

## SUMMARY OF H.R. 6201 FAMILIES FIRST CORONAVIRUS RESPONSE ACT (“FFCRA”)

The FFCRA was signed into law on March 19, 2020 and went into effect on **April 1, 2020**. Two of its key provisions are applicable to ‘public agencies’ including governmental employers like UA.

### EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT (“EFML”)

### EMERGENCY PAID SICK LEAVE ACT (“EPSL”)

<b>Summary</b>	Amends FMLA by adding a 6 <sup>th</sup> reason for leave ‘ <i>Qualifying childcare need related to public health emergency</i> ’ to permit employees to take up to 12 weeks of leave.	Requires UA to provide employees with emergency paid sick leave if employee is unable to <u>work</u> or <u>telework</u> due to any of the following reasons:
<b>Qualifying Reasons</b>	<p>Employee is unable to <u>work</u> or <u>telework</u> due to a need for leave to care for a <b>son or daughter</b> whose school or place of care has been closed, or the childcare provider of such son or daughter is unavailable due to COVID-19 related reasons.</p> <p>Employee is also eligible for EPSL for the same childcare reason.</p>	<ol style="list-style-type: none"> <li>1) Employee is subject to Federal, State, or local quarantine or isolation order,</li> <li>2) Employee has been advised by health care provider to self-quarantine,</li> <li>3) Employee is experiencing COVID-19 symptoms &amp; seeking medical diagnosis,</li> <li>4) Employee is caring for an individual based on reasons (1) or (2) above (e.g., quarantine or isolation), or</li> <li>5) The employee is caring for a son or daughter whose school or place of care has been closed, or the childcare provider of such son or daughter is unavailable</li> </ol>
<b>Important Definition</b>	<i>Son or daughter</i> is defined as biological, adopted, or foster child, stepchild, legal ward, or child of person standing in loco parentis who is either <b>under 18 years of age</b> or is older and “incapable of self-care due to mental or physical disability.”	
<b>Eligible Employees</b>	All employees, FT and PT, exempt and non-exempt, who have worked for UA for <b>at least 30 calendar days</b> on payroll.	All employees, FT and PT, exempt and non-exempt are eligible regardless of length of service at UA. <b>Available to use immediately.</b>
<b>Excluded Employees</b>	<p>An employee who is a “<u>healthcare provider</u>” or “<u>emergency responder</u>” is exempt from provisions of the FFCRA and <b>not eligible</b>.</p> <p><b>All employees in the following departments are excluded from receiving Expanded Family Medical Leave (EFML):</b> UAPD, College of Community Health Sciences, Student Health Center, Brewer-Porch Children’s Center, Psychology Clinic, RISE, Speech and Hearing Center, Capstone Village Retirement, W&amp;G Resource Center, Counseling Center, Collegiate Recovery, Working on Womanhood (WOW), Marriage/Family Therapy Clinic, Autism Clinic, and College of Engineering faculty/staff involved in manufacturing face masks.</p>	ALL employees are eligible. No departments are excluded from receiving EPSL.
<b>Amount of Leave</b>	Up to 12 work weeks in a rolling backward 12-month period; same as standard FML. Less time if employee has used a portion of their FML entitlement. If exhausted, not eligible.	<p>Full time employees (e.g., 40 hours per week) – 80 hours of EPSL</p> <p>Part-time employees – EPSL equal to the average number of hours the employee worked in most recent two-week period</p>
	<p><b>NOTE:</b> Based upon reason (5) above for EPSL, certain employees may receive <i>up to 14 weeks of leave</i> (12 weeks for EFML + 2 weeks for EPSL) to care for a son or daughter while school or place of care is closed. This assumes the employee is full-time and has the entire 12 work week FML entitlement remaining.</p> <p>Example: Employee may elect to use 2 weeks (80 hours) of EPSL <b>before</b> 12 weeks of EFML starts, <b>during</b> EFML to cover the 10-day unpaid period, or <b>after</b> 12 weeks of EFML ends.</p>	

**EMERGENCY FAMILY & MEDICAL LEAVE**

**EMERGENCY PAID SICK LEAVE ACT**

<b>Continuous or Intermittent Leave</b>	EFML may be taken on a Continuous or Intermittent basis. Employees will be required to submit Intermittent Leave Records to the Benefits Office per pay period.	EPSL must be taken on a Continuous basis, except for Reason #5 related to childcare. Only EPSL for childcare reasons may be taken on an Intermittent basis.
<b>Payment for Leave</b>	<p>First 10 days unpaid, but employee may substitute accrued annual, sick, or comp time. May also choose to use EPSL hours here.</p> <p>Remaining leave (up to 10 weeks) is paid:</p> <ul style="list-style-type: none"> <li>• <u>Two-thirds employee's regular rate of pay</u> multiplied by the number of hours employee is normally scheduled to work, subject to the limits below.</li> <li>• For variable schedules, UA will average number of hours per day employee was scheduled to work during the six-months preceding first day of EFML.</li> </ul> <p><b>PAY SUPPLEMENT:</b> Employees can use accrued leave time during 10 day unpaid period, and may supplement an additional one-third of their regular rate of pay (e.g., \$200 + 1/3 pay) during remaining 10 weeks.</p>	<ul style="list-style-type: none"> <li>• "Self-Care" Leave taken for employee's own care (reasons #1 - 3 above) is paid at 100% the employee's regular rate of pay, subject to the limits below.</li> <li>• "Family Care" Leave taken for care of others (reasons #4 - 5 above) is paid at <u>two-thirds employee's regular rate of pay</u></li> </ul> <p><b>PAY SUPPLEMENT:</b> For reasons #4 – 5, employees can use accrued leave time to supplement an additional one-third of their regular rate of pay (e.g., \$200 + 1/3 pay).</p>
<b>Daily Limit and Aggregate</b>	\$200 per day; \$10,000 aggregate	<p>Self-Care: \$511 per day; \$5,110 aggregate</p> <p>Family Care: \$200 per day; \$2,000 aggregate</p>
<b>How to Request</b>	Employee should complete <a href="#">electronic Family and Medical Leave Request form</a> and select the reason 'Qualifying Childcare Need related to a Public Health Emergency'.	Employee should submit <a href="#">electronic EPSL Qualtrics survey request form</a> .
<b>Processing Timeline</b>	Standard FML processing timeline applies to both request types (e.g., 5 days for employer to notify of eligibility, 15 days for employee to supply required documentation, 5 days for employer to approve/deny leave request)	
<b>Required Documentation</b>	<ol style="list-style-type: none"> <li>1) <a href="#">DocuSign Employee Statement for Qualifying Childcare Need</a> certifying names, ages, and school or place of care for each child, AND</li> <li>2) Proof of school closure or unavailability of childcare provider (e.g., notice of closure posted on a government, school, or place of care website, newspaper article with announcement of closure, or email from school official documenting closure)</li> </ol>	<ol style="list-style-type: none"> <li>1) "Self-Care" Leave (Reasons #1 – 3) and "Family Care" Leave (Reason #4) must complete <a href="#">DocuSign Employee Statement for Isolation/Quarantine reasons</a> listing names of government entity or healthcare provider recommending quarantine/isolation, and/or information about family member, OR</li> <li>2) "Family Care" (Reason #5) for childcare must complete the <a href="#">DocuSign Employee Statement</a> certifying names, ages, and school or place of care for each child. Same form applies to EFML request.</li> </ol>
<b>Expiration</b>	<b>December 31, 2020</b>	<p><b>December 31, 2020</b></p> <p>EPSL ends with the first scheduled shift immediately following the termination of the need for leave for any of the reasons above. Unused EPSL does not carry over.</p>