



New Paid Leave Available to Employees as of April 1: The Families First Coronavirus Response Act

(Guidance as of 4/9/20)

I. Quick Overview

- A. As of April 1, 2020, the Families First Coronavirus Response Act (the “Act”) provides Agency employees with new paid sick leave (“EPSL”) and expanded family and medical leave (“E-FMLA”) for specified reasons related to COVID-19.
- B. As a business of less than 500 employees, we are required to participate in this program. The federal government will return the majority, though not all, of the direct cost of EPSL and E-FMLA to the agency in the form of tax credits.
- C. EPSL is in addition to all other paid leave you have from the agency. EPSL expires December 31, 2020.
- D. The majority of staff will be eligible for 80 hours (two weeks) of this new leave.
- E. If you qualify for EPSL, you must use all of your EPSL prior to utilizing other forms of paid leave.
- F. In certain circumstances, staff may also qualify for an additional ten weeks of leave through the E-FMLA. As with all FMLA cases, an employee can take a total of 12 workweeks of leave during a rolling 12-month period. If you already have an approved FMLA case, this is NOT an additional 12 workweeks- you cannot take more than a total of 12 workweeks of leave during a 12-month period.
- G. In order to implement this new leave, employees will no longer be allowed to go into the negative in their tenure-based leave (“PLANNEDPTO”) as of April 1, 2020.
- H. In some instances, you will receive this new leave at your regular rate of pay; in other instances you will receive paid leave at 2/3rd your regular rate of pay (subject to caps). You may choose to use accrued or granted paid leave (e.g. tenure-based leave and/or Sick and Safe leave) to make up the 1/3rd difference in those instances. (A simplified grid is attached for quick reference.)
- I. This law is complicated and we have done our best to follow guidance, which can change daily. We’ve set up a special email to address your questions and concerns on this specific topic: sickleave@hchmd.org. (This email goes to the inboxes of Keiren Havens, Rachelle Adams, Sabrina Harris and Jessica Holmes.) These HR folks will do their best to get back to you as quickly as they can.

TIME SENSITIVE: PLEASE REVIEW THIS GUIDANCE CAREFULLY TO UNDERSTAND HOW YOU ACCESS THIS LEAVE DURING THE PAY PERIOD OF 3/28/20 – 4/10/20. FOR THIS PAY PERIOD YOUR TIMECARD APPROVAL MUST BE COMPLETED IN ADP BY MONDAY, APRIL 13 AT 10 A.M. IN ORDER FOR PAYROLL TO BE PROCESSED.

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II. Eligible Employees

- A. All full-time employees are eligible for 80 hours of EPSL for specified reasons related to COVID-19.
- B. All part-time employees are eligible to a number of hours equal to the number of hours normally worked over a two-week period of EPSL for specified reasons related to COVID-19.
- C. All employees employed for at least 30 days are eligible for up to an additional 10 weeks of E-FMLA to care for a child under certain circumstances related to COVID-19.
- D. Important notes
 - i. All employees must be approved for use of EPSL by HR before they can use it (see section entitled *How to Take Leave at the Agency* for instructions).
 - ii. All employees must apply and be approved for *any* form of FMLA by The Hartford before they can use it. (The Hartford: 1-888-301-5615 or <https://abilityadvantage.thehartford.com>)

III. The Six Qualifying Reasons for EPSL

As a Health Care for the Homeless employee, you qualify for EPSL if you are unable to work on-site or telework because you:

1. are subject to a government quarantine or isolation order related to COVID-19 (e.g., you specifically are ordered by the Baltimore City Health Department to quarantine);
2. have been advised by a health care provider to self-quarantine related to COVID-19;
3. are experiencing COVID-19 symptoms and are seeking a medical diagnosis;
4. are caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. are caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19;* or
6. are experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury. (As of this pay period, there is no condition that meets this qualifying reason.)

*An employee who qualifies for **reason (5)** also qualifies for E-FMLA.

IV. Duration of Leave

- A. **For reasons (1)-(4) and (6):** A full-time employee is eligible for 80 hours (two weeks) of EPSL; and a part-time employee is eligible for the number of hours of EPSL that the employee works on average over a two-week period.
- B. **For reason (5):** A full-time employee is eligible for up to 12 weeks of EPSL (two weeks of paid sick leave AND up to ten weeks of E-FMLA) at 40 hours a week. A part-time

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employee is eligible for EPSL for the number of hours that the employee is normally scheduled to work over that period.

V. Calculation of Pay for EPSL

- A. **For reasons (1), (2) or (3):** Employees are entitled to pay at either their regular, rate up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).
 - Optional for reason (1), (2) or (3): If you would normally earn more than \$511 per day, in order to reach your regular rate of pay, you may choose to supplement your EPSL pay rate using first the balance of your Sick and Safe leave and then your accrued tenure-based leave (refer to the mandatory EPSL Request form.)
- B. **For reasons (4) or (6):** Employees are entitled to pay at 2/3 their regular rate, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period).
 - Optional for reason (4) or (6): In order to reach your regular rate of pay, you may choose to supplement your EPSL pay rate using first the balance of your Sick and Safe leave and then your accrued tenure-based leave (refer to the mandatory EPSL Request form.)
- C. **For reason (5):** Employees are entitled to pay at 2/3 their regular rate, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period) – inclusive of the ten weeks of E-FMLA.
 - Optional for reason (5): In order to reach your regular rate of pay, you may choose to supplement your EPSL pay rate using your accrued tenure-based leave. (refer to the mandatory EPSL Request form.)
- D. **If you chose to supplement:** Once you have depleted your accrued or granted paid leave, you will be subject to the pay rate (or cap) as set by the federal government for that reason code.

VI. Increments of Time: EPSL and E-FMLA

- A. EPSL
 - i. After the first workday of EPSL, please provide reasonable notice to your supervisor of your intent to use leave as per our Attendance and Leave Policy. Please communicate frequently with your supervisor to ensure you both understand your work arrangements.
 - ii. When working from home: You may use blocks of days or intermittently (in 15-minute blocks of time) as negotiated with your supervisor
 - iii. When working in-clinic:
 - **Reasons (1)-(4):** When using EFPL for to care for yourself or another who is sick, you must take leave in full and consecutive days until you either use the full amount of leave you have or no longer have an qualifying reason for taking the leave.
 - **Reason (5):** When using EFPL for childcare purposes, you may take this leave in 15-minute blocks of time in order to care for your child. This must be agreed upon by your supervisor first.

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- B. E-FMLA
- i. You must first apply and be approved for any type of FMLA via The Hartford: 1-888-301-5615 or <https://abilityadvantage.thehartford.com>.
 - ii. As with all FMLA cases, an employee can take a total of 12 workweeks of leave during a rolling 12-month period. If you already have an approved FMLA case, this is NOT an additional 12 workweeks- you cannot take more than a total of 12 workweeks of leave during a 12-month period.
 - iii. Staff may take time in blocks of days or intermittently in agreement with your supervisor
 - iv. For the first two weeks of E-FMLA you are required to take EPSL (“FF-PSL-EE” or “FF-PSL-FAM”). When EPSL is exhausted, you are then required to take your accrued tenure-based leave (“PLANNEDPTO”) to supplement the leave pay in order to reach your regular rate of pay. While on any type of FML leave, you cannot use unpaid leave until you have exhausted all available and applicable paid leave.

VII. Step-by-Step Instructions for taking EPSL

- A. Review the qualifying reasons in Section III. If you have a qualifying reason to take EPSL as of April 1, you must:
- i. use it prior to any other paid leave; and
 - ii. first be approved by HR before you can access the benefit. (This is because of the documentation requirements mandated by the federal government.)
- B. Immediately email to sickleave@hchmd.org with the mandatory EPSL Request form** (see attachment). *Do not enter ADP leave requests until you have gone through this approval process.*
- C. HR will reply as quickly as possible to you AND YOUR SUPERVISOR to confirm or deny your qualification for leave and affirming the proper pay code(s) you should use. We will not include personal details in this email in order to respect your privacy.
- D. Immediately complete and submit your ADP Time Off Request (>Request Time Off).** . For a refresher on this process see instructions on the staff portal [here](#) (under Tools>Finance Tools).
- i. All time entered in these pay codes must be entered in 15-minute increments, regardless of your exempt status. See Section VI for specific guidance regarding increments of time.
 - ii. Pay codes are as follows:
 - **Reasons 1-3:** “FF-PSL-EE” (Family First - Paid Sick Leave – Employee)
 - **Reasons 4-6:** “FF-PSL-FAM” (Family First – Paid Sick Leave – Family)
 - **For E- FMLA only:** “FF-FMLA” (not be to used until you have qualified for expanded FMLA through The Hartford.)
- E. A note about the “EMERGENCY” Code

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- i. Only use this when you is working on assignments that are *different* from their normal assignments (e.g. members of the Dental Department are doing staff temperature checks).
 - ii. *This is the only code that should be put directly on the timecard and NOT through the “Request Time Off” module.*
 - iii. Always enter the location code “0035” (our agency-wide COVID-19 code) when using the “EMERGENCY” code.
- F. **Once your ADP Time Off Request has been approved, enter “0035” as the location code in your ADP timesheet before approving your timecard.** (This is the agency’s COVID-19 expense code.)

**You must approve you own timecard NO LATER THAN Monday, April 13 at noon.
Supervisors must approve all timecards by Monday, April 13 at 5 p.m.**

Sample Scenarios for Use of EPSL in the Pay Period 3/28-4/10

1. Tanya, a full-time (80 hours per pay) non-exempt (hourly) staff member, is sick with COVID-19-like symptoms. She cannot work in-clinic or from home.

Tanya will first email sickleave@hchmd.org with the required details in order to be approved for EPSL. She will wait to hear back from HR that she has been approved. If HR agrees that she meets the qualifying reason #3, Tanya would mark each day as “FF-PSL-EE” (EPSL).

2. Sharon, a full-time (80 hours per pay) non-exempt (hourly) staff member, has an 8-year child who now has to attend school online because of the COVID-19 crisis. Sharon needs to help her child with classwork from 8 a.m. -12 p.m., but then her child does not need Sharon’s direct supervision for the rest of the day. She is able to work from home, undisturbed, from 1-5 p.m. and her supervisor has provided her with regular, standard assignments to do during that time.

Sharon will first email sickleave@hchmd.org with the required details in order to be approved for federal sick leave. She will wait to hear back from HR that she has been approved. If HR agrees that she meets the qualifying reason #5, Sharon would mark each day from 8 a.m. -12 p.m. (40 hours total) as “FF-PSL-FAM.” She will mark each day from 1-5 p.m. as she would during a normal working day (40 hours total). As always, the total number of hours recorded in ADP should be 80.

Sharon should also reach out The Hartford to apply for E-FMLA. (The Hartford: 1-888-301-5615 or <https://abilityadvantage.thehartford.com>)

3. Robert is a full-time (80 hours per pay) exempt (salaried) staff member whose 82-year old father with a diagnosed heart condition lives with him. His father becomes ill with COVID-19-like symptoms, and Robert has to care for his father and take his father in for testing. This takes a total of 3 days of time.

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Robert will first email sickleave@hchmd.org with the required details in order to be approved for federal sick leave. He will wait to hear back from HR that he has been approved. If HR agrees that he meets the qualifying reason #4, Robert would code 24 hours (3 days) as “FF-PSL-FAM” (EPSL). Robert will mark his other 56 hours as he would normally (7 days). As always, the total number of hours recorded in ADP should be 80.

4. Sam is a full-time (80 hours per pay) non-exempt (hourly) staff member who is working from home. They are able to work from home eight hours a day, as they normally would; however, they have been given enough of their regular work from their supervisor for only five hours of work each day. For the other three hours each day, Sam is helping the Finance Department with processing accounts payable.

Sam does not currently qualify for EPSL. They should code the 50 hours they work as they would normally in their timecard. They should code the 30 hours they were working for the Finance Department as “EMERGENCY.” As always, the total number of hours recorded in ADP should be 80.

5. Julia is a part-time (20 hours per pay) non-exempt (hourly) staff member who normally works 10 hours per week. She tests positive for COVID-19 and her medical provider informs her that she must quarantine for 14 days. She is unable to work (either in-clinic or at home) as she rests and recovers.

Julia will first email sickleave@hchmd.org with the required details in order to be approved for federal sick leave. She will wait to hear back from HR that she has been approved. If HR agrees that Julia meets qualifying reason #1, Julia would mark her 20 hours in ADP as “FF-PSL-EE.”

Julia should also reach out to The Hartford to discuss regular FMLA and short-term disability (STD). (The Hartford: 1-888-301-5615 or <https://abilityadvantage.thehartford.com>)

6. Jared is a full-time (80 hours per pay) exempt medical provider working in-clinic. He is unable to secure full-time child care for his two young children because of COVID-19, which that means he must stay home and be the primary caregiver from 8 a.m. -12 p.m., Mondays - Fridays.

Jared will first email sickleave@hchmd.org with the required details in order to be approved for EPSL. He will wait to hear back from HR that he has been approved. If HR agrees that Jared meets the criteria for qualifying reason #4, Jared would mark the four-hour blocks of time that he is caring for his children (total of 40 hours) as “FF-PSL-FAM.”

Jared should also reach out The Hartford to discuss applying for E-FMLA. (The Hartford: 1-888-301-5615 or <https://abilityadvantage.thehartford.com>)

For more information on the Act, please see: [HTTPS://WWW.DOL.GOV/AGENCIES/WHD/PANDEMIC.](https://www.dol.gov/agencies/whd/pandemic)

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| <p>If you have questions, please contact Human Resources at sickleave@hchmd.org. A member of the HR department will get back to you promptly.</p> |
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