

# Families First Coronavirus Response Act

## April 1, 2020

Dear Faculty, Staff and Students:

The House and Senate passed the Families First Coronavirus Response Act (FFCRA) enacted on March 18, 2020. This Act requires certain employers to provide their employees with paid emergency sick leave and expanded family and medical leave for specified reasons related to COVID-19. The Department of Labor's Wage and Hour Division (WHD) administers and enforces the new law, and the provisions will be effective April 1, 2020 through December 31, 2020.

This Act will impact University employees in the following ways:

### **Expansion of the Family Medical Leave Act (FMLA)**

**Eligibility:** Employees who have worked at least 30 days as of April 1, 2020, and are unable to work (or telecommute) due to caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.

**Benefit:** The employee may receive up to 12 weeks of job and benefit protected leave. During the first ten business days (two weeks), the employee can choose to be unpaid or to use their own accumulated annual and/or sick leave. During the remaining ten weeks, the employee will be paid at two-thirds their regular rate of pay, up to \$200 per day.

Under the FMLA, employees are eligible for a total of 12 weeks of leave. This includes the expanded FMLA and regular FMLA. Therefore, if an employee has used FMLA in the 12 months preceding the need for the expanded FMLA, those weeks/hours of used FMLA will count against the expanded FMLA. For example, John used ten weeks of FMLA beginning in June of 2019. He is now unable to work due to his child's school cancellation beginning April 1 and would like to use the expanded FMLA. John will be eligible for only two additional weeks of the expanded FMLA because he has utilized ten weeks in the 12 months prior to April 1, 2020.

## **Emergency Paid Sick Leave**

Employees are provided with two weeks of paid sick leave (up to 80 hours, or a part-time employee's two-week equivalent) for one of the qualifying reasons for leave related to COVID-19.

Under the FFCRA, an employee qualifies for paid sick time if the employee is unable to work (or unable to telework) due to a need for leave because the employee:

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);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

### **Rate of pay for emergency sick leave:**

- For leave reasons (1), (2), or (3): Employees taking leave shall be paid at either their regular rate up to \$511 per day and \$5,110 in the aggregate (over a two-week period).
- For leave reasons (4), (5), or (6): Employees taking leave shall be paid at two-thirds their regular rate whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a two-week period) or \$12,000 for reason (5) only.

Employees interested in applying for either coverage should complete the attached **TSU Emergency Paid Sick Leave Act (EPSLA) and/or the Emergency Family and Medical Leave Expansion (EFMLEA) Request** form and submit it to Linda Spears, Associate Vice President of Human Resources at [lspears@tnstate.edu](mailto:lspears@tnstate.edu) or Elaine Driver, Associate Director, Human Resources at [edriver2@tnstate.edu](mailto:edriver2@tnstate.edu).

More information about the Act (including fact sheets and FAQs) can be found at the DOLs website at <https://www.dol.gov/agencies/whd/pandemic>.