

Families First Coronavirus Response Act

Effective April 1, 2020 the Federal Government has issued the Families First Coronavirus Response Act. This act includes two weeks of paid sick time and paid FMLA for qualifying events.

Payment differs between the qualifying events, some are eligible for 100% of pay and some eligible for 66 2/3 of pay. The Act also instituted paid Family Medical Leave Act (FMLA) for certain qualifying events. There are a lot of complex factors that have been broken down below:

If an employee is **unable to work or telework** they are eligible for 100% of pay for 2 weeks under one of the following reasons:

1. Subject to federal, state or local quarantine or isolation order related to COVID-19. (Note: no employee will qualify for this as all are able to telework).
2. Has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. (Note: documentation from a medical provider will be required and the full 2 weeks will need to be taken at one time)
3. Is experiencing symptoms of COVID-19 **AND** is seeking a medical diagnosis. (the expectation is a note from medical provider verifying that a COVID-19 medical diagnosis was sought, which may come after the sick time has already begun. Also, the full 2 weeks will need to be taken)

If an employee is **unable to work or telework** they are eligible for 66 2/3 of pay for 2 weeks if they qualify under one of the following reasons:

1. Is caring for an individual who is subject to a quarantine order or is self-quarantining (the full 2 weeks will need to be taken).
2. Is caring for a child whose school or childcare provider has been closed or is unavailable due to COVID-19 precautions. (this can be taken intermittently)
3. Is experiencing any other substantially similar condition specified by the Secretary of HHS in consultation with the Secretaries of Treasury and Labor. (no guidance has been given as to what this even means)

If an employee is **unable to work or telework** they may apply for FMLA for up to an 12 weeks of 66 2/3 of pay due to the need to care for a son or daughter, if the child's school or place of care has been closed, or if the child care provider is unavailable due to COVID-19. *Son or daughter include: (1) adult child with a disability and is unable to care for self and, (2) in loco parentis. Note: if sick time is taken for this reason this is counted as part of the 12 weeks of FMLA.

If approved for FMLA the first 10 days are unpaid, but the employee may choose to have other paid leave (PTO, sick or Emergency Sick Leave) run concurrently for those 10 days, if the employee has these benefits available to them.

One of the protections under FMLA is that an employee may take 12 weeks of medical leave within a 12 month period (the clock starts ticking on the first day of FMLA) and have a job to come back to. If an employee uses 12 weeks of FMLA for child care needs and then later needs medical leave due to illness

their job is not guaranteed as they have exhausted their medical leave and that protection is no longer in place.

At the beginning of the transition to working from home, Lakeshore CAP relaxed the working on weekend requirements for all staff. It is understood that working from home, especially with children comes with its own unique set of challenges. This was to provide a benefit to employees who have to juggle the needs of young children and work. These relaxed work hours continue. You are able to telework on weekends if needed and outside of the normal 7am-6pm range.

If an employee has children there are a few options to choose from:

- Continue to work all of your hours and be paid for 100% of hours worked.
- Apply for FMLA and develop a schedule with your supervisor where you work some but not all of your hours. You will be paid for your hours worked at your regular rate and for unworked hours you will be paid $66 \frac{2}{3}$ of your pay rate. This can be done for up to 12 weeks.
- Work as many hours as you can and take your PTO for any unworked hours. You will be paid for 100% of your work and PTO hours.

When taking any of the sick leave allowed under this act a FMLA request must be submitted.