



NKCES Fact Sheet Regarding Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act (FFCRA) is the umbrella for two types of leave

- Emergency Paid Sick Leave (EPSL)
- Expanded Family Medical Leave Act (EFMLA)
- Both types of leave above are set to expire on December 31, 2020

Employees are entitled to take either of the COVID-19 leaves **IF** the employee is unable to work (either in-person or telework).

Emergency Paid Sick Leave (EPSL)

Grants employee up to 2 weeks (80 hours for full-time or equivalent for part-time employees) of paid sick leave (granted through Federal Government – has nothing to do with sick days awarded by the district)

- a. Can only be used one (1) time and must be taken in consecutive days – an employee cannot take EPSL multiple times
- b. If employee is granted EPSL for one of the three reasons listed below, they will be paid 100% of their daily rate up to \$511 daily
 - i. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19
 - ii. Employee has been advised by a health care provider to self-quarantine related to COVID-19
 - iii. Employee is **experiencing** COVID-19 symptoms **and** is **seeking** a medical diagnosis (*must be SEEKING medical diagnosis – not permitted for employee to think/say they have symptoms – must be tested*)
- c. If employee is granted EPSL for one of the two reasons listed below, they will be paid for 2/3 of their daily rate up to \$200 daily
 - i. Employee is caring for an individual subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or Employee is caring for an individual subject to self-quarantine based on the advice of a health care provider
 - ii. Employee is experiencing another substantially-similar condition specified by the US Department of Health and Human Services
- d. Documentation for the reason the employee has requested the EPSL is necessary
 - i. Source of any quarantine or isolation order (copy of order), OR
 - ii. Written documentation by health care provider who has advised you to self-quarantine, OR
 - iii. Copy of doctor's order for COVID-19 testing as well as diagnosis results – required for approval

Forms to Complete for EPSL

1. Request for Emergency Paid Sick Leave (EPSL) – COVID-19

Employees are able to “blend” the two leaves together when the employee is caring for **THEIR OWN** child whose primary or secondary school or place of childcare has been closed, or the childcare provider is unavailable due to COVID-19 precautions.

Expanded Family Medical Leave Act (EFMLA)

Granted to employee who have been employed for at least 30 days prior to the request. Grants employee up to 12 weeks of paid sick leave (again, has nothing to do with sick days awarded by the district), paid at 2/3 of their daily rate up to \$200 daily.

- a. If employee is granted EFMLA due to the employee caring for **THEIR OWN** child whose primary or secondary school or place of childcare has been closed, or the childcare provider is unavailable due to COVID-19 precautions, the first two weeks of the EFMLA is UNPAID, unless the employees also take the EPSL for that two-week period.
 - i. If the EPSL is taken, the first two-weeks of the EFMLA is paid at 100% of the employee's daily rate, up to \$511 daily, then the employee is paid at 2/3 of their daily rate for the remaining 10 weeks.

Forms to Complete for EFMLA

1. Request for Expanded Family Medical Leave (EFMLA) – COVID-19
2. Possibly, Request for Emergency Paid Sick Leave (EPSL) – COVID-19
3. 3 Child Care Provider Certifications of Unavailability Due to COVID-19 Notice

Additional Information

- The current provisions for both EPSL and EFMLA under FFCRA expire on December 31, 2020 unless extended by Congress.
- The EPSL is a one-time grant for days to an employee for COVID-19 related reasons. The 10 EPSL days, if unused, do not accumulate for any employee.
- If an employee is under quarantine or an isolation order multiple times, the EPSL can only be used one time. The EFMLA can be used intermittently however, cannot be used more than the allowable 12 weeks total (60 days).
- An employee is not allowed to take regular FMLA and EFMLA in the same school year. Main difference is the an employee who has been hired more than 30 days can request to take EFMLA for a COVID-19 related reason, where they would not be able to take regular FMLA until after working for the district for one year.