



## Families First Coronavirus Response Act (FFCRA) General Information and Frequently Asked Questions (FAQs)

### Introduction to FFCRA

The Families First Coronavirus Response Act (FFCRA) requires certain employers to provide employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19. The FFCRA leave provisions are effective April 1, 2020 through December 31, 2020.

### Qualifying Reasons for Leave, Duration of Leave, and Calculation of Pay

The qualifying reasons for leave under FFCRA are listed below, along with duration and pay calculation.

**#1 - The employee is subject to a federal, state, or local quarantine/isolation order related to COVID-19.**

A full-time employee is eligible for 10 days of leave; part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 100% pay at their regular rate, up to \$511 per day.

**#2 - The employee has been advised by a health care provider to self-quarantine related to COVID-19.**

A full-time employee is eligible for 10 days of leave; part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 100% pay at their regular rate, up to \$511 per day.

**#3 - The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.**

A full-time employee is eligible for 10 days of leave; part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 100% pay at their regular rate, up to \$511 per day.

**#4 - The employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2).**

A full-time employee is eligible for 10 days of leave; part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 66% pay at their regular rate of pay, up to \$200 per day.\*

**#5 - The employee is caring for a child whose school or place of care is closed (or childcare is unavailable) for reasons related to COVID-19.**

A full-time employee is eligible for 12 weeks of leave (two weeks of paid sick leave followed by up to 10 weeks of paid expanded family and medical leave); part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 66% pay at their regular rate of pay, up to \$200 per day.\*

**#6 - The employees is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.**

A full-time employee is eligible for 10 days of leave; part-time employee is eligible for a prorated amount of leave. Employees taking leave for this reason are entitled to 66% pay at their regular rate of pay, up to \$200 per day.\*

*\*RJUHSD will allow the employee to use accrued sick leave or vacation time to supplement the 66% pay, in order to stay in full paid status.*

## Requesting Leave Under FFCRA

In order to request leave under FFCRA for reasons #1 - #6 listed above, the employee must submit a Request for FFCRA Leave form to the Human Resources department. The form can be found at the end of this document, or at [www.rjuhsd.us/hr](http://www.rjuhsd.us/hr).

## FAQs Regarding Reason #1 – Quarantine or Self-Isolation Order

**Are stay-at-home and shelter-in-place orders the same as quarantine or isolation orders? If so, when can I take leave under the FFCRA for reasons relating to one of those orders?**

Yes, for the purpose of FFCRA, a federal, state, or local quarantine or isolation order includes shelter-in-place or stay-at-home orders, issued federal, state, or local government authority.

**May I take the FFCRA leave intermittently while working at my usual work site (not teleworking)?**

No. FFCRA leave for this reason must be taken in full day increments, and cannot be taken intermittently. This is because if you are sick or possibly sick with COVID-19, the intent of FFCRA is to provide such leave as necessary to keep you from spreading the virus to others. Once you begin taking FFCRA leave, you must continue to take the leave each day until you either (1) use the full amount of leave, or (2) no longer have a qualifying reason for taking paid sick leave.

**May I take the FFCRA leave intermittently while teleworking?**

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons. In that situation, you and your Supervisor may agree that you may take FFCRA leave intermittently while teleworking.

## FAQs Regarding Reason #2 – Advice from Health Care Provider to Self-Quarantine

**When am I eligible for FFCRA leave to self-quarantine?**

You are eligible if a health care provider directs or advises you to stay home or otherwise quarantine yourself because the health care provider believes that you may have COVID-19, or are particularly vulnerable to COVID-19, and quarantining yourself based upon that advice prevents you from working.

**Who is a “health care provider” for purposes of determining individuals whose advice to self-quarantine due to concerns related to COVID-19 can be relied on as a qualifying reason for leave?**

The term “health care provider” under FFCRA means a licensed doctor of medicine, nurse practitioner, or other health care provider permitted to issue a certification for the purposes of the Family Medical Leave Act (FMLA).

**I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I take leave under FFCRA?**

Generally, no. You may only take leave under FFCRA to seek a medical diagnosis or if a health care provider advises you to self-quarantine. You may not take leave under FFCRA if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms.

**Can I make the determination that I am “particularly vulnerable” to COVID-19 to qualify for paid sick leave, or do I have to have a health care provider make that determination?**

A health care provider must make that determination. You are eligible for leave under FFCRA if a health care provider directs or advises you to stay home or otherwise quarantine because the health care provider believes

you are particularly vulnerable to COVID-19, and quarantining based upon that advice prevents you from working (or teleworking).

**May I take the FFCRA leave intermittently while working at my usual work site (not teleworking)?**

No. FFCRA leave for this reason must be taken in full day increments, and cannot be taken intermittently. This is because if you are sick or possibly sick with COVID-19, the intent of FFCRA is to provide such leave as necessary to keep you from spreading the virus to others. Once you begin taking FFCRA leave, you must continue to take the leave each day until you either (1) use the full amount of leave, or (2) no longer have a qualifying reason for taking paid sick leave.

**May I take the FFCRA leave intermittently while teleworking?**

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons. In that situation, you and your Supervisor may agree that you may take FFCRA leave intermittently while teleworking.

**What if I am quarantined to secure my own health (for example, I am 65+ years old and/or medically vulnerable)? If I am granted 10 days of paid leave through FFCRA, what happens when I exhaust the 10 days?**

You would be entitled to all other applicable leaves pursuant to federal, state, and local laws, applicable to collective bargaining agreements, and RJUHSD policy. However, taking leave for the purpose of avoiding exposure to COVID-19 is not protected under the Family Medical Leave Act (FMLA). Each situation will be addressed case by case. For example, there may be a reason to engage in an interactive process to determine whether there are reasonable accommodations which would allow you to perform the essential functions of your job.

**If I am in a high-risk category for reporting to work and am offered telework and refuse the telework, am I eligible for leave under FFCRA?**

No, leave under FFCRA is only available if you are unable to work or telework for one of the reasons previously listed (#1 - #6).

### **FAQs Regarding Reason #3 – Experiencing Symptoms and Seeking Diagnosis**

**May I take the FFCRA leave intermittently while working at my usual work site (not teleworking)?**

No. FFCRA leave for this reason must be taken in full day increments, and cannot be taken intermittently. This is because if you are sick or possibly sick with COVID-19, the intent of FFCRA is to provide such leave as necessary to keep you from spreading the virus to others. Once you begin taking FFCRA leave, you must continue to take the leave each day until you either (1) use the full amount of leave, or (2) no longer have a qualifying reason for taking paid sick leave.

**May I take the FFCRA leave intermittently while teleworking?**

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons. In that situation, you and your Supervisor may agree that you may take FFCRA leave intermittently while teleworking.

### **FAQs Regarding Reason #4 – Caring for an Individual Subject to Quarantine or Isolation Order**

**When am I eligible for paid sick leave to care for someone who is self-quarantining?**

You may take leave under FFCRA to care for a self-quarantining individual if a health care provider has advised that individual to stay home or otherwise quarantine because the individual may have COVID-19 or is particularly vulnerable to COVID-19 and provision of care to that individual prevents you from working.

**May I take FFCRA leave to care for my child who is 18 years or older?**

FFCRA leave is available to care for an individual who is subject to a federal, state, or local quarantine or isolation order related to COVID-19, or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. If you have a need to care for your child age 18 or older who needs care for any of these circumstances, you may take FFCRA leave if you are unable to work or telework as a result of providing care.

**Can I take leave under FFCRA to care for *any* individual who is subject to a quarantine or isolation order or who has been advised to self-quarantine?**

No. You may take leave under FFCRA to care for an immediate family member or someone who regularly resides in your home. You may also take leave under FFCRA for someone where your relationship creates an expectation that you care for the person in a quarantine or self-quarantine situation, and that individual depends on you for care during the quarantine or self-quarantine. However, you may not take leave under FFCRA to care for someone who does not expect or depend on your care during their quarantine due to COVID-19.

**May I take the FFCRA leave intermittently while working at my usual work site (not teleworking)?**

No. FFCRA leave for this reason must be taken in full day increments, and cannot be taken intermittently. This is because if you are sick or possibly sick with COVID-19, the intent of FFCRA is to provide such leave as necessary to keep you from spreading the virus to others. Once you begin taking FFCRA leave, you must continue to take the leave each day until you either (1) use the full amount of leave, or (2) no longer have a qualifying reason for taking paid sick leave.

**May I take the FFCRA leave intermittently while teleworking?**

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons. In that situation, you and your Supervisor may agree that you may take FFCRA leave intermittently while teleworking.

## **FAQs Regarding Reason #5 – Caring for a Child Whose School or Place of Care is Closed**

**Who is considered to be my son or daughter?**

Under FFCRA, a “son or daughter” is your own minor child, which includes our biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis – someone with day-to-day responsibilities to care for or financially support a child. A son or daughter also includes an adult son or daughter who (1) has a mental or physical disability, and (2) is incapable of self-care because of that disability.

**What is the definition of a “child care provider”?**

A “child care provider” is someone who cares for your child. This includes individuals paid to provide childcare, like nannies, au pairs, and babysitters. It also includes individuals who provide childcare at no cost and without a license on a regular basis, for example grandparents, aunts, uncles, or neighbors.

**What is a “place of care” for my child?**

A “place of care” is a physical location in which care is provided for your child. Examples include day care facilities, preschools, before and after school care programs, schools, homes, summer camps, summer enrichment programs, and respite care programs.

**My child’s school or place of care has moved to online instruction or to another model in which children are expected or required to complete assignments at home. Is it “closed”?**

Yes. If the physical location where your child received instruction or care is now closed, the school or place of care is “closed” for purposes of FFCRA leave. This is true even if some or all instruction is being provided online or whether, through another format such as “distance learning,” your child is still expected or required to complete assignments.

**May I take FFCRA leave to care for my child who is 18 years or older?**

This leave may be taken to care for your non-disabled child if he or she is under the age of 18. If your child is 18 years of age or older with a disability and cannot care for him or herself due to that disability, you may take FFCRA leave to care for him or her if his or her school or place of care is closed, or his or her child care provider is unavailable, due to COVID-19 related reasons and you are unable to work or telework as a result.

**May I take FFCRA leave to care for a child other than my child?**

No, FFCRA leave is only available to care for your own “son or daughter.”

**May I take FFCRA leave to care for my child because his or her school is closed for summer vacation?**

No. FFCRA leave is not available if the school or childcare provider is closed for summer vacation, or any other reason that is not related to COVID-19. However, you may be able to take leave if your childcare provider during the summer – a camp or other programs in which your child is enrolled – is closed or unavailable for a COVID-19 related reason.

**May I take FFCRA leave intermittently while my child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons?**

Yes, but only with your Supervisor’s permission. Intermittent FFCRA leave for this reason should be permitted only when you and your Supervisor agree upon a schedule. For example, if your Supervisor and you agree, you may take intermittent leave on Mondays, Wednesdays, and Fridays, but work Tuesdays, and Thursdays while your child is home because your child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

**Do I qualify for FFCRA leave for a COVID-19 related reason even if I have already used some or all of my leave under the Family and Medical Leave Act (FMLA)?**

If you have exhausted FMLA leave, you are only entitled to ten days of FFCRA leave. You would not be eligible to take the additional 10 weeks of FFCRA leave. However, if you have taken some, but not all, of the 12 workweeks of your leave under FMLA, you may take the remaining portion of FMLA leave available.

**May I take leave under the Family and Medical Leave Act (FMLA) over the next 12 months if I used some or all of the expanded family and medical leave to care for my child whose school or place of care was closed?**

It depends. You may take a total of 12 workweeks of leave during a 12 month period under FMLA, including the leave under FFCRA. If you take some, but not all, of the 12 workweeks of your FFCRA leave by December 31, 2020, you may take the remaining portion of FMLA leave for a serious medical condition, as long as the total time taken does not exceed 12 workweeks in the 12-month period.

**Frequently Asked Questions Regarding Reason #6– Experiencing Substantially Similar Condition Specified by HHS**

**May I take the FFCRA leave intermittently while working at my usual work site (not teleworking)?**

No. FFCRA leave for this reason must be taken in full day increments, and cannot be taken intermittently. This is because if you are sick or possibly sick with COVID-19, the intent of FFCRA is to provide such leave as necessary to keep you from spreading the virus to others. Once you begin taking FFCRA leave, you must

continue to take the leave each day until you either (1) use the full amount of leave, or (2) no longer have a qualifying reason for taking paid sick leave.

**May I take the FFCRA leave intermittently while teleworking?**

Yes, if your Supervisor allows it and if you are unable to telework your normal schedule of hours due to one of the qualifying reasons. In that situation, you and your Supervisor may agree that you may take FFCRA leave intermittently while teleworking.

**FAQs –Miscellaneous**

**What does it mean to be unable to work, including telework, for COVID-19 related reasons?**

You are unable to work if your supervisor has work for you and one of the COVID-19 qualifying reasons outlined in the FFCA prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

**If I am teleworking and tests positive for COVID-19, am I required to use the two weeks of FFCRA leave?**

If you are teleworking and can continue to perform your duties, there is no reason you would need to take leave. If you cannot perform teleworking duties because of the illness, then you would be able to access the FFCRA leave as well as other available leave.

**If I take leave under FFCRA, does that count against other types of paid sick leave to which I am entitled under federal, state, or local law or RJUHSD policy?**

No. Leave under FFCRA is in addition to the other types of leaves.

**May I take 10 days of leave under FFCRA for my self-quarantine, and then another amount of leave under FFCRA for a different reason?**

No. You may take a total of up to 10 days of leave under FFCRA for any combination of qualifying reason.

**May I take leave under FFCRA if I am on an approved leave of absence?**

If your leave of absence is voluntary, you may end your leave of absence and begin taking leave under FFCRA if a qualifying reason prevents you from being able to work.

**May I take leave under FFCRA if I am receiving workers' compensation or temporary disability benefits?**

In general, no, unless you were able to return to light duty before taking leave. If you receive workers' compensation or temporary disability benefits because you are unable to work, you may not take paid leave under FFCRA. However, if you were able to return to light duty and a qualifying reason prevents you from working, you may take leave under FFCRA as the situation warrants.

**If I exhaust all my leaves (including sick leave), will I be placed on the 39 month re-employment list?**

It will depend on the circumstances. For example, if you are on leave and cannot return due to an underlying health condition that makes you particularly at risk to COVID-19, and there are no other ways to reasonably accommodate you to return to work, unpaid leave may be allowed as a reasonable accommodation for a reasonable, defined period of time. If not, placement on the re-employment list may be appropriate.

**Who do I contact with questions on this information?**

If you have additional questions, please contact the Human Resources Department at (916) 786-2051 or [hrhelp@rjuhsd.us](mailto:hrhelp@rjuhsd.us).



