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
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
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
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 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.
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-EPSL

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
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/

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

## Families First Coronavirus Response Act

### Paid Leave

**Emergency Paid Sick Leave (EPSL)**

**Emergency Family & Medical Leave Expansion (EFMLA)**

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

* 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
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??
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