

New Paid Leave Provisions under the Families First Coronavirus Response Act (FFCRA)

The United States Congress enacted and the President signed into law the Families First Coronavirus Response Act, which includes a provision for emergency paid sick leave and an expansion of Family Medical Leave Act (FMLA) coverage.

Please note that the new federal emergency paid sick leave does not replace the University System of Georgia (USG) Non-Closure Emergency Leave since these two leave provisions have different eligibility requirements and apply in different situations.

As a reminder, employees eligible for Non-Closure Emergency Leave include regular full-time and regular part-time employees who:

- are not able to perform their regular duties through telework or other remote and flexible work arrangements, and
- are not working as essential employees in enabling the University to sustain essential on-campus services and operations.

The provisions of the Families First Coronavirus Response Act (detailed below) provide paid leave to employees to assist with various circumstances related to the Coronavirus COVID-19 public health emergency and expanded Family Medical Leave Act eligibility for Coronavirus COVID-19 related leave needs. These new requirements went into effect on April 1, 2020 and expire on December 31, 2020.

During this time period of reduced campus operations while supporting online learning, eligible temporary employees, rehired retirees and employees who cannot perform their duties due to a related Coronavirus COVID-19 situation will be able to take advantage of the federal emergency paid sick leave.

FAMILIES FIRST CORONAVIRUS RESPONSE ACT DETAILS

Emergency Paid Sick Leave

The new law entitles any current employee, regardless of their length of service, to emergency paid sick leave if the employee is, in connection with COVID-19:

1. Subject to a federal, state, or local quarantine or isolation order (See below CDC definition);
2. Advised by a health care provider to self-quarantine;
3. Experiencing symptoms and seeking a medical diagnosis;
4. Caring for an individual who is subject to (1) or (2);

5. Caring for a son or daughter whose school or childcare provider is closed or unavailable; OR
6. Experiencing any similar condition specified by the U.S. Department of Health and Human Services.

As defined by the Centers for Disease Control and Prevention (CDC), isolation and quarantine help protect the public by preventing exposure to people who have or may have a contagious disease.

- Isolation separates sick people with a contagious disease from people who are not sick.
- Quarantine separates and restricts the movement of people who were exposed to a contagious disease to see if they become sick.

Please note that a local shelter-in-place ordinance is not considered either isolation or a quarantine.

Full-time employees who meet at least one of these criteria may take up to 80 hours of paid leave. Affected part-time employees may take paid leave for up to their regularly scheduled hours or FTE equivalent. Please note that eligible employees are entitled to use the federal emergency paid sick leave before using any other accrued leave and that federal emergency paid sick leave may be capped based on provisions in the law.

How will employees request Emergency Paid Sick Leave?

The forms to request federal emergency paid sick leave are attached to this email. They are also available on our HR webpage at

https://www.mga.edu/human-resources/docs/Families_First_Coronavirus_Response_Act-FFCRA_Request_Form.pdf.

Example:

An employee is caring for a member of the employee's family that has been advised by their health provider to self-quarantine. The employee may request to use federal emergency paid sick leave to care for the family member for up to 80 hours. The employee may also use any available accrued leave in coordination with the federal emergency paid sick leave.

Expanded Family Medical Leave Act (FMLA)

The new law provides FMLA coverage for employees with at least 30 days of service who are caring for a son or daughter under 18 years of age whose school or childcare provider is closed or unavailable due to the COVID-19 Coronavirus public health emergency.

- The law does not add an additional 12 weeks onto the already existing 12 weeks of FMLA leave.
- The first two weeks of leave under this provision are unpaid, but employees may use either accrued leave or emergency paid sick leave for the first two weeks. The remaining 10 weeks must be paid. That pay is to be at least two-thirds (2/3) of the employee's regular pay rate, but capped at \$200 per day and an aggregate total of \$10,000.

Example:

A temporary full-time MGA employee, who had been employed for more than 30 days is not eligible for USG Non-Closure Emergency Leave. However, the employee has a child under the age 18 whose primary school has closed due to the Coronavirus COVID-19 public health emergency. The employee may request FMLA leave to care for their child during this period of closure due to the Coronavirus COVID-19 public health emergency. Since the first two weeks of the FMLA leave are unpaid, the employee may also request two weeks (or 80 hours) of federal emergency paid sick leave for the first two weeks of the FMLA leave.

Questions regarding federal emergency paid sick leave or the expanded FMLA coverage may be sent to humanresources@mga.edu or you may leave a message at 478-471-2010 and someone will return your call.