



FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

Superior Court of California, County of Los Angeles

April 10, 2020

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA) SUMMARY

Congress recently passed the Families First Coronavirus Response Act (FFCRA), which will provide new emergency paid sick leave and childcare leave for employees affected by COVID-19. The FFCRA will be in effect from April 1, 2020 through December 31, 2020.

As you know, the Superior Court of California, County of Los Angeles (Court) is allowing as many of its employees as possible to telework during this public health crisis.

If you cannot make yourself available for either onsite work or telework due to COVID-19 related issues, the federal leave options listed below may be options for you to consider. Each employee should weigh whether the income stability of teleworking outweighs the benefit of these new federal programs.

EMERGENCY PAID SICK LEAVE (EPSL)

EPSL provides up to 2 weeks of paid sick leave at your regular rate of pay¹ **if you are unable to work onsite or telework** for one of the reasons listed below:

- You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- You have been advised by a healthcare provider to self-quarantine related to COVID-19;
- You are experiencing COVID-19 symptoms and seeking a medical diagnosis.

EPSL also provides up to 2 weeks of paid sick leave at two-thirds of your regular rate of pay² **if you are unable to work onsite or telework** for one of the reasons listed below:

- You are caring for an individual who is subject to either a local quarantine or isolation order, or who has been advised by a healthcare provider to self-quarantine;
- You are caring for your child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons;
- You are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

Please note that employees may not use accrued leave time to supplement any of the EPSL periods that provide partial pay

¹ If EPSL is taken for these reasons, it is capped at \$511 per day and \$5,110 in total.

² If EPSL is taken for these reasons, it is capped at \$200 per day and \$2,000 in total.

EPSL ELIGIBILITY

There are no minimum qualifications for employees to be eligible for EPSL. Full-time employees are entitled up to 80 hours of EPSL, and part-time employees are entitled to the average number of hours they are normally scheduled to work over a two-week period. These entitlements have already been added to employee leave balances by the Auditor-Controller. EPSL cannot be paid out or carried over if unused.

FAMILY & MEDICAL LEAVE ACT (FMLA) EXPANSION

If you have been employed by the Court for at least 30 days, the FMLA expansion allows you to take up to 2 weeks of unpaid, and thereafter, 10 weeks of paid sick leave at two-thirds of your regular rate of pay³ **if you are unable to work onsite or telework** because you have a child who is under 18 years of age, and you need to care for them for one of the reasons listed below:

- Your child's school or place of care has been closed due to COVID-19;
- Your childcare provider is unavailable due to COVID-19.

Please note that employees may use accrued leave time during the initial 2 weeks of unpaid expanded FMLA, but may not use accrued leave time to supplement any of the expanded FMLA periods that provide partial pay.

FMLA EXPANSION REQUIREMENTS

Employees who have already exhausted some or all of their 12-week FMLA leave year entitlement are not entitled to an additional 12 weeks of FMLA leave under these new paid leave provisions. FMLA paid leave cannot be paid out or carried over if unused.

REQUESTING EPSL AND EXPANDED FMLA

Employees may request EPSL and/or FFCRA expanded FMLA by utilizing the existing FMLA Request Form. A link to that form is included below.

<https://lacourts.sharepoint.com/DLM/Pages/EmployeeResources/FMLA/ProtectedLeaveRequest.aspx>

When requesting EPSL and/or FFCRA, employees will be required to attest their eligibility for these leaves by providing some or all of the following information:

³ If FMLA is taken for these reasons, it is capped at \$200 per day and \$10,000 in total.

- That they are unable to work or telework, due to COVID-19 impact to themselves or others;
- That they are experiencing one of the qualifying reasons for either EPSL or FFCRA expanded FMLA;
- The name of and nature of their relationship to the individual who is subject to either a local quarantine or isolation order, or who has been advised by a healthcare provider to self-quarantine related to COVID-19;
- The name of their child and the name of the child’s school or place of care that has been closed due to COVID-19;
- That there is no other suitable individual to provide care to the individual or child;
- The nature of any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

Employees and management will be notified of EPSL and FFCRA expanded FMLA leave approvals by Human Resources, Disability and Leave Management.

EPSL AND EXPANDED FMLA LEAVE CODES

EVENT CODE	REASON CODE	LONG DESCRIPTION	SHORT CODE	PAY STATUS
111	QCS	EMERGENCY SICK LEAVE- USAGE	EMER SICK LV U	Provides regular pay for up to 80 hours, with \$511 per day and \$5,110 total maximums
111F	QCF	EMERGENCY SICK LEAVE FAMILY – USAGE	EMER SK LV FAM	Provides 2/3 regular pay for up to 80 hours, with \$200 per day and \$2,000 total maximums
079	146: Continuous 147: Intermittent	EMERGENCY EXPANDED-FAMILY MEDICAL LEAVE - USAGE	EMR EXPND-FMLA	Provides 2/3 pay, with \$200 per day and \$10,000 total maximums

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

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

▶ PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- ⅔ for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ⅓ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

▶ ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

▶ QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

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| <ol style="list-style-type: none">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); | <ol style="list-style-type: none">5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services. |
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▶ ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

For additional information
or to file a complaint:
1-866-487-9243
TTY: 1-877-889-5627
dol.gov/agencies/whd



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