

Family Outreach, Inc.
Families First Coronavirus Response Act
March 25, 2020

Following is a list of frequently asked questions and guidance regarding the **Families First Coronavirus Response Act**

Since employment and benefit laws are rapidly changing in response to the outbreak, we are informing you of the benefits as we currently understand them. The Families First Coronavirus Response Act authorizes the Secretary of Labor to promulgate regulations to implement the Act including authority to exempt healthcare providers and certain small businesses from the requirements of the Act. As such, much of the information provided here is subject to change as we learn more.

1. What is the Families First Coronavirus Response Act and how does it affect me?

The Families First Coronavirus Response Act is an economic stimulus plan addressing the COVID-19 outbreak and introducing paid sick leave and an expanded family and medical leave act.

The Families First Coronavirus Response Act (FFCRA) is separate from the stimulus bill currently working its way through congress. The president signed the FFCRA on the evening of March 18, which means the leave provisions will go into effect on April 2, 2020 and remain in effect until December 31, 2020.

The portions of the Act affecting you as an employee are 1) the Emergency Family and Medical Leave Expansion Act, and 2) the Emergency Paid Sick Leave Act.

Family Outreach, Inc. is balancing the needs of our clients and the needs and rights of our employees in our response to the pandemic. As such, we are asking all employees to explore and discuss options related to necessary absence from work due to the outbreak including telework and alternative work approaches to continue our critical services. We will continue to be flexible in considering individual and family needs, and ask all employees to explore options and be flexible in meeting our client needs.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

The **EFMLEA** significantly amends and expands the Family and Medical Leave Act (FMLA) on a temporary basis. In addition to the existing provisions of the FMLA (covered in the Employee Leave Section of the Family Outreach Personnel Policy handbook), the Act includes the following provisions to allow an employee who is unable to work or telework to take leave due to a need to care for the employee's son or daughter due to the closure of the child's school or childcare:

- The Act allows any individual employed by Family Outreach for at least 30 days (before the first day of leave) to take up to 12 weeks of job-protected leave to allow an employee, who is unable to work or telework, to care for the employee's child (under 18 years of age) if the

child's school or place of care is closed or the childcare provider is unavailable due to a public health emergency.

- The first 10 days of **EFMLEA** leave may be unpaid. During this 10-day period, an employee may elect to substitute accrued paid leave (e.g., annual leave or earned personal time) or emergency sick leave (defined below) to cover some or all of the 10-day unpaid period.
- The Act provides that after the 10-day period, the employer generally must pay full-time employees at two-thirds the employee's regular rate for the number of hours the employee would otherwise be normally scheduled¹.
- The closure of the child's school or childcare is the only reason allowed under the added FMLA provisions, and the only reason allowed for paid leave under the FMLA.
- EFMLEA leave will not be applied retroactively (i.e., time taken off for this purpose prior to the effective date of the act does not count against the entitlement. Our current understanding is that after April 2, 2020, time taken for Emergency FMLA Leave in the circumstances described above count against the employee's overall FMLA Leave entitlement (a total of 12 week leave in a 12-month period beginning on the first day of leave for any and all FMLA-qualifying event including personal illness or to care for a family member).

Emergency Paid Sick Leave Act

The Act requires that employees receive up to 80 hours of sick leave (prorated for part-time employees) who are unable to work or telework due to a need for leave because the employee is:

1. subject to a federal, state or local quarantine or isolation order related to COVID-19;
2. advised **by a health care provider** to self-quarantine due to COVID-19 concerns;
3. experiencing COVID-19 symptoms **and seeking medical diagnosis**;
4. caring for an individual subject to a federal, state or local quarantine or isolation order or advised by a health care provider to self-quarantine due to COVID-19 concerns;
5. caring for the employee's child if the child's school or place of care is closed or the child's care provider is unavailable due to public health emergency; or
6. experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Employees may use Emergency Sick leave for qualifying conditions described above before using regular sick leave, annual leave, or earned personal time (for any absences exceeding 10 days).

Employees eligible to receive paid sick leave arising out of the qualifying conditions described in paragraphs (1)-(3), above, are entitled to paid sick leave at their regular rate of pay². Employees

¹ Not to exceed \$200 per day and \$10,000 in the aggregate.

eligible to receive paid sick leave arising out of the qualifying conditions described in paragraphs (4)-(6), above, are entitled to paid sick leave at two-thirds their regular rate of pay.³

Emergency paid sick leave is available effective April 2, 2020 regardless of how long you have been employed by Family Outreach. Emergency paid sick leave shall cease beginning with the employee's next scheduled work shift immediately following the termination of the need for paid sick time, and employees may not carry this leave over into 2021.

²*not to exceed "\$511 per day and \$5,110 in the aggregate*

³*not to exceed "\$200 per day and \$2,000 in the aggregate*