

Understanding the Families First Coronavirus Response Act



**CITY OF
CUPERTINO**

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The Families First Coronavirus Response Act

- Signed into law March 18, 2020
 - Emergency Paid Sick Leave Act (EPSLA)
 - Emergency Family and Medical Leave Expansion Act (EFMLEA)
- Effective April 1, 2020
- Expires December 31, 2020

EPSLA Benefit Basics

- Six qualifying COVID-19 related reasons for job-protected leave
- During leave, continuation of health insurance
- Entitlement to paid sick leave over a 2-week period
 - Full-time employees, based on their schedule, up to 80 hours
 - Part-time employees, hours based on their schedule

EPSLA Eligibility

EPSLA: What are the 6 qualifying reasons?

1. Employee subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
2. Employee advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.

EPSLA Eligibility (Cont.)

EPSLA: What are the 6 qualifying reasons?

4. Employee caring for individual subject to an order as described in (1) or advised as in (2).
5. Employee unable to work/telework because caring for son/daughter due to school/childcare closure.
6. Employee 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.

Calculation of Pay

For leave reasons (1), (2), or (3): employees taking leave are entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For leave reasons (4) or (6): employees taking leave are entitled to pay at $\frac{2}{3}$ their regular rate or $\frac{2}{3}$ the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).

For leave reason (5): employees taking leave are entitled to pay at $\frac{2}{3}$ their regular rate or $\frac{2}{3}$ the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period).

EPSLA Documentation

To request EPSLA, employee must generally provide a signed statement containing the following information:

1. The employee's name
2. The date(s) for which leave is requested
3. The COVID-19 qualifying reason for leave
4. A statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason
5. Human Resources has posted a fillable form on the COVID HR Website

EPSLA Documentation (Cont.)

EPSLA Reasons #1 and #4

Name of the government entity that issued the quarantine or isolation order to which the employee is subject

EPSLA Reason #2

Name of the health care provider who advised self-quarantine

EPSLA Documentation (Cont.)

EPSLA Reason #5

- The name of the child being cared for
- The name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons
- A statement representing that no other suitable person is available to care for the child during the period of requested leave

Emergency Family and Medical Leave Expansion Act (EFMLEA)

EFMLEA Benefit Basics:

- Employee can only use EFMLEA leave to care for his or her son or daughter whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons
- Up to 12 workweeks of job-protected leave, with continuation of health insurance
- Initial 2 weeks unpaid
- Remaining 10 weeks paid at two-thirds the employee's regular rate of pay (up to \$200 per day)

EFMLEA Documentation

To request EFMLEA, employee must generally provide a signed statement containing the following information:

1. The employee's name
2. The date(s) for which leave is requested
3. The COVID-19 qualifying reason for leave
4. A statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason

Human Resources has posted a fillable form on the COVID HR Website

Unemployment Insurance Benefits

Unemployment Insurance (UI) Benefits

If you have become unemployed or partially unemployed, you may file a UI claim. After you have filed a claim, you must continue to certify for benefits and meet eligibility requirements each week in order to receive benefit payments.

For more information, please review the EDD's UI page

<https://www.edd.ca.gov/Unemployment/>

Paid Family Leave

Employees who have a loss of wages when they need to take time off work to care for a seriously ill family member may be eligible for Paid Family Leave (PFL)

To be eligible for PFL you must:

- Be unable to do your regular or customary work due to the need to provide care for a seriously ill family member
- Be employed or actively looking for work at the time your family leave begins.
- Have lost wages because you were caring for a seriously ill family member

Paid Family Leave (Cont.)

- Have earned at least \$300 from which State Disability Insurance (SDI) deductions were withheld during your base period
- Complete and submit your claim form no earlier than the first day your family leave begins, but no later than 41 days after your family leave begins or you may lose benefits
- Provide a medical certificate on your care claim for the seriously ill family member. The certificate must be completed by the care recipient's physician/practitioner

Additional Resources

City COVID-19 Resources for Employees:

Internet Link: <https://www.cupertino.org/our-city/coronavirus-covid-19-staff-update>

Intranet Link: http://chl-intranet/intranet/Apps/view_items.cfm?menuID=2000159&categoryID=1

Employee Assistance Program:
WWW.MHN.COM or 800-327-4103

Timesheet Instructions

EPSLA & EFMLEA

- DO NOT enter these leaves into eSuite Timesheets
- All communications and election for use of hours via email to HR – hrlist@cupertino.org
- Finance and HR are responsible for inputting the hours and processing

Timesheet Instructions (Cont.)

Regular time and Leaves (Vacation, Sick, Administrative, Miscellaneous, Negotiated, Compensatory)

- Employee is responsible for entering time in e-timesheets and submitting for supervisor approval
 - If you are working on a COVID-related task, remember to add a new row and select the “COVID” project e.g., below:

JOB *	HOURS CODE *	SHIFT	PROJECT
41-245-01 - FINAN ✘ ▼	001 - Regular Tim ✘ ▼		COVID - COV ✘ ▼

- If you are using the COVID-19 project code, you no longer need to input a comment, however you should be filling out an Activity Log 214. If don't know what that is, please contact your supervisor for the form and instructions

Timesheet Instructions (Cont.)

Regular Sick Leave

- Employees are able to “go negative” for up to 40 hours (via mutual agreement for repayment)

Vacation

- Accrual caps will be lifted through calendar year 2020. All leave banks over the MOU maximums will be cashed out in the 2nd pay period of January 2021

Timesheet Instructions (Cont.)

Paid Administrative Leave

- Up to 20 hours per week available for full-time employees thru May 3rd
- Available for part-time employees thru April 10th

Timesheet Approvers

- Monitor employees leave bank balances
- Ensure the time submitted reflects the work or schedule agreed upon



Questions?