

FFCRA Eligibility and Qualification Information

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

Please utilize this guide below to determine employees' **eligibility** for the new provisions.

Emergency Paid Sick Leave

Qualifications:

- Can the employee still work or work remotely?
 - *No* = *CONTINUE*
 - *Yes* = *STOP*
- Does the employer qualify for Emergency PSL?
 - 500 plus employees
 - Part time, full time, temporary, and employees on leave are included
 - If two entities are an integrated employer under the “normal” FMLA, then employees of all entities making up the integrated employer will be counted
 - *No* = *STOP*
 - 1– 499 employees
 - *Yes* = *CONTINUE*
- Does the employee meet the eligibility requirements?
 - Eligible from day one of employment
 - Part time and full time included
- Does the employee qualify for any of these reasons?
 1. Employee subject to quarantine or isolation order related to COVID-19; or
 2. Employee advised by health care provider to self-quarantine because of COVID-19; or
 3. Employee experiencing symptoms of COVID-19 and is seeking a medical diagnosis; or

4. The employee is caring for an individual subject or advised to quarantine or isolation; or
5. The employee is caring for a dependent whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precaution (like EFMLA); or
6. The employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury
 - *No = STOP*, the employee will not be paid EPSL
 - Use state or employer sick leave bank; or
 - If interested in offering pay to the employee, please reach out to G&A for guidance
 - *Yes = CONTINUE*

Information Regarding Employer Paid Sick Leave:

- How long will the employee qualify for the EPSL?
 - *Full time* – 80 hours total
 - Average of employee's regular rate over a period of up to six months prior to the date on which leave is taken
 - If the employee has not been with the company six months, use the average of the employee's regular rate of pay for each week they have worked for the employer

Reason	Compensation	Maximum	Total
1, 2, 3	100% of regular rate	\$511 per day	\$5,110
4, 5, 6	2/3 of regular rate	\$200 per day	\$2,000

- *Part time & varying compensation* – based upon the number of hours the employee is normally scheduled to work
 - If unknown, or varies, you may use a six-month average to calculate the daily hours
 - May also use state or employer sick leave bank if an employee wants to make whole

- What pay codes should be used?

Employees may take Emergency paid sick time if the employee is unable to work or telework due to a need for leave because:							
Definition of Sick Leave	Employee Status	Prism Status Code	Prism Reason Code	Prism Reason Code - Description	Rate of Pay	Prism Pay Code	Max Earnings - Daily/Aggregate
1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. <i>Two Weeks (up to 80 hours)</i>	Paid Leave	L	C19MAND	COVID19 Gov't mandated	100%	COVID19ERPSLEE	\$511 / \$5,110
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. <i>Two Weeks (up to 80 hours)</i>	Paid Leave	L	C19SELF	COVID 19 Self Quarantine	100%	COVID19ERPSLEE	\$511 / \$5,110
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis. <i>Two Weeks (up to 80 hours)</i>	Paid Leave	L	C19SEEK	COVID 19 seeking diagnosis	100%	COVID19ERPSLEE	\$511 / \$5,110
4. The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in paragraph (2). <i>Two Weeks (up to 80 hours)</i>	Paid Leave	L	C19FAM	COVID 19 Care fam sub to order	2/3	COVID19ERPSLFM	\$200 / \$2,000
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. <i>Week 1 - 2 or Day 1- 10</i>	Paid Leave	L	C19CARE	COVID 19 childcare for school	2/3	COVID19ERPSLFM	\$200 / \$2,000
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor. <i>Two Weeks (up to 80 hours)</i>	Paid Leave	L	C19SIMCON	COVID 19 similar conditions	2/3	COVID19ERPSLFM	\$200 / \$2,000

Emergency Family Medical Leave Act

Qualifications:

- Does the employer qualify for EFMLA?
 - 500 plus employees
 - Part time, full time, temporary, and employees on leave are included
 - If two entities are an integrated employer under the "normal" FMLA, then employees of all entities making up the integrated employer will be counted
 - *No = STOP*
 - 1 – 499 Employees; Private employer
 - *Yes = CONTINUE*
- Does the employee meet the eligibility requirements?
 - Eligible once employee has been on payroll for 30 calendar days
 - Part time and full time included
 - *No = STOP*
 - *Yes = CONTINUE*
- Does the Employee qualify?
 - Employee can take leave for "a qualifying need related to a public health emergency" – but there is **only one qualifying need**: (Reason #5) when an employee is unable to work (or telework) due to employee caring for a

dependent whose school or place of care is closed, or childcare provider is unavailable due to COVID-19 precaution

Information Regarding Emergency Family Medical Leave Act:

- How long will the employee qualify for the EFMLA?

Up to 12 weeks	Unpaid/Paid	Compensation	Total
Weeks 1 - 2	Unpaid EFMLA (may utilize any available PTO)	EPSL #5 will run concurrently, if applicable	
Weeks 3 - 12	Paid	2/3 of employee's regular rate, for the number of hours the employee would normally be scheduled	Maximum payment of \$200 per day / \$10,000 total

- Will the employee's job be protected?
 - Yes
 - Employer must restore employees to the same or equivalent position upon their return to work
- Exception for employers with fewer than 25 employees:
 - If employee's position no longer exists following leave due to operational changes caused by public health emergency
 - Employer must make reasonable efforts to contact a displaced employee for up to one year after he/she is displaced if an equivalent position becomes available
- Exceptions for Health Care / First Responders:
 - Our best read of all the statutory language as of right now:
 - This is an individual employee eligibility issue, not an overall employer opt-out
 - Employees who are themselves health care providers or emergency responders are not eligible to take paid EPSL or EFMLA under the new law
 - The law states the Department of Labor shall have the authority to issue regulations to exclude employees from the definition of eligible employee – still an individual determination
 - Unless the Department of Labor takes a broad approach to defining who will be a "certain" health care provider or emergency responder, a non-health care provider or non-emergency responder employee (i.e. payroll, HR, admin. Staff) will be entitled to EPSL or EFMLA

- Employers in these industries should consider a case-by-case assessment of how closely the individual employee's services are tied to the provision of the health care or emergency response
- What pay codes should be used?

Employees may take Emergency Family Medical Leave if the employee is unable to work or telework due to a need for leave because:							
Definition of Family Medical Leave	Employee Status	Prism Status Code	Prism Reason Code	Prism Reason Code - Description	Rate of Pay	Prism Pay Code	Max Earnings - Daily/Aggregate
5. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions. Week 3 - 12 or Day 11-50	Paid Leave	L	C19FMLA	COVID 19 FMLA	2/3	COVID19FMLA	\$200 / \$10,000

Note: For questions outside of this information, or system issues, please reach out to your Client Advocate

Department of Labor Fact Sheets

For Employers:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

For Employees:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

Q&A:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>

Questions? Contact G&A!

Email Customer Care Center

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