Families First Coronavirus Response Act ("FFCRA")

Frequently Asked Questions
Updated – February 11, 2021

1. **What is the FFCRA?**
The Families First Coronavirus Response Act (FFCRA) includes the new federal Emergency Paid Sick Leave Act (EPSLA) and the new federal Emergency Family and Medical Leave Expansion Act (EFMLEA), which requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. The FFCRA provisions expired on December 31, 2021, but the university has voluntarily opted to continue the EPSLA provision through March 31, 2021.

The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the paid leave provisions, and the agency website remains the best source of information related to the FFCRA. For more information, please go to the agency’s website at [https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave](https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave).

2. **What is the university’s notice requirement under the FFCRA?**
The Act requires the university to post in a conspicuous place a notice, approved by the Secretary of Labor. This requirement can be satisfied by emailing or mailing the notice to current employees. The notice has been emailed to all employees by each campus in order to meet this requirement.

3. **What is the effective date of the FFCRA?**
The paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020 and March 31, 2021.

4. **Who is not eligible for leave under the FFCRA?**
Employees who are out on an unpaid leave, such as a furlough, temporary layoff or permanent layoff are not eligible for leave under the FFCRA.

5. **What does an employee need to submit in order to apply for benefits under the FFCRA?**
The university may require the employee to submit appropriate documentation to verify their need for either type of leave. Such documentation includes quarantine or isolation orders or doctor’s recommendations. An employee who is eligible for benefits under the FFCRA should reach out to Lori Sullivan in Human Resources at lori.sullivan@umb.edu

6. **Is paid leave under the FFCRA taxable?**
Yes, the paid leave is taxable.
7. **How does an employee report their time when using the FFCRA and how will it appear on the pay advice?**

Employees that are using FFCRA will not be entering their own time. Time entry will be handled through the HR/Payroll department. Employees will see the following codes and descriptions on the pay advice.

- EPS - Emergency Paid Sick Leave (Full)
- EP2 - Emergency Paid Sick Leave (Reduced)

**Emergency Paid Sick Leave Act (“EPSLA”)**

1. **Who is eligible for paid sick leave under the EPSLA?**

   All employees, regardless of how long they have been employed, are eligible for emergency paid sick leave. Employees will be eligible if they are unable to work (or telework) because:

   1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
   2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
   3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
   4. The employee is caring for an individual who is subject to paragraphs (1) or (2).

2. **How long is the leave under the EPSLA?**

   The leave under EPSLA provides for two weeks of paid sick leave: eighty (80) hours for full-time employees; and for part-time employees, the number of hours equal to the average that such employee works in a two-week period.

3. **Can an employee take emergency paid sick leave intermittently?**

   Yes, for teleworking employees; but only in full-day increments and only if the employee is unable to telework their normal schedule of hours, due to one of the qualifying reasons in the EPSLA.

   For employees still working at their usual worksite and not teleworking, this type of paid sick leave may NOT be taken intermittently. Again, all intermittent use of time must be in full-day increments. Once an employee begins taking paid sick leave for one of the other qualifying reasons, the employee must continue to take paid sick leave each day until they either (1) use the full amount of paid sick leave; or (2) no longer have a qualifying reason for taking paid sick leave.
4. **At what rate of pay must the university provide paid sick leave under the EPSLA?**
   Employees must be paid at their regular rate of pay or state/federal minimum wage, whichever is more, up to $511/day and $5110/total for first 3 reasons above; and 2/3 of their regular rate of pay up to $200/day and $2000/total for reason #4.

5. **Can an employee use accrued paid time off to supplement the daily rate?**
   No, an employee cannot use accrued paid time off to supplement the daily rate.

6. **How much notice does an employee have to give to take emergency paid sick leave?**
   The employee must follow their department’s notice provisions in order to receive such paid sick time.

7. **Does any unused paid sick leave under the EPSLA carry over from one year to the next?**
   No, unused paid sick leave does not carry over.

8. **Do employees have to use other forms of paid leave before using this type of leave?**
   No, the EPSLA leave benefits are in addition to whatever paid sick leave the university already provides under any state or local law, collective bargaining agreement, or policy.

9. **How does the EPSLA work with regard to collective bargaining agreements, or other state or local requirements?**
   Nothing under the EPSLA shall diminish the rights or benefits otherwise provided under federal, state or local law; under any collective bargaining agreements; or any existing university policy.

10. **If an employee leaves their employment, must the university pay them out for any unused sick time benefit under the EPSLA?**
    No. The EPSLA does not require any reimbursement to an employee for unused paid sick time upon the employee’s termination, resignation, retirement, or other separation from employment.

11. **Are there prohibited acts by an employer under the EPSLA?**
    Yes, it is unlawful for the university to discharge, discipline, or in any other manner discriminate against any employee who (i) takes leave in accordance with the EPSLA; and (ii) has filed a complaint or caused to be instituted any proceeding under, or related to EPSLA, or has testified or is about to testify in any proceeding. Enforcement for failure to pay sick leave or unlawful termination will be pursuant to the Fair Labor Standards Act.

12. **Where should an employee go to get additional information about the FFCRA?**
    For more information about the FFCRA, please go to the Department of Labor’s website at https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave.

For additional information about how the FFCRA pertains to UMass employees please contact Lori Sullivan in human resources at lori.sullivan@umb.edu.