



LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

QUICK REFERENCE GUIDE

EXPANDED FMLA LEAVE

QUALIFYING REASON:

BUE is caring for their child because the school or place of care of the child has been closed, or the childcare provider is unavailable, due to COVID-19 precautions.

TIME PERMITTED

12 weeks total (counts toward the total 12 workweeks of FMLA leave to which BUEs are normally entitled in a 12-month period).

Employees should be aware that if they use Expanded FMLA, whether they substitute CBA earned leave or receive the FFCRA Expanded FMLA Leave, it will be offset against any future request for leave under the FMLA in the same 12-month period, including FMLA related to the birth or placement of a child and any future entitlement to parental leave associated with FMLA.

PAY

FIRST 2 WEEKS (80 HOURS)

Utilize Expanded FMLA: Unpaid absence.

Utilize Emergency Paid Sick Leave: Pay for each hour of Emergency Paid Sick Leave taken at 2/3 of the FLSA-based regular rate of pay up to \$200 per day and \$2000 in total.

Substitute CBA Earned Leave: Substitute any CBA earned leave at regular rate of pay for any or all of this period.

REMAINING 10 WEEKS

Utilize FFCRA Expanded FMLA Leave: Pay for each hour of Expanded FMLA Leave at no less than 2/3 of the FLSA-based regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day and \$10,000 in total for the remaining ten weeks of FMLA leave (\$12,000 total if the BUE used Emergency Paid Sick Leave for the first two weeks).

Substitute CBA Earned Leave: Substitute any CBA earned leave at regular rate of pay for any or all of this period.

The Agency's payroll and time and attendance systems have not yet been modified to record the use of Expanded FMLA Leave or compensate BUEs at the rates specified under FFCRA. **In the interim, the Agency will place employees who elect to use Expanded FMLA Leave on excused absence at their normal rate of pay.**

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TYPE OF LEAVE

Employees may elect to use any earned CBA leave instead of Emergency Paid Sick Leave or Expanded FMLA Leave for any or all of this period.

Emergency Paid Sick Leave or Expanded FMLA Leave

- No charge to earned leave balance
- Paid at the rate specified above
- **Until the modifications are complete, employees who elect to use their Emergency Paid Sick leave may result in an overpayment triggering a debt to the U.S Government.**

Substitution with CBA Earned Leave

- Charged to earned leave balance
- Paid at the BUE's normal rate of pay

INTERMITTENT LEAVE USAGE

Intermittent leave must be agreed upon by the manager and the employee. In accordance with the FFCRA MOU, such requests will not be unreasonably denied.

To request Expanded FMLA Leave, BUEs will utilize the Families First Coronavirus Response Act (FFCRA) Leave Request Form, attached to the FFCRA MOU as Appendix 1. BUEs should provide supporting information where requested on the form. If a BUE is found not to be eligible, or their request is denied because they have already used their allotted FMLA leave, they will be notified accordingly.

Members with questions about this guidance should email FFCRAMOUQuestions@natcadc.org