

# Families First Coronavirus Response Act (FFCRA)

## Employee FAQs



Office of Human Resources

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These Frequently Asked Questions provide information and guidance about two new temporary leaves created by the Families First Coronavirus Response Act (FFCRA):

- 1) emergency paid sick leave (EPSL) of up to 80 hours for full-time employees (prorated for part-time employees) for qualifying situations; and
- 2) emergency public health leave (EPHL) of up to 10 additional weeks of leave for employees who cannot work (on campus or remotely) because their child's school or care facility has been closed due to COVID-19 precautions.

The FFCRA leaves are only available to employees who:

- 1) cannot work (either on campus or remotely); and
- 2) who meet one of the eligible requirements. The eligibility and pay options (some fully paid and others partially paid) are somewhat complex and require an individual assessment of each leave request.

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

The FFCRA is a federal law that provides funding assistance related to the novel coronavirus COVID-19. It also requires that Colorado School of Mines provide eligible employees with emergency paid sick leave (EPSL) and/or emergency public health leave (EPHL) for specified reasons related to COVID-19. FFCRA is in effect April 1, 2020, through December 31, 2020.

### 2. Who is eligible for the new EPSL and EPHL leaves?

Eligible employees include full-time, part-time, classified, adjunct and temporary employees. Student employees are not eligible for EPSL or EPHL. EPSL and EPHL are available to eligible employees who cannot work (remotely or on campus for essential/critical employees) for one of the following reasons:

1. You are subject to a federal, state or local quarantine/isolation order related to COVID-19.
2. You have been advised by a health care provider to self-quarantine due to COVID-19 concerns.
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. You are caring for an individual who either is subject to a federal, state or local quarantine/isolation order or an individual who has been advised by a health care provider to self-quarantine due to COVID-19 concerns.
5. You are caring for an eligible child whose school or care facility has closed due to COVID-19 precautions).

6. You are experiencing any other substantially similar conditions specified by the [U.S. Department of Health and Human Services](#).

EPSL eligibility starts on Day 1 of employment. EPHL eligibility starts after 30 calendar days of employment.

**Essential and Critical Employees:** Some essential and critical employees may have limited eligibility for ESPL or EPHL. If you're unsure if your position is essential or critical, consult your supervisor and/or Human Resources.

### 3. What does it mean to be unable to work for COVID-19 related reasons?

This can include two different scenarios:

A. You cannot work remotely (for all or part of your normally scheduled work day) because of the nature of your job duties.

B. Your supervisor has work available for you (remotely or on campus for essential/critical employees) but you cannot work all or part of your scheduled shift for one of the following reasons:

1. You are subject to a federal, state or local quarantine/isolation order related to COVID-19.
2. You have been advised by a health care provider to self-quarantine due to COVID-19 concerns.
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. You are caring for an individual who either is subject to a federal, state or local quarantine/isolation order or an individual who has been advised by a health care provider to self-quarantine due to COVID-19 concerns.
5. You are caring for an eligible child under the age of 18 whose school or child care facility has closed due to COVID-19 precautions.
6. You are experiencing any other substantially similar conditions specified by the [U.S. Department of Health and Human Services](#).

Having work available can include intermittent scheduling (working fewer hours or days than normal), scheduling you to work different hours than your normal hours such as working earlier in the morning or later in the evenings, utilizing split shifts, etc.

### 4. How do I apply for EPSL or EPHL?

Fill out the FFCRA [Leave Request Form](#), which will be submitted automatically to Human Resources for processing.

If completing the online form is not possible, contact Human Resources at [hrcovid19@mines.edu](mailto:hrcovid19@mines.edu) or 303-273-3250 for assistance in getting you a hard-copy form.

## 5. How much does emergency paid sick leave (EPSL) pay?

EPSL provides up to 80 hours of paid sick leave (prorated for part-time employees) for eligible employees who cannot work (remotely or on campus for essential/critical employees) and meet one of the six qualifying scenarios listed above:

### For scenarios 1-3:

- 100 percent of pay (up to a maximum of \$511/day and \$5,110 total).

### For scenarios 4-6:

- 2/3 pay (up to a maximum of \$200/day and \$2,000 total).
- Employees receiving only 2/3 pay may supplement that pay with accrued Mines sick or vacation leave to bring their pay up to 100 percent.

Payment is calculated based on the employee's regular rate of pay.

## 6. How much does emergency public health leave (EPHL) pay?

EPHL provides up to 12 weeks of paid leave (two weeks of EPSL followed by up to 10 weeks of EPHL) to employees who are not able to complete all or part of their normal work schedule remotely because they are caring for an eligible son or daughter under the age of 18 whose school or child care facility has closed due to COVID-19 precautions

EPHL is available to full-time employees at a rate of 40 hours per week and to part-time employees on a prorated basis.

- 2/3 pay (up to a maximum of \$200/day and \$2,000 total).
- Employees receiving only 2/3 pay may supplement that pay with accrued Mines sick or vacation leave to bring their pay up to 100 percent.

Payment is calculated based on the employee's regular rate of pay.

## 7. What is my regular rate of pay for EPSL and EPHL?

The average of your regular rate of pay over a period of up to six months prior to the date you requested leave. If you have not worked for six months, your regular rate of pay is your average pay for each week worked.

## 8. What if I do not have enough Mines sick or vacation leave left in my leave bank to supplement my 2/3 EPSL or EPHL pay because my child's school/care facility is closed?

Due to the unprecedented nature of this event, Mines is allowing employees to use the following charging guidance:

- Employee is eligible for FFCRA: Apply and receive EPHL/EPSL until exhausted. Employees may supplement using any accrued sick/vacation until leave is exhausted and**

then 40 hours of borrowed sick time. After that, employees will be paid administrative leave for up to 160 hours and then move to unpaid leave.

Borrowed sick leave will be replenished as the employee accrues additional sick leave. Any borrowed sick leave that has not been repaid before the employee separates from Mines will be deducted from the employee's final pay check.

- b. **Employee is not eligible for FFCRA and can work remotely:** Employees are encouraged to work remotely, and supervisors are encouraged to be as flexible as possible with their employees' work hours.
- c. **Employee is not eligible for FFCRA and can't work remotely for a full 40 hours or can work on campus minimally:** Employees should work hours scheduled, then for any hours not worked, the employee will be charged accrued vacation and then sick leave until exhausted. After their 160 hours of administrative leave is exhausted, the employee will be put on unpaid leave.

**9. May I take 80 hours of EPSL for my own self-quarantine and then another amount of EPSL for one of the other reasons?**

No. Employees are limited to 80 total hours of EPSL for a full-time employee (prorated for part-time) for any combination of the qualifying reasons.

**10. Who qualifies as a "healthcare provider"?**

"Healthcare provider" means a licensed doctor of medicine, nurse practitioner or other health care provider permitted to issue a certification for purposes of the Family Medical Leave Act (FMLA).

If you have any questions about who qualifies as a "health care provider," contact Human Resources at [hrcovid19@mines.edu](mailto:hrcovid19@mines.edu).

**11. If I am home with my child under the age of 18 or my elder family member because his or her school or care facility is closed due to COVID-19 precautions, do I get EPSL, EPHL or both?**

If you cannot work remotely for this reason, you are eligible for:

- 1) 80 hours of EPSL if full-time (prorated if part-time); and
- 2) Up to 10 additional weeks of EPHL (at 40 hours/week for full-time and prorated for part-time)

**NOTE:** Employees taking EPSL or EPHL for this reason will only receive 2/3 their regular rate of pay (up to the maximums) unless the employee elects to supplement that amount with accrued Mines sick or vacation leave.

**12. What if I have a compromised immune system or I am caring for someone with a compromised immune system?**

You would be eligible for EPSL if your medical provider has recommended you self-quarantine.

**13. May I take my EPSL or EPHL intermittently if I am working remotely?**

It depends. Taking EPSL or EPHL intermittently means you can work some, but not all, of your normal hours due to one of the EPSL or EPHL-qualifying reasons.

Your supervisor will determine if you can work remotely on an intermittent basis. Intermittent work can include several options, such as working several hours each day and taking the remaining hours as leave time, working an entire day and taking the next day as leave, etc.

Supervisors and employees are strongly encouraged to work together to develop an acceptable intermittent work schedule when possible.

You may take intermittent leave in any increment approved by your supervisor.

**14. May I take EPSL or EPHL intermittently if I am deemed essential/critical and working on campus?**

It depends on why you are taking EPSL or EPHL and whether your supervisor approves the intermittent schedule.

If you are essential or critical and working on campus and you request EPSL because you or someone you are caring for has or may have COVID-19, EPSL must be taken in full day increments until:

- a) You use your full allotment of EPSL, or
- b) You no longer have a qualifying reason for taking EPSL related to you or someone you are caring for having or possibly having COVID-19.

This limit is imposed because EPSL leave is intended to try to prevent the spread of the virus by providing employees with paid sick leave to stay home if they are sick or possibly sick with COVID-19 or caring for an individual who is sick or possibly sick with COVID-19.

**NOTE:** If you are taking EPSL for this reason, you may be asked to provide a note from your medical provider approving your return to work after your leave.

If an essential/critical employee is approved for EPSL and/or EPHL because the employee cannot work due their child's school/care facility being closed, the employee may take leave intermittently, only if approved by their supervisor.

- The only employees that may fall under the critical and essential category as defined by the Department of Labor include: **Public Safety, Environmental Health and Safety, Facilities Management employees maintaining the boiler room, Student Health Center and potentially resident assistants on campus supporting students in the residence halls.**

**15. Is EPSL or EPHL retroactive (meaning can it apply before April 1, 2020)?**

No. If an employee was not able to work prior to April 1, 2020, EPSL and EPHL cannot be used for that time.

**16. Is all leave under the Family Medical Leave Act (FMLA) now paid leave?**

No. Only EPHL is paid.

Traditional FMLA leave may or may not be paid according to Mines' existing FMLA policies and procedures. If you have questions about traditional FMLA, contact Human Resources Benefits Administrator Katey Tarkington at [ktarkington@mines.edu](mailto:ktarkington@mines.edu)

**17. Do I qualify for EPSL even if I already took traditional FMLA during the last 12 months?**

Yes, as long as you are otherwise eligible and have not exhausted your FMLA allotment for the 12-month FMLA period.

**18. Do I qualify for EPHL even if I already took traditional FMLA during the last 12 months?**

It depends. Eligibility for EPHL depends on how much FMLA leave you have already taken during the preceding 12-month FMLA eligibility period. If you have taken some, but not all, of your FMLA allotment (480 hours), you may take the remaining time as EPHL. If you have taken all of your FMLA allotment (480 hours), you may not take EPHL.

For example, if you took two weeks (80 hours) of traditional FMLA in January for surgery, you still have 10 weeks (at 40 hours/week) available for EPHL. But, if you take EPSL, that will count for two of those 10 weeks.

**NOTE:** EPHL will count towards your traditional FMLA allotment for the remainder of your 12-month FMLA eligibility period. For example, if you take two weeks of EPSL and 10 weeks of EPHL, you will not be eligible for any additional FMLA for the rest of your FMLA 12-month period.

This can be complicated, and Human Resources will help you sort out these issues. Contact Human Resources at [hrcovid19@mines.edu](mailto:hrcovid19@mines.edu).

**19. What documents do I need to provide to get EPSL or EPHL?**

Documentation will depend on the reason you are requesting leave as follows:

- A. **Federal, state or local quarantine/self-isolation order:** No documentation required as that information is publicly available.
- B. **You are experiencing COVID-19 symptoms and are seeking a diagnosis:** Initially, you may complete the self-certification form found on the HR website while you await a diagnosis from a medical provider. To remain eligible for leave for this reason, you must obtain a

diagnosis as quickly as possible and submit documentation from your medical provider. The documentation can be an email from your medical provider.

- C. **A medical provider has recommended quarantine/self-isolation for yourself or someone you are caring for:** Provide some form of documentation from the medical provider recommending you quarantine/self-isolate. The documentation can be an email from your medical provider. Make sure the communication includes the start date and proposed end date of the recommended quarantine.
- D. **Your child's school/care facility is closed due to COVID-19 precautions:** A note or email from your school/care facility stating the dates it is closed. This can include an email sent to all parents and does not need to be specific to your child. If the dates of the closure are extended, you may need to submit that notice as well.

**NOTE:** Existing certification requirements will apply if you request traditional FMLA for one of the reasons under the EPSL.

Example: You take EPSL because you are diagnosed with COVID-19 but you are still ill after the 80 hours. You may still be eligible for traditional FMLA for a serious health condition. In that case, you and your medical provider would need to complete the traditional FMLA certifications. If you have questions about traditional FMLA, please email Human Resources at [hrcovid19@mines.edu](mailto:hrcovid19@mines.edu).

## **20. How will I (and my supervisor) know if my EPSL or EPHL leave request is approved?**

You and your supervisor will receive an email stating:

- a) Whether your leave request was approved
- b) What type of leave was approved (EPSL, EPHL or both)
- c) How long your leave is approved
- d) How to code your time
- e) Any other important information

**Please read this email carefully.** In order to ensure you are receiving all necessary communications, be sure to provide the best and most accessible email address when you are completing the FFCRA Leave Request Form (especially if this is different from your Mines email).

## **21. If I take EPSL or EPHL, will my health care coverage continue?**

Yes. Your health care coverage will continue on the same terms as if you were continuing to work.

## **22. What happens once the federal, state or local stay-at-home (or self-isolation) orders end?**

Once the federal, state or local stay-at-home orders end, Mines will make every effort to return employees to work on campus based on guidance from federal, state and local public health agencies.

We will update employees on returning to work on campus as more information becomes available.

**23. What happens if I am not able to take or had to cancel vacation leave as a result of the required quarantine?**

Employees will have the ability to roll over 80 hours of accrued vacation leave to the next fiscal year (2021) only. This leave must be utilized by the end of FY21. Otherwise, Mines' normal vacation and leave policies will apply.

**24. This is a lot of information. What if I still have questions or need help?**

Human Resources is here to help. Email us at [hrcovid19@mines.edu](mailto:hrcovid19@mines.edu) or call us at 303-273-3250. If you call, leave us a voicemail with your name, contact information and question, and we will have the right person return your call.