



To: OEA Members  
From: Adam Arms, OEA General Counsel  
Date: March 31, 2020  
Subject: Emergency leave; Families First Coronavirus Response Act (“FFCRA”)

---

Recent federal legislation<sup>1</sup> may provide you with emergency paid leave for certain reasons related to the current COVID-19 crisis.

### **Eligibility**

You may be eligible for leave benefits if you are a public employee, including a public school employee, who has been employed for at least 30 days and are unable to work (or work remotely) because you are quarantined or symptomatic, you are caring for someone for those reasons, or you are caring for a son or daughter<sup>2</sup> (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.<sup>3</sup>

### **Eligibility Period**

The law is set to go into effect **on April 1**, and expires on December 31, 2020.

### **Benefits**

You may be eligible for:

- **Two weeks (80 hours for full-time employees) of emergency sick leave<sup>4</sup>** compensated at 100% of the employee’s pay rate, up to a cap of \$511 daily and \$5,110 total, for the employee’s own quarantine or to seek a diagnosis or preventative care for coronavirus, or at 2/3 pay with a cap of \$200 daily and \$2,000 total to care for a family member for such purposes or to care for a child whose school has closed or whose child care provider is unavailable due to the coronavirus; and
  - **Up to an additional 10 weeks of expanded family and medical leave** compensated at 2/3 of the employee’s regular rate of pay, based on the number of hours the employee would otherwise normally be scheduled to work, capped at \$200 per day and \$10,000 total, 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.
- The 80 hours of emergency sick leave is in addition to any leave you already have.

### **How to trigger FFCRA leave (once the law is enacted) if you need it<sup>5</sup> and believe you are eligible:**

Contact your employer and notify them that you are requesting emergency sick leave under the FFCRA because you are unable to work or telecommute due to one of the COVID-19 crisis-related reasons above.

For more information from the DOL: <https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

---

<sup>1</sup> Families First Coronavirus Response Act (“FFCRA”)

<sup>2</sup> “Son or daughter,” as under the FMLA, includes a biological, foster, or adopted child, stepchild, a child of a domestic partner, a legal ward, or the child of a person standing *in loco parentis*, under 18 years of age.

<sup>3</sup> Employers of health care providers and emergency responders may elect to exclude such workers from these emergency paid sick leave requirements.

<sup>4</sup> Part-time employees are entitled to the number of hours they ordinarily work on average over a 2-week period; for part-time employees with a variable schedule, leave is calculated based on the number of hours the employee was scheduled per day over the previous 6-month period.

<sup>5</sup> Note: your employer may provide fully paid administrative leave in this situation, in which case you are likely better off taking administrative leave rather than FFCRA emergency sick leave. Consult with your Association if you have questions about whether administrative leave is an option for you.