

Families First Coronavirus Response Act Guidance

USMC GUIDANCE

The **Families First Coronavirus Response Act (FFCRA)** authorizes employees (a) paid sick leave under the Emergency Paid Sick Leave Act and (b) expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for specified reasons related to COVID-19. These provisions apply from April 1, 2020 through December 31, 2020.

Covered Employees

Emergency Paid Sick Leave Act: All USMC employees are covered by the emergency paid sick leave provisions in the FFCRA.

Emergency Family and Medical Leave Expansion Act: To be eligible for coverage under the expanded family and medical leave, the employee must be employed for at least 30 calendar days prior to the leave request and be covered under Title 1 of the Family and Medical Leave Act (FMLA). Coverage of Title 1 of the FMLA applies to DoD employees:

- with an intermittent work schedule (i.e., non-appropriated fund flexible employees on an intermittent work schedule);
- under a temporary appointment of less than one year; or
- covered under unique statutory authorities that apply provisions of Title 1 (e.g., certain employees of DoDEA)

Emergency Paid Sick Leave Act

• **Reasons That Qualify a Covered Employee For Emergency Paid Sick Leave**

Under the FFCRA, a federal employee qualifies for emergency paid sick time if the employee is unable to work (or 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 a quarantine or isolation order or self-quarantine;
5. is caring for a child under (18 years of age) whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19; or,
6. is experiencing any other substantially similar condition specified by the Department of Health and Human Services [as of 10 April 2020, no such condition has been specified].

• **What It Is**

Emergency paid sick leave is an additional type of sick leave and does not impact an employee's regular sick leave balance. All USMC employees are eligible by request for:

• **Two weeks (up to 80 hours) of paid sick leave at the employee's regular rate of pay [up to \$511 daily and \$5,110 total]** if the employee is unable to work because the employee is quarantined (pursuant to federal, state, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis (reasons 1-3 above); **or,**

• **Two weeks (up to 80 hours) of paid sick leave at two-thirds (2/3) the employee's regular rate of pay [up to \$200 daily and \$2,000 total]** because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to federal, state, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19 (reasons 4-6 above). Note: For reason 5, qualified employees are also eligible for leave under the Expanded Family and Medical Leave Act, discussed below.

Emergency and Family Medical Leave Expansion Act

- Reasons That Qualify a Covered Employee For Expanded Family Leave

Under the FFCRA, a covered employee qualifies for expanded family leave if the employee unable to work (or telework) due to a need to care for the employee's eligible child (under the age of 18) whose school or place of care is closed (or childcare provider is unavailable) for reasons related to the COVID-19 public health emergency. This is the only qualifying reason; the expanded family leave act does not add additional days to what is authorized under the Family and Medical Leave Act (FMLA) – it only adds an additional reason to use FMLA leave and provides partial payment for this additional reason. Employees who have exhausted their FMLA entitlement are not eligible for the expanded family and medical leave under the FFCRA.

- What it is

Qualified employees may use:

- **Up to 10 workdays of unpaid leave** (this may be substituted with emergency paid sick leave or other paid leave); and,
- **Up to an additional 10 weeks of paid expanded family and medical leave at two-thirds (2/3) the employee's regular rate of pay** where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. Compensation for expanded family leave is capped at \$200 per day for a maximum of \$10,000 for the ten week period.

The total time taken under the Expanded Family Leave Act counts toward the 12 weeks of leave allowed under the FMLA.

Combining Emergency Paid Sick Leave and Expanded Family and Medical Leave

Some employees may be eligible for both paid sick leave and expanded family and medical leave to care for their child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons for a total of twelve weeks of paid leave (two weeks of Emergency paid sick leave and ten weeks of paid expanded family leave). Total compensation for the 12 week period is capped at \$12,000 [\$10,000 for the ten weeks under the expanded family leave and \$2,000 for the two weeks under the emergency paid sick leave].

Expiration of Emergency Paid Sick Leave and Expanded Family and Medical Leave

All unused emergency paid sick leave and expanded family and medical leave expires as of December 31, 2020 and is forfeited.

SLDCADA Codes

FOR EMERGENCY PAID SICK LEAVE ACT

- **Use LV- Excused absence with environmental hazard code of DX (for full pay) and DY (for 2/3 pay)**

FOR EMERGENCY FAMILY AND MEDICAL LEAVE EXPANSION ACT

- For the first two weeks (unpaid leave) use code KA (LWOP) unless the employee is substituting paid leave during this period
- For additional 10 weeks, use LV-Excused absence with environmental hazard code of DZ

DUTY STATUS OPTIONS WHEN THE OFFICIAL WORKSITE IS OPEN

SCENARIOS		DUTY STATION OPTIONS				
		Telework ¹	Report to Worksite	Weather and Safety Leave ²	FFCRA Emergency Paid leave	
IF	AND:	THEN:				
The employee is showing no symptoms of COVID-19	is directed by a medical professional, public health authority, commander or supervisor ³ to stay home	✓	✗	✓	✓ <small>(at full pay, up to \$511 daily)</small>	
	is not directed by a medical professional, professional, public health authority, commander or supervisor to stay home	✓	✓	✗ <small>(Use AL)</small>	✗ <small>(Use AL)</small>	
	prefers not to come to an otherwise open worksite	✓	✓	✗ <small>(Use AL)</small>	✗ <small>(Use AL)</small>	
	is at high risk of COVID-19 as defined by the CDC ⁴	✓	✗	✓	✗ <small>(Use AL)</small>	
	Is caring for an individual subject to a quarantine or isolation order or self-quarantine	✓ <small>(AL for care)</small>	✗	✗ <small>(Use AL or SL)</small>	✓ <small>(at 2/3 pay, up to \$200 daily)</small>	
	Is caring for children at home due to school or childcare center closures for reasons related to COVID-19	✓ <small>(AL/SL for care)</small>	✓	✗ <small>(Use AL)</small>	✓ <small>(at 2/3 pay, up to \$200 daily)</small>	
	has a family member(s) who requires care and the family member is:	not ill	✓ <small>(AL for care)</small>	✓ ⁵	✗ <small>(Use AL)</small>	✗
		ill	✓ <small>(SL care)</small>		✗ <small>(Use AL)</small>	✗
	returns from travel and is directed by a medical professional, public health authority, commander, or supervisor to stay home		✓	✗	✓	✓ <small>(at full pay, up to \$511 daily)</small>
	is designated as an emergency (or essential) employee ⁶ and ordered to work		✗	✓	✗	✗
is ill for other reasons		Use Sick Leave				
The employee is experiencing COVID-19 symptoms and		is seeking a medical diagnosis	Use Sick Leave		✓ <small>(at full pay, up to \$511 daily)</small>	
		is not seeking a medical diagnosis	Use Sick Leave		✗	

NOTE: Employees who can telework are not authorized weather and safety leave or FFCRA Emergency Paid Leave

¹Employees must telework if they occupy a telework eligible position and have a telework agreement. Supervisors are strongly encouraged to review their employees' eligibility for telework, and communicate with employees to see if telework is appropriate. In very limited circumstances, commanders or supervisors may require employees to telework. In very limited circumstances, commanders or supervisors may require employees to telework. **AL = Annual Leave; SL = Sick Leave**

² Weather and safety leave is not an entitlement; employees who can telework are not authorized weather and safety leave. Employees not authorized weather and safety leave may still use other authorized leave.

³ The commander or supervisor either directs the employee to stay home because of possible exposure or because the employee has symptoms that might be COVID-19

⁴ For an updated list, visit <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

⁵ Unless directed by a medical professional, public health authority, commander or supervisor to stay home because of COVID-19 concerns.

⁶ The employee is designated an emergency employee by a commander or supervisor under 5 CFR 630.1605(b) or occupies an essential position and must report to the worksite even if a telework participant.

DUTY STATUS OPTIONS WHEN THE OFFICIAL WORKSITE IS **CLOSED** (but work is available to be done)

SCENARIOS		DUTY STATION OPTIONS				
		Telework ⁷	Report to Worksite ⁸	Weather and Safety Leave ⁹	FFCRA Emergency Paid Leave	
IF	AND:	THEN:				
The employee is showing no symptoms of COVID-19	is directed by a medical professional, public health authority, commander or supervisor ¹⁰ to stay home	✓	✗	✓	✓ <small>(at full pay, up to \$511 daily)</small>	
	is not directed by a medical professional, professional, public health authority, commander or supervisor to stay home	✓	✗	✓	✗	
	is at high risk of COVID-19 as defined by the CDC ¹¹	✓	✗	✓	✗	
	Is caring for an individual subject to a quarantine or isolation order or self-quarantine	✓ <small>(AL for care)</small>	✗	✗ <small>(Use AL or SL)</small>	✓ <small>(at 2/3 pay, up to \$200 daily)</small>	
	Is caring for children at home due to school or childcare center closures for reasons related to COVID-19	✓ <small>(AL/SL for care)</small>	✗	✗ <small>(Use AL)</small>	✓ <small>(at 2/3 pay, up to \$200 daily)</small>	
	has a family member(s) who requires care and the family member is:	not ill	✓ <small>(AL for care)</small>	✗	✓	✗
		ill	✓ <small>(SL care)</small>	✗	✓	✗
	returns from travel and is directed by a medical professional, public health authority, commander, or supervisor to stay home	✓	✗	✓	✓	
	is designated as an emergency (or essential) employee ¹² and ordered to work	✗	✓	✗	✗	
is ill for other reasons	Use Sick Leave					
The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis	is seeking a medical diagnosis	Use Sick Leave			✓ <small>(at full pay, up to \$511 daily)</small>	
	is not seeking a medical diagnosis				✗	

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⁸ Employees who are ill are encouraged to take sick leave, and may take other paid leave as appropriate. Sick leave may only be used when the employee or a family member for whom they are providing care is sick. If employee does not have any leave available, he/she is encouraged to discuss with their chain of command or supervisor options including advanced leave, accessing donated leave, and unpaid leave.

⁹ Weather and safety leave is not an entitlement, employees who can telework are not authorized weather and safety leave. Employees not authorized weather and safety leave may still use other authorized leave.

¹⁰ The commander or supervisor either directs the employee to stay home because of possible exposure or because the employee has symptoms that might be COVID-19.

¹¹ For an updated list, visit <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>

¹² The employee is designated an emergency employee by a commander or supervisor under 5 CFR 630.1605(b) and must report to the worksite even if a telework participant.