



Considerations for Use of Sample Policy

We are pleased to offer a sample policy for your use in implementing the Families First Coronavirus Response Act (FFCRA), should you choose to use a policy. Please note the following important information:

1. The Department of Labor (DOL) has indicated it will be issuing FFCRA implementation regulations in April, therefore, the sample policy may need to be updated in accordance with the regulations.
2. DOL does require dissemination to all active employees of the FFCRA Poster issued yesterday. The Poster and instructions for dissemination are found in the links below.
3. Currently, there is no requirement to have a policy. This Sample Policy is provided only in the event your community chooses to use one.
4. Please note that this policy **excludes** emergency responders, as permitted by the FFCRA. You will need to modify the current policy if you choose to cover emergency responders. Please note that you may have collective bargaining obligations if you want to exclude emergency responders who are unionized and you should consult an employment law attorney in that event. The law itself does not define "emergency responders;" we anticipate that the regulations will do so.
5. We will continue to bring relevant information on the FFCRA as it becomes available.

Links to relevant DOL information:

Mandatory Poster:

https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

Poster Dissemination Instructions:

<https://www.dol.gov/agencies/whd/pandemic/ffcra-poster-questions>

DOL FFCRA Resources and Information Page:

<https://www.dol.gov/agencies/whd/pandemic>



SAMPLE

Families First Compliance Policy

Effective April 1, 2020 to December 31, 2020

Introduction

The federal government has passed the “Families First Coronavirus Response Act” to assist employees during the current public health emergency. As a covered employer, we provide the temporary benefits required by the Act as summarized in this policy. This policy will expire upon the conclusion of the Coronavirus public health emergency or on December 31, 2020, whichever is earlier. This policy may change in response to any new or revised guidance issued by the Secretary of Labor.

Eligibility

All full-time and part-time employees, except emergency responders. Staff who have been employed fewer than 30 days are not eligible for the temporary expansion of FMLA (section B). If you are eligible for leave under sections A and B, the total amount of leave available is capped at 12 weeks.

A. Emergency Paid Sick Leave Benefit

1. Full-time employees will receive up to two weeks (80 hours) of paid sick leave benefits to be used for Coronavirus-related absences. Part-time employees will receive a pro-rated paid sick leave benefit based on the number of hours you work on average over a two-week period. The full benefit for which you are eligible is available for immediate use.
2. You are not required to exhaust other forms of paid leave before using this new Coronavirus paid leave. The Coronavirus paid leave is in addition to any paid leave you already have.
3. This benefit is available to you if you cannot work (in person or remotely) for any of the following reasons:
 - a. You are subject to a federal, state, or local Coronavirus quarantine or isolation order;
 - b. You are advised by a health care provider to self-quarantine for Coronavirus concerns;
 - c. You are experiencing symptoms of Coronavirus and seeking a medical diagnosis;
 - d. You are caring for an individual who is under a Coronavirus quarantine or isolation order or has been advised by a health care provider to self-quarantine;
 - e. You are caring for a child whose school or child care provider has been closed or is unavailable because of Coronavirus;
 - f. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.



4. We may require you to provide a certification from a health care provider confirming the applicable circumstance of section 3 above.
5. We will pay you the following amounts:
 - a. If you require leave for reasons 3(a), (b), or (c) above, we will pay you your regular rate of pay, up to \$511 per day and/or \$5,110 in the aggregate.
 - b. If you require leave for reasons under 3(d), (e), or (f) above, you will receive two-thirds of your regular rate of pay, up to \$200 per day and/or \$2,000 in the aggregate.
 - c. If you do not have a set schedule of hours, paid sick leave is based on the average number of hours you were scheduled per day over the six-month period prior to use of the leave.
6. Your ability to use paid sick leave for purposes specified in the law will end upon termination of the qualifying event.
7. Paid leave provided under this law does not carry over year to year and unused leave is not paid out.

B. Temporary Expansion of Family & Medical Leave

Federal Family and Medical Leave is temporarily expanded to include a qualifying need related to the Coronavirus public health emergency, as declared by federal, state, or local authorities. The conditions of this expansion are outlined below.

1. You are eligible for the leave if you have worked at least 30 calendar days.
2. A “qualifying need” is limited to circumstances where you cannot work (in person or remotely) because of your need to care for a child under age 18 due to a Coronavirus-related public health emergency school or child care closing/unavailability.
3. Pay for the temporary FMLA leave will be as follows:
 - a. The first 10 days of the leave are unpaid. You may elect to use the Emergency Paid Sick Leave Benefit (section A above) or any accrued paid leave during this time if available.
 - b. After the first 10 days, we will pay you two-thirds of your regular rate of pay, up to \$200 per day and \$10,000 aggregate.
4. You will be entitled to reinstatement to the same or equivalent position once your leave ends.

Conclusion

Please contact _____ if you have questions regarding this policy.