



FAQs:

Families First Coronavirus Response Act (FFCRA)

1. **What is the Families First Coronavirus Response Act (FFCRA)?**

On April 1, 2020, the U.S. Department of Labor announced new action regarding how American workers and employers will benefit from the protections and relief offered by the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA). The Department's Wage and Hour Division (WHD) posted a temporary rule issuing regulation pursuant to this new law, effective April 1, 2020 through December 31, 2020.

The requirement that employers provide paid sick leave and expanded family and medical leave under the Families First Coronavirus Response Act (FFCRA) expired on December 31, 2020.

Your employer is not required to provide you with FFCRA leave after December 31, 2020, but your employer may voluntarily decide to provide you such leave. The obligation to provide FFCRA leave applies from the law's effective date of April 1, 2020, through December 31, 2020. Any change to extend the requirement to provide leave under the FFCRA would require an amendment to the statute by Congress. The Consolidated Appropriations Act, 2021, extended employer tax credits for paid sick leave and expanded family and medical leave voluntarily provided to employees until **March 31, 2021**. However, this Act did not extend an eligible employee's entitlement to FFCRA leave beyond December 31, 2020.

2. **Has BCPS decided to voluntarily provide such leave after December 31, 2020?**

BCPS has decided to voluntarily provide such leave to **eligible employees through March 31, 2021**. The amount of leave and rate of pay will mirror the maximums permitted as per the FFCRA provisions through the Department of Labor that were effective from April 1, 2020 through December 31, 2020.

3. **Am I an eligible employee?**

- **For the Emergency Paid Sick leave:** all employees may be eligible for up to a maximum of 2 weeks (10 days) of paid or partially paid sick leave for COVID-19 related reasons **if they have not previously utilized the maximum sick leave between April 1, 2020-December 31, 2020.**
- **For the Emergency Family and Medical Leave Expansion leave:** employees who have been employed, with BCPS, for at least 30 days prior to their leave request, may be eligible for additional 10 weeks of partially paid expanded family and medical leave **if they have not previously utilized the maximum partially paid expanded family and medical leave between April 1, 2020-December 31, 2020.**

4. **What are the qualifying reasons for leave?**

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, through **March 31, 2021**, because the employee:

- **For the Emergency Paid Sick Leave:**
 1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
 2. Has been advised by a healthcare provider to self-quarantine related to COVID-19.
 3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

*****The COVID-19 pandemic is rapidly evolving and changing; these guidelines will be updated as needed.***



FAQs for COVID-19 Return to Work: Families First Coronavirus Response Act (FFCRA)

4. Is caring for an eligible individual subject to an order described in (1) or self-quarantine as described in (2);
 - **For the Emergency Family and Medical Leave Expansion Leave:**
 1. Is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons.

5. **How much will I be paid while on approved leave?**
 - **For the Emergency Paid Sick Leave:** up to 2 weeks (up to a maximum of 80 hours or a part-time employee's two-week equivalent) of paid sick leave, or through **March 31, 2021** (whichever occurs first), based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:
 1. **For the employee's own COVID-19 related reason:** 100% of the employee's regular rate of pay, up to \$511 daily.
 2. **For care of an eligible individual with a COVID-19 related reason:** 2/3 of the employee's regular rate of pay up to \$200 daily.
 - **For the Emergency Family and Medical Leave Expansion Leave:** Up to a maximum of 12 weeks, or through **March 31, 2021** (whichever occurs first), of paid sick leave and expanded family and medical leave paid at 2/3 of the employee's regular rate of pay up to \$200 daily.

6. **What reasons would I be ineligible for Emergency Paid Sick Leave and/or the Emergency Family and Medical Leave Expansion Leave?**
 - You have already utilized the maximum FFCRA leave entitlement between April 1, 2020-December 31, 2020.
 - If you are requesting partially paid expanded Family and Medical Leave and have already utilized the maximum 12 weeks under the standard unpaid Family and Medical Leave Act (FMLA) within the previous 12 months prior to your leave request.

7. **What is the relationship between the paid leave under FFCRA and the standard unpaid leave under the Family and Medical Leave Act (FMLA)?**
 - If you are an eligible employee, you are entitled to 2 weeks maximum of paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the standard unpaid FMLA.
 - However, as BCPS was covered by the FMLA prior to April 1, 2020, your eligibility for expanded family and medical leave depends on how much FMLA leave you have already taken during the 12-month period that BCPS uses for FMLA leave. You may take a total of 12 workweeks for FMLA or expanded family and medical leave reasons during a 12-month period. If you have taken some, but not all, 12 workweeks of your leave under FMLA during the current 12-month period determined by BCPS, you may take the remaining portion of leave available. If you have already taken 12 workweeks of FMLA leave during this 12-month period, you may not take additional expanded family and medical leave.
 - For example, assume you are eligible for preexisting FMLA leave and took two weeks of such

*****The COVID-19 pandemic is rapidly evolving and changing; these guidelines will be updated as needed.***



FAQs for COVID-19 Return to Work: Families First Coronavirus Response Act (FFCRA)

leave in September 2020 to undergo and recover from a surgical procedure. You therefore have 10 weeks of FMLA leave remaining. Because expanded family and medical leave is a type of FMLA leave, you would be entitled to take up to 10 weeks of expanded family and medical leave, or through **March 31, 2021** (whichever comes first), rather than 12 weeks. And any expanded family and medical leave you take would count against your entitlement to standard unpaid FMLA leave.

8. **What documentation must I provide to request leave under the provisions of FFCRA? Where should I send the completed documentation for processing?**
 - FFCRA Leave Request Form AND
 - **For the Emergency Paid Sick Leave:** supporting Documentation that supports the need for leave (i.e., name of healthcare provider, copy of test results (if tested), and/or return to work note by healthcare provider (if test positive).
 - **For the Emergency Family and Medical Leave Expansion Leave:** supporting documentation that supports the need for leave (i.e., verification that child(ren)'s school and/or daycare is closed due to COVID-19 related reasons, verification that the child(ren)'s school is operating on a hybrid basis, verification that the child(ren)'s daycare is unavailable due to COVID-19 related reasons.

9. **What if I need more leave beyond the 2-week maximum under the provisions of FFCRA due to my own illness related to COVID-19?**
 - If related to the employee's own medical condition due to COVID-19 related reasons, the employee's supervisor must submit a Report of Extended Absence form to the Office of Employee Absence and Risk Management (OEARM) at orm@bcps.org. If the employee has available personal illness time and/or have available sick bank leave, the absence would be followed by OEARM.
 - If the employee does not have available paid leave options, they may be eligible for unpaid standard FMLA. Employees can reach out to leaves@bcps.org for additional information on unpaid standard FMLA. If approved, the absence would be followed by the Office of Benefits, Leaves, and Retirement (BLR).

10. **What if I need to care for an applicable family member beyond the 2-week maximum under the provisions of FFCRA due to their illness related to COVID-19?**
 - If related to the care of an applicable family member due to COVID-19 related reasons, the employee may be eligible for unpaid standard FMLA. Employees can reach out to leaves@bcps.org for additional information on unpaid standard FMLA. If an employee has available family illness time and/or eligible for conversion leave (ability to convert up to 40 days of available personal illness leave to family illness per fiscal year) utilization of such paid leave may run concurrent with unpaid standard FMLA. If approved, the absence would be followed by the Office of Benefits, Leaves, and Retirement (BLR).

11. **Are there any other leave options due to daycare/childcare issues related to COVID-19 school closures or unavailability of daycare?**
 - BCPS does not have additional leave options for daycare/childcare issues outside of the FFCRA leave provisions, which BCPS has been extended voluntarily through **March 31, 2021** to eligible employees.

*****The COVID-19 pandemic is rapidly evolving and changing; these guidelines will be updated as needed.***



FAQs for COVID-19 Return to Work: Families First Coronavirus Response Act (FFCRA)

12. COVID-19 is impacting me personally and professionally. What resources are available to me?

We understand that any time an employee is faced with a medical condition or uncertainty, it may impact many areas of your life, both personally and professionally. The Employee Assistance Program ([EAP](#)) provides short-term counseling and referral assistance for employees and their families experiencing problems that may affect work performance. *All EAP services and supports continue to be available during the COVID-19 pandemic.* The Baltimore County Public Schools' EAP has both an internal and external EAP.

- [Janice Zimmerman](#) is the Internal EAP Baltimore County Public Schools' Counselor, phone number is (410)887-5414 or
- **CIGNA IS THE EXTERNAL EAP Provider** and the phone number is (888)431-4334.

13. I think I have contracted COVID-19, what do I do?

- Contact your medical provider and follow their guidelines.
- You should also inform your supervisor that your medical provider has instructed you to remain off site.
- Your supervisor will contact the Office of Health Services for next steps, per Baltimore County Public Schools' guidelines

For additional information, please refer to the following:

[Baltimore County Public Schools' Re-Opening Plan](#)

[Family Medical Leave Act](#) (FMLA)

[Families First Coronavirus Response Act](#) (FFCRA)

[Office of Benefits, Leaves and Retirements](#) (BLR)

[Integrated Disability Management](#) (IDM) program

[Americans with Disabilities Act](#) (ADA)

[Office of Equal Employment Opportunity](#) (EEO)

[Employee Assistance Program](#) (EAP)

*****The COVID-19 pandemic is rapidly evolving and changing; these guidelines will be updated as needed.***