days or may use other qualifying FMLA paid leave codes.

Notice. If the need for LQC is foreseeable, the employee must give the employer notice as soon as practicable. The employee may be required to provide information permitted by federal law supporting the need for LQC.

Intermittent Use. Employees may use LQC intermittently.

Overpayments. Because of system limitations at the new law's effective date, some employees using LQC may initially be overcompensated. All LQC use and payments remain subject to audit and may require repayment by the employee through gross-pay adjustments.