

NATIONAL UPDATE



Families First Coronavirus Response Act (FFCRA) MOU

Brothers and Sisters,

In this National Update, we're sharing information about the memorandum of understanding (MOU) that NATCA and the Federal Aviation Administration (FAA) signed to specifically address the FAA's implementation of the Families First Coronavirus Response Act (FFCRA), which was signed into law on March 18 and covers qualifying events that occur between April 1, 2020 and December 31, 2020. FFCRA provides two forms of paid leave: Emergency Paid Sick Leave and Expanded Leave under the Family and Medical Leave Act (FMLA), which can be utilized for the employee's own COVID-19 health needs or to care for family members due to COVID-19 related issues.

Watch the video [here](#).



LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) QUICK REFERENCE GUIDE

EMERGENCY PAID SICK LEAVE

QUALIFYING REASONS:

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 due to concerns related to COVID-19.
- 3) Is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

EMPLOYEE IS CARING FOR:

- 4) An individual who is subject to a quarantine or isolation order or has been advised by a health care provider to self-quarantine.
- 5) 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

Full-time employee: Up to 80 hours (10 days)

Part-time employee: Number of hours normally worked over a two-week period

PAY

For qualifying reasons (1) through (3) above:
An employee will receive pay at their regular rate up to \$501 per day and \$5,101 in total.

For qualifying reasons (4) and (5) above:
An employee will receive 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 \$2,000 in total.

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

TYPE OF LEAVE

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

Emergency Paid Sick Leave

- No change 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 Sick Leave

- Charged to earned leave balance
- Paid at the BUE's regular rate of pay
- **BUE's who elect to use CBA earned sick leave for qualifying reason (5) above must request Expanded FMLA.**

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.

Non-Telework (report to work/site).
May use Emergency Paid Sick Leave intermittently for qualifying reason (5) above.

Telework
May use Emergency Paid Sick Leave intermittently for any of the above qualifying reasons.

To request Emergency Paid Sick 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 FFCRAOUQuestions@natcadc.org

Download and review the Emergency Paid Sick Leave quick reference guide [here](#).

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 \$2,000 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 \$2,000 in total for the remaining ten weeks of FMLA leave. BUEs 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.**

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 change 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 FFCRAOUQuestions@natcadc.org

Download and review the Expanded FMLA Leave quick reference guide [here](#).

To request either Emergency Paid Sick Leave or Expanded FMLA Leave, BUEs will utilize the FFCRA leave request form, attached to the FFCRA MOU as Appendix 1.

- Download the full MOU [here](#).
- Download only the FFCRA leave request form attachment [here](#).

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.

In addition to the quick reference guides above, you can download another quick reference guide that shows a side-by-side comparison of the Emergency Paid Sick Leave and Expanded FMLA Leave [here](#).

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

In case you missed any of the previous videos about other high profile issues for our Union and professions, you can watch them here:

- [Prospect ATCOs' Branch/U.K. Update on COVID-19](#) (May 15)
- [CATCA/Canada Update on COVID-19](#) (May 12)
- [Events and Virtual Training](#) (May 8)
- [Legislative Activity](#) (May 5)
- [Protocols After Positive COVID-19 Test](#) (May 1)
- [Adjusted Facility Hours](#) (April 29).

As always, any member can directly contact their regional leadership at the email below with any questions regarding COVID-19 related issues. Someone will respond and provide an answer as quickly as possible.

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In solidarity,

Paul Rinaldi
President

Trish Gilbert
Executive Vice President
