

Families First Coronavirus Response Act – Expanded Family and Medical Leave & Emergency Paid Sick Leave: HR Partner Checklist

This checklist is tool for HR partners to utilize at their discretion for FFCRA - related documentation.

The **Families First Coronavirus Response Act (FFCRA or Act)** requires that we provide our teammates with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor’s Wage and Hour Division administers and enforces the new law’s paid leave requirements. These provisions will apply from the effective date of **April 1, 2020 through December 31, 2020.**

When determining eligibility for the Emergency Paid Sick Leave the teammate must meet the below criteria:

- Teammate is unable to work (or unable to telework).

AND one of the following must apply:

- 1. Teammate is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 2. Teammate has been advised by a health care provider to self-quarantine related to COVID-19;
- 3. Teammate is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- 4. Teammate is caring for an individual subject to an order described in (1) or self-quarantine as described above;
- 5. Teammate is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
- 6. Teammate is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.
 - o *If one of the first three boxes (box 1, 2 or 3) is checked, the teammate’s amount of pay is based on either the teammate’s regular rate of pay or the applicable state or minimum wage, whichever is higher, and it is to be paid at 100 percent, up to \$511 daily and \$5,110 total.*
 - o *If the fourth or sixth (box 4 or 6) box is checked, the amount of pay is two-thirds of either the teammates’ regular rate of pay or the applicable state or minimum wage, whichever is higher, up to \$200 daily and \$2,000 total.*
 - o *If the fifth box (box 5) is checked, an additional 10 weeks of partially paid expanded family and medical leave is available to some employees when their children’s school or place of child care is closed. The payment amount in this instance is two-thirds of either the employee’s regular rate or the applicable state or minimum wage, whichever is higher, up to \$200 daily and \$10,000 aggregate. To be eligible for this leave, an employee must have been employed for at least 30 days prior to his or her leave request.*

When determining eligibility for the Expanded Family and Medical Leave the teammate must meet the below criteria:

Teammate is unable to work (or unable to telework);

AND:

Teammate has been employed for at least 30 days;

AND one of the following must apply:

Teammate is caring for their child whose school is closed, or;

Teammate is caring for their child whose place of care is closed (or whose child care provider is unavailable) for reasons related to COVID-19.

With the care of a child age 18 or older, the teammate must provide a statement that a special circumstance exists requiring the Teammate to provide care.

Teammate must also meet this criteria if the first two weeks of unpaid leave run concurrently with the Emergency Paid Sick Leave, taken for the same reason.

Please also note that all existing certification requirements under the FMLA remain in effect if a teammate is taking leave for one of the existing qualifying reasons under the FMLA. For example, if an employee is taking leave beyond the two weeks of emergency paid sick leave because their medical condition for COVID-19-related reasons rises to the level of a serious health condition, they must continue to provide medical certifications under the FMLA.

Paid Expanded FMLA leave is only available when the teammate is caring for their child for the reasons stated above. All other reasons for taking Expanded FMLA leave, including because of a medical condition due to COVID-19 remains unpaid.