

FEDERAL EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires the Federal government to provide all of its employees with paid sick leave and, for employees who are covered under Title I of the Family and Medical Leave Act (FMLA), with expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

► PAID LEAVE ENTITLEMENTS

Generally, the Federal government must provide Federal employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total; and
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total.

Federal employees including those not covered under Title I of the FMLA can receive either ⅔ of the higher of their regular rate of pay, or the applicable state or Federal minimum wage for the two-week period for qualifying reason #5 below. However, for leave under qualifying reason #5, Federal employees covered under Title I of the FMLA can receive 10 additional weeks of expanded family and medical leave for reason #5 below, up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

► ELIGIBLE EMPLOYEES

All Federal employees are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Federal employees who are covered under Title I of the FMLA and have been employed for at least 30 days prior to their leave request are eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.*

Most federal employees are not covered under Title I of the FMLA and so would not be eligible for partially paid expanded family and medical leave. Please consult with your agency to determine whether you are covered under Title I of the FMLA. The Office of Personnel and Management will issue guidance on this question.

► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

A Federal employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

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| <ol style="list-style-type: none">1. is 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 related to COVID-19;3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA for Federal employers covered under Title I of the FMLA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Federal employers covered under Title I of the FMLA in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



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The **Families First Coronavirus Response Act (FFCRA)** requires the Federal government to provide all of its employees with paid sick leave for the circumstances specified below for reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

Qualifying Circumstances for FFCRA Emergency Leave	Max # Hours	Max Daily	Max Total	Paid at	SLDCADA	
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Self Care¹ 1) You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19 2) You have been advised by a health care provider to self-quarantine related to COVID-19 3) You are experiencing COVID-19 symptoms and are seeking a medical diagnosis	80 hours	\$511	\$5,110	Full Hourly Rate	LV	DX
Family Care 4) You are caring for an individual subject to an order described in (1) or self-quarantine as described in (2) 5) You are caring for a child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons ² 6) You are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. <i>(additional information pending)</i>						

1. Employees are granted Weather and Safety Leave for circumstances (1) and (2) and do not have to take FFCRA leave.
2. Intermittent employees, and temporary employees on appointments of one year or less, who have been with the command for 30 days or more, are entitled to an additional 10 weeks of leave under circumstance (5) at 2/3 pay up to \$200 per day, not to exceed \$12,000 total.

► Request Requirements

Employees who cannot work, or telework, for the circumstances listed above may request leave under the FFCRA by submitting the following to their supervisor:

- The date(s) requested for leave and number of hours,
- The reason for leave, and
- A statement that you are unable to work because of the reason.

If the leave is due to an order to quarantine or isolate, they must specify the government entity or healthcare provider who gave the order or advice to quarantine or isolate.

If the leave is to care for a child whose school or place of care is closed, or child care provider is unavailable, they must specify:

- The name of the child or individual being cared for,
- The school, place of care, or child care provider that has closed or become unavailable, and
- A statement that no other suitable person is available to care for the child.

► Indebtedness Warning

SLDCADA does not account for the different pay rates or earning limitations that apply. All supervisors and employees must understand that using this leave may result in a debt that will be collected at a later date and debt waivers will not be approved. It is imperative that supervisors and employees first consider other forms of available leave and/or work flexibilities prior to using emergency paid leave.

For additional information or to file a complaint:

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