The Families First Coronavirus Response Act (FFCRA Act) requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. These provisions are effective April 1, 2020 through December 31, 2020.

**Emergency Sick Leave**

1. **What is Emergency Sick Leave under FFCRA?**

   FFCRA establishes a new bank of up to 80 hours of paid sick leave where the employee is unable to work or telework for qualifying reasons. The emergency paid sick leave is a separate leave from the TCA existing sick leave policies.

2. **What are the FFCRA Qualifying Reasons (the employees is unable to work or telework because)?**

   **GROUP 1**
   1. Subject to a federal, state, or local quarantine or isolation order related to Covid-19;
   2. Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
   3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

   **GROUP 2**
   4. Is caring for an individual who is subject to a quarantine order or is self-quarantining;
   5. Is caring for a child whose school or childcare provider has been closed or is unavailable due to COVID-19 precautions, or
   6. Is experiencing any other sustainability similar condition specified by the Secretary of HHS in consultation with Secretaries of Treasury and Labor.

3. **What is NOT a Qualifying Reason: If I’m expected to work remotely during the regular work hours, do I need to take leave for any days or hours I'm not able to work?**

   1. Employee is scared to come into work
   2. Furlough
3. No work for employee to do
4. Employer has asked employees to stay home for their safety and employee is not teleworking
5. Employer has asked employees to stay home due to federal, state, or local directive such as “stay at home” order or meeting ban (and employee is not teleworking)

4. What are the FFCRA Sick Leave Benefit Amounts?
   • Total emergency sick leave hours available – 80 hours
   • Pay Level:
     o 100% of current salary for Employees Qualifying in Group 1 in Group 2
     o 66.6% of current salary for Employees Qualifying

5. Do I qualify for FFCRA Emergency Sick Leave if I was unable to work for a qualifying reason during March 2020?

   FFCRA Emergency sick leave cannot cover sick leave prior to April 1, therefore the March sick leave days are not eligible. However, if your qualifying reason is applicable after April 1, that period is eligible for FFCRA Emergency Sick Leave.

6. Will TCA require employees to use other paid leave before using the Emergency paid sick leave?

   NO, regardless how much paid leave off (Annual Leave or Sick Leave) an employee has accrued, they are automatically entitled to FFCRA Emergency paid sick leave if they have a qualifying reason.

7. If I am teleworking (remotely working from home), and I have a qualifying reason, can I take Emergency Paid Sick Leave intermittently (for a couple of hours or a day)?

   Yes, however there must be an agreed upon schedule and documentation of the Emergency Medical Leave hours utilized (up to the 80 hours) between the employee and their supervisor, and approved by the CEO.

8. What type of documentation will TCA require employees to provide when seeking use of the FFCRA Emergency Paid Sick Leave?

   TCA is in the process of modifying the Human Resource Leave Request form to include the FFCRA Emergency Sick Leave, and it will be available on April 2, 2020; the specific required documentation is dependent on the qualifying reasons.
EMERGENCY FMLA LEAVE

FFCRA amends the existing Family Medical Leave Act (FMLA) to add a new qualifying condition:

- An employee is **unable to work (or telework)** due to a need to care for a son or daughter, if the child’s school or place of care has been closed, or if the child care provider is unavailable due to COVID-19
- Son or daughter includes: (1) adult child with a disability and is unable to care for self, and (2) in loco parentis

1. **What employees are NOT eligible for FMLA?**

- Employees for whom there is no work for; or not enough for employee to work full time
- Employee is furloughed
- Employer has asked employee to stay home for their safety and employee is not teleworking
- Employer has asked employee to stay home due to federal, state or local directive such as “stay at home” order or meeting ban (and employee is not teleworking)

2. **What are the benefits of Emergency FMLA Leave?**

- Up to 12 weeks of paid and job-protected Emergency FMLA Leave
- First 10 days are unpaid (employee may choose to have other leave (sick or emergency sick leave) run concurrently
- Emergency FMLA is paid at 2/3rds of the employee regular rate of pay
- Emergency FMLA can be taken intermittently, if the employer and employee agree to schedule, regardless of whether employee is teleworking or reporting to worksite.

3. **Can an Employee Qualify for Both Types of Leave?**

- **Yes**, if a home with his/her child because school is closed or childcare provider is unavailable
  - **1st two weeks of leave**: Emergency Sick Leave (paid 2/3 regular rate)
  - **Up to an additional 10 weeks of leave**: Emergency FMLA leave (paid at 2/3 regular rate)
  - Limited to a **total** of 12 weeks paid leave (i.e., Emergency Sick Leave and Emergency FMLA run concurrently)

4. **Will be my health insurance continue while utilizing FFCRA leave?**

TCA **must** continue providing group health coverage on the same terms as if employee had continued to work during the leave period.
5. Will taxes be withheld on paid leave wages?

TCA must withhold the employee’s share of FICA and income tax from the Emergency Paid Sick Leave and emergency FMLA Leave wages.

6. Will I be able to continue to participate in Head Start Disaster Leave and/or Disaster Professional Development teleworking, while on Emergency Sick Leave?

No, based Qualify Reason for FFCRA qualifying reasons, employees would ineligible for Disaster Leave while utilizing FFCRA Emergency Sick Leave (no double dipping).
Family First Coronavirus Response Act Scenarios

Scenario: I’m a OCES worker and have been assigned to assist in the stationary food pantry program but I’m apprehensive about working with the public, even with protective gear. How can I benefit from the families first coronavirus response act?
Answer: Employee who is scared to come into work, is not a qualifying reason. (Employee may choose to use annual leave or leave without pay)

Scenario: The LIHEAP program has been suspended since March 23, 2020 at 5:00 pm. I have a child that is out of school due to school closure ordered by the Governor in response to COVID 19 precautions. Am I entitled to the receive benefits under the Families First Coronavirus Response Act?
Answer: Yes, you eligible for emergency paid sick leave, only if you cannot telework. Your Emergency Paid Sick Leave Benefit amount (pay) will be 66.6% of your pay; and you are also eligible for Emergency FMLA at 2/3 your salary.

Scenario: I went to get tested on March 27, 2020 and have been advised by my doctor that I need to self-quarantine due to suspected COVID-19 diagnosis. I do not have anything in writing. Do I qualify under the Families First Coronavirus Response Act for assistance?
Answer: Yes, you do qualify based on being advised by a health care provider to self-quarantine due to concerns related to COVID 19.

Scenario: My center is closed and I’m not working in the center at this point. My supervisor has given me some telework but my son is home from school and I can’t complete the work assignment. Should I just apply for the Families First Coronavirus Response Act?
Answer: Yes, you are eligible for Emergency Paid Sick Leave but only if you cannot telework, your Emergency Family Leave benefit (pay) will be At qualifying for this you are only paid at 66.6% and you are also eligible for Emergency FMLA at 2/3 salary.

Scenario: I’m feeling sick but have not been tested for COVID 19 because I don’t have any symptoms. The rule of the agency is if you feel sick stay home and I have also read the Governor’s request to self-quarantine and stay 6 feet apart. I have been off for three days but did not see a doctor and wish to return to work. Am I eligible for the Families First Coronavirus Response Act?
Answer: You first must follow agency policy on page 96 of the TCA Personnel Policy Handbook, contacting your supervisor daily for the three days’ sick. If you do not follow this guidance you will be charged LWOP or Annual Leave. You are not eligible for the Family First Coronavirus Response Act.

Scenario: I am a 12-month employee and have been out sick since March 30, 2020, due to a family member being infected with COVID 19 virus. I’m self-quarantined as all publications and recommendations advise me to do. While I don’t have any signs nor have I been tested do I qualify for the Families First Coronavirus Response Act?
Answer: You do qualify for the Family First Coronavirus Response Act but only from the effective date of April 1, 2020. Your FFCRA benefit pay will be 66.6% of your salary; and you may be eligible for Emergency FMLA at 2/3 salary, if the leave exceeds 80 hours/10 days.