

# PREPARING FOR FFCRA IMPLEMENTATION



Starting April 1, the Families First Coronavirus Response Act (FFCRA) requires certain employers to provide qualified employees with emergency paid sick leave and paid expanded family and medical leave for reasons related to COVID-19. Following are some of the more likely scenarios employers will encounter. Knowledge of all circumstances and facts are necessary to evaluate an individual employee's options.

SCENARIOS	EMERGENCY PAID SICK LEAVE (EPSL)	EXPANDED FAMILY AND MEDICAL LEAVE (EFML) (ASSUMES EMPLOYEE HAS WORKED 30 DAYS)	UNEMPLOYMENT (ELIGIBILITY AND BENEFITS VARY BY STATE)
Employee under a stay-at-home order and not able to work because the employer, in response to a lack of work, has furloughed employees in response to COVID-19 after April 1.	No. (Same response if work shut down occurred before April 1.)	No. (Same response if work shut down occurred before April 1.)	Possibly. However, unemployment benefits are affected if an employee is furloughed and receiving pay for unused sick leave or paid time off through a company-provided benefit.
Employee under a stay-at-home order and is working or teleworking.	No.	No.	No.
Employee under a stay-at-home order and employer operations are deemed "essential business" within the scope of the order, yet employee does not want to work because of fear of contracting COVID-19.	No.	No.	Generally, no. However, benefits may be eligible for someone with underlying medical conditions.
Employee under stay-at-home order and teleworking but child's school and/or day care is closed due to COVID-19.*	No.	No.	No.
Employee under stay-at-home order and teleworking partial days because child's school and/or day care is closed due to COVID-19.*	Yes. If employer allows, intermittent EPSL can be taken at two-thirds regular pay up to 80 hours/two weeks, at a maximum daily rate of \$200, not to exceed \$2,000 in aggregate.	Yes. If the employer agrees, the employee may take intermittent EFML (plus EPSL) and be paid two-thirds regular pay up to ten weeks, at a maximum daily rate of \$200, not to exceed \$10,000 in aggregate.	No.
Employee is under stay-at-home order and employer operations are deemed an essential business. Employee elects to work partial days onsite at employer's location because child's school and/or day care is closed due to COVID-19.*	Yes. If employer allows, intermittent EPSL can be taken at two-thirds regular pay up to 80 hours/two weeks, at a maximum daily rate of \$200, not to exceed \$2,000.	Yes. If the employer agrees, the employee may take intermittent EFML (plus EPSL) and be paid two-thirds regular pay up to ten weeks, at a maximum daily rate of \$200, not to exceed \$10,000 in aggregate.	No.

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Employee under stay-at-home order and not working or teleworking because child's school and/or day care is closed due to COVID-19.*	Yes. Employee can receive two-thirds regular pay up to 80 hours/two weeks, at a maximum daily rate of \$200, not to exceed \$2,000 in aggregate.	Yes. Employee can receive two-thirds regular pay (plus EPSL) up to ten weeks, at a maximum daily rate of \$200, not to exceed \$10,000 in aggregate.	No.
Employer shuts down operations after April 1 and employee is laid off and has to care for children due to school or day care provider closure.	No. (Same response if work shut down occurred before April 1.)	No. (Same response if work shut down occurred before April 1.)	Yes.
Employer operations are running, but employee is unable to work (or telework) because employee is seeking care for COVID-19 symptoms or has contracted the virus.	Yes. Employee can receive full pay up to 80 hours/two weeks, at a maximum daily rate of \$511, not to exceed \$5,100.	No. However, individual could be eligible for up to 12 weeks of traditional unpaid family and medical leave if eligibility conditions are met.**	No.
Employer operations are running, but employee was in contact with someone known to have contracted COVID-19 and was told to self-quarantine by a health care provider.	Yes. Employee can receive full pay up to 80 hours/two weeks, at a maximum daily rate of \$511, not to exceed \$5,100.	No.	No.
Employer operations are running but employee is unable to work (or telework) because he/she is caring for an individual under a quarantine or isolation order made by a governmental agency or health care provider.	Yes. Employee can receive two-thirds pay up to 80 hours/two weeks, at a maximum daily rate of \$200, not to exceed \$2,000.	No. However, if the individual requiring care is a qualified family member, the employee could be eligible for up to 12 weeks of traditional unpaid family and medical leave.**	No.

\*Employers with fewer than 50 employees may qualify for an exemption.

\*\*Traditional family and medical leave applies to employers with 50 or more employees in a 75-mile radius.

Contact your Bukaty benefits consultant for additional information.