

## **An overview of the Families First Coronavirus Response Act (FFCRA)**

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The federal government passed an Act making emergency supplemental appropriations for the fiscal year ending September 30, 2020, to assist families with emergency sick leave and expanding the scope of the Family and Medical Leave Act to include specific reasons for leave related to COVID-19.

The Families First Coronavirus Response Act (FFCRA) comprises of provisions that cover such areas as nutrition, unemployment, and tax credits. This article will focus solely on the Emergency Paid Sick Leave Act (EPSLA) and the Emergency Family and Medical Leave Expansion Act (EFMLEA) under the FFCRA.

The FFCRA applies to all public employers (except for the federal government) and private employers with less than 500 but more than 50 employees, with the EPSLA being exempt for certain employers with less than 25 employees.

The Emergency Family and Medical Leave Expansion Act amends the Family and Medical Leave Act of 1993, by expanding the scope of family medical leave beginning April 1, 2020, through December 31, 2020.

Under EFMLEA, an employee who is employed with the employer for at least 30 calendar days may be eligible for family medical leave related to COVID-19 if the employee is unable to work or telework due to caring for a child under 18 years of age, if the school or place of care of the child closes because of COVID-19. Under the Act, the employer may exclude from eligibility certain health care providers and emergency responders.

EFMLEA also provides that leave is with pay after the first ten days for which an employee takes leave at the rate of two-thirds of the employee's regular rate-of-pay leave for the care of a child under 18 years due to closure of school or daycare. The Act also provides leave for the full rate-of-pay for the illness of the employee related to COVID-19. The employee may elect to use accrued annual leave, personal leave, or medical or sick leave for unpaid leave the first ten days, or to supplement the pay at the two-thirds rate.

The EPSLA under the FFCRA provides that an employee may receive up to ten days paid sick leave if the employee is unable to work or telework, due to a need for leave because:

- 1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- 2) The employee is advised by a health care provider to self-quarantine due to concerns associated with COVID-19;
- 3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
- 4) The employee is caring for an individual who is subject to an order of quarantine or isolation due to a Federal, State, or local quarantine or isolation order, or has been advised by a health care provider to self-quarantine due to COVID-19 related concerns;

- 5) The employee is caring for a son or daughter due to closure of the child's school or child care provider due to COVID-19; or
- 6) The employee is experiencing any other substantially similar condition as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

As with the EFMLEA, the EPSLA provides a covered employer may exclude certain health care workers and emergency responders from the requirements of the EPSLA.

This federal legislation is complex, and when considering the application of the law to individual circumstances, employees should consult with legal counsel or their human resources department.