

## 1) What is FFCRA?

The Families First Coronavirus Response Act (FFCRA or Act) requires employers, including NMU, to provide employees 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 (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.

Generally, the Act provides that employees of covered employers are eligible for:

- *Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor; and
- *Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds the employee's regular rate of pay* where an employee, who has been employed for at least 30 calendar days, is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

## 2) When is the Act effective?

The Act is effective April 1, 2020 and is not retroactive. This means that any leave time taken prior to April 1, 2020, cannot be substituted for Emergency Paid Sick Leave time or paid leave under the Emergency Family and Medical Leave Expansion Act.

## 3) If I was on a leave prior to April 1, 2020, that qualifies under the Act, and remain on that leave, does any portion of my paid leave qualify for coverage under the Act?

Contact Kim Hongisto, Human Resources Benefits Assistant at 227-2470 to discuss your situation. It is possible that the leave time may qualify as of April 1 and moving forward as long as you have provided the appropriate documentation.

## 4) How do I apply for Emergency Paid Sick Leave?

Contact Kim Hongisto, Human Resources Benefits Assistant at 227-2470 to discuss your situation and your potential eligibility under the Act. You will be provided with the form required to be completed by your healthcare provider.

#### **5) How do I know if I qualify for expanded Family and Medical Care leave?**

Contact Kim Hongisto, Human Resources Benefits Assistant at 227-2470 to discuss your situation and your potential eligibility under the Act. You will be provided with the form required to certify your situation.

#### **6) If I am unable to work as a result of K-12 school closures that resulted from COVID-19, do I qualify for expanded FMLA?**

Your eligibility for expanded Family and Medical Leave depends on how much leave you have already taken during the 12-month period used for FMLA leave. You may take a total of 12 workweeks for FMLA or expanded family and medical leave reasons during a 12-month period. If you have taken some, but not all, of the 12 workweeks of your leave under FMLA during the current 12-month period determined by your employer, you may take the remaining portion of leave available. If you have already taken 12 workweeks of FMLA leave during this 12-month period, you may not take additional expanded family and medical leave.

For example, assume you are eligible for preexisting FMLA leave and took four weeks of such leave in January 2020 to undergo and recover from a surgical procedure. You therefore have eight weeks of FMLA leave remaining. Because expanded family and medical leave is a type of FMLA leave, you would be entitled to take up to eight weeks of expanded family and medical leave, rather than twelve weeks. And any expanded family and medical leave you take would count against your entitlement to preexisting FMLA leave.

#### **7) Where can I get additional information about the Act?**

The following resources related to the Families First Coronavirus Response Act (FFCRA or Act) are available through the Department of Labor website:

[Employee Paid Leave Fact Sheet](#)

[FFCRA FAQ document](#)

[Family Medical Leave Act FAQ document](#)