

Families First Coronavirus Response Act (FFCRA) Paid Leaves

April 2-6, 2020

Presented by:
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Human Resource Services

The logo for New Mexico State University, featuring the letters "NM" in a large, serif font above the words "STATE UNIVERSITY" in a smaller, sans-serif font, all contained within a white square with a maroon border.

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Families First Coronavirus Response Act (FFCRA) Paid Leaves

APRIL 1, 2020-DECEMBER 31, 2020

**Emergency Paid Sick Leave Act
Emergency Family & Medical Leave Act Expansion**

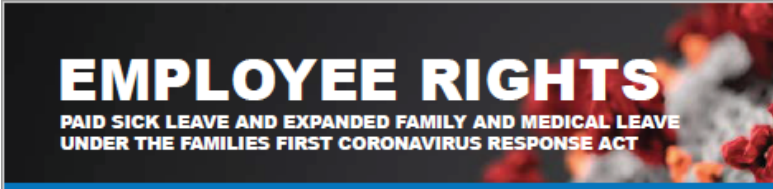
<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>



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Posting Requirements

- Employee Rights poster
 - 3/31 Posted online at <https://hr.nmsu.edu/employee-rights/>
 - 4/1 Guidelines & Q&A emailed to UAC
 - 4/2 Email to all employees
 - Will be added to Employee Rights bulletin boards as soon as we return to our buildings



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:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;	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; or
2. has been advised by a health care provider to self-quarantine related to COVID-19;	6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.
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);	

► **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.

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



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

884422 NOV 2020



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Eligible Employees

Emergency Paid Sick Leave (EPSL)

All employees

Emergency Family & Medical Leave Expansion (EFMLA)

All employees employed for at least 30 days prior to leave

Exceptions: health care providers and emergency responders



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Qualifying Reasons

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:

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 of an order described in (1) or self-quarantine as described in (2);
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; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.



Paid Leave Entitlements

Emergency Paid Sick Leave (EPSL)

- Up to 2 weeks paid leave based on the higher of regular pay, or minimum wage paid at:
 - 100% for qualifying reasons 1-3
 - up to \$511 daily/\$5,110 total
 - 2/3 for qualifying reasons 4-6
 - Up to \$200 daily/\$2,000 total



Paid Leave Entitlements

Emergency Family & Medical Leave Expansion (EFMLA)

- Provides up to 12 weeks of leave
 - 1st 2 weeks unpaid
 - 10 weeks paid at:
 - 2/3 pay, Up to \$200 daily/\$10,000 total
- 1st 2 weeks employees may elect to be paid using:
 - Accrued annual or sick leave
 - Emergency Paid Sick Leave—2/3 pay



Qualifying Reasons-EPSSL

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:

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);
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; or
6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

100% pay

2/3 pay



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Qualifying Reasons-EFMLA

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:

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; or

2/3 pay



benefits.nmsu.edu/leave-holidays/paid-leave-ffcra/

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NMSU > Benefits > Leave & Holidays > Paid Leave (FFCRA)

Annual Leave
Compassionate Leave
Faculty Leave Types
Family & Medical Leave
Holidays Observed
Sick Leave
Sick Leave Bank
Paid Leave (FFCRA)

Paid Leave (FFCRA)

Families First Coronavirus Act (FFCRA) Paid Leave

NMSU provides employees with Emergency Paid Sick Leave (EPSL) and Emergency Family & Medical Leave (EFMLA) in accordance with FFCRA for specified reasons related to COVID-19 effective April 1, 2020 through December 31, 2020. NMSU reserves the right to modify, amend, or rescind these guidelines in whole or in part at any time without the consent of employees.

FFCRA Guidelines

FFCRA Employee Rights Poster-English / FFCRA Employee Rights Poster-Spanish

Questions and Answers

Procedure for Requesting Leave:

A) Inform your supervisor of your need for leave.

- Provide enough information to establish one of the qualifying reasons applies to the leave. FFCRA Guidelines.
- If intermittent leave is requested, your supervisor must agree to the intermittent or reduced schedule.

B) Submit the applicable form(s) to fmla@nmsu.edu

- Emergency Paid Sick Leave Form
- Emergency Family & Medical Leave Form

Benefit Services will review forms and documentation, determine eligibility, applicable leave hours and rate of pay. A Designation Notice will be sent to the employee and supervisor. The designation notice will include a paper timesheet or leave report, as needed.

Procedure for Reporting Leave:

- Guidelines
- Posters- English and Spanish
- Questions & Answers
- Reference Guide
- Process Info & Forms



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Reference Guide

Families First Coronavirus Response Act Paid Leave

Emergency Paid Sick Leave (EPSL) Emergency Family & Medical Leave Expansion (EFMLA)

Qualifying Reasons for Leave	Act	Employee Eligibility*	Duration	Pay Rate	Pay Maximum
Employee is unable to work (or unable to telework) due to a need for leave because the employee:					
1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19	EPSL	All employees	2 weeks	100%	\$511/day, \$5,110 aggregate
2. has been advised by a health care provider to self-quarantine related to COVID-19	EPSL	All employees	2 weeks	100%	\$511/day, \$5,110 aggregate
3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis	EPSL	All employees	2 weeks	100%	\$511/day, \$5,110 aggregate
4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)	EPSL	All employees	2 weeks	2/3	\$200/day, \$2,000 aggregate
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19	EPSL	All employees	2 weeks	2/3	\$200/day, \$2,000 aggregate
	EFMLA	All employees employed 30 days+**	up to 12 weeks	1st 2 weeks unpaid*** 10 weeks 2/3	\$200/day, \$10,000 aggregate
6. is experiencing any other substantially-similar condition specified by the Secretary of Health & Human Services	EPSL	All employees	2 weeks	2/3	\$200/day, \$2,000 aggregate

2 weeks = Full Time 80 hours; Part Time average hours worked over two-week period

*Exceptions: Healthcare Providers & Emergency Responders

**FMLA & EFMLA leave cannot exceed 12 weeks in 12 month rolling year measured backward from date of leave

***1st 2 weeks of EFMLA: employees may choose to be paid EPSL, Annual or Sick leave



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Process

To Apply

- Inform your supervisor asap
- If requesting intermittent leave, obtain supervisor's approval
- Submit form(s) to fmla@nmsu.edu

Reporting Leave

Nonexempt:

- Timesheet will not be available at my.nmsu.edu
- Submit special paper timesheet to fmla@nmsu.edu w/in 2 days of pay period end

Exempt:

- submit monthly leave report for annual & sick leave taken through my.nmsu.edu
- Submit leave report for EPSL & EFMLA to fmla@nmsu.edu w/in 2 days of pay period end



Questions??



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Contact Information

Human Resource Services

Benefit Services

<https://benefits.nmsu.edu/leave-holidays/paid-leave-ffcra/>

575-646-8000

fmla@nmsu.edu

Resource:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>



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