



Updated March 25, 2020

Families First Coronavirus Response Act (FFCRA) and School Employees

On March 18, the federal government enacted the *Families First Coronavirus Response Act* (effective April 1, 2020). This bill includes:

1. Emergency Family and Medical Leave Expansion Act
2. Emergency Paid Sick Leave

Emergency Family and Medical Leave (FMLA) Expansion Act

The FFCRA provides up to 12 weeks of job-protected leave for employees who are unable to work (including telework) due to specific reasons related to COVID-19.

Covered Employers

A covered employer includes private employers with fewer than 500 employees and most public employers; school districts **are** covered employers.

Eligible Employees

An eligible employee is one who has been employed by a covered employer for at least 30 days prior to the leave.

Leave and Pay Entitlement

The Emergency FMLA Leave Expansion Act requires covered employers to provide leave and pay to eligible employees, who are providing care for a minor child(ren) because of school or other childcare closures for reasons related to COVID-19 as follows:

- The first 10 days an employee takes Emergency FMLA Leave may be unpaid. An employee may elect to use available paid time off (e.g., sick leave, personal leave, vacation, etc.); however, an employee cannot be required to use such available paid time off.

These materials are for informational use only and are not to be construed as legal advice. If legal advice is needed, the school district's legal counsel should be contacted. While current at the time it was created, this document may be later superseded by legislative or other action.



- After the first 10 days an employee takes Emergency FMLA Leave, the covered employer is required to provide paid leave for the remainder of the leave, up to 10 weeks. The paid leave must be equal to at least two-thirds the employee's regular rate of pay for the number hours the employee would otherwise normally be scheduled to work. The paid leave is not to exceed \$200 per day and \$10,000 in the aggregate.

Job Restoration

Generally, employers are required to restore employees to the jobs they had prior to taking leave.

Emergency Paid Sick Leave Act

This Act provides paid leave for employees who are unable to work (including telework) due to specific reasons related to COVID-19.

Covered Employers

School districts **are** covered employers.

Eligible Employees

All employees (even new employees) of the covered employer are eligible for two weeks of paid sick time for specified reasons related to COVID-19. *Employees employed for at least 30 days* are eligible for up to an additional 10 weeks of paid family leave to care for a child under certain circumstances related to COVID-19.

Leave and Pay Entitlement

Employers must provide 2 weeks (up to 80 hours) of paid sick leave as follows:

Full-time Employees

- **Employee's regular rate of pay** (up to \$511/day) when the employee is unable to work due to
 - self-quarantine (pursuant to a government order or health care provider advice);
 - to seek a diagnosis or preventive care; or
 - to receive treatment for COVID-19

These materials are for informational use only and are not to be construed as legal advice. If legal advice is needed, the school district's legal counsel should be contacted. While current at the time it was created, this document may be later superseded by legislative or other action.



- **Two-thirds of the full-time employee's regular rate** of pay (up to \$200/day) when the full-time employee must care for
 - an individual subject to quarantine
 - an at-risk family member adhering to a requirement or recommendation to quarantine due to exposure to or symptoms of COVID-19;
 - a child whose school or childcare provider is closed due to COVID-19; or
 - other substantially similar conditions as specified by the U.S. Secretary of Health and Human Services.

Part-time Employees

- **Part-time employee's regular rate of pay for the average** (the average number of hours worked in a typical two-week period up to \$511/day) when the employee is unable to work due to
 - self-quarantine (pursuant to a government order or health care provider advice);
 - to seek a diagnosis or preventive care; or
 - to receive treatment for COVID-19
- **Two-thirds of the part-time employee's average number of hours they work in a typical two-week period at two-thirds of their typical pay** (up to \$200 per day) when the part-time employee must care for
 - an individual subject to quarantine
 - an at-risk family member adhering to a requirement or recommendation to quarantine due to exposure to or symptoms of COVID-19;
 - a child whose school or childcare provider is closed due to COVID-19;
 - or other substantially similar conditions as specified by the U.S. Secretary of Health and Human Services.

These materials are for informational use only and are not to be construed as legal advice. If legal advice is needed, the school district's legal counsel should be contacted. While current at the time it was created, this document may be later superseded by legislative or other action.



Sequencing of Paid Leave

An eligible employee may use Emergency Paid Sick Leave before employer-provided paid leave and must not be required to exhaust all employer-provided leave before using Emergency Paid Sick Leave.

Emergency Paid Sick Leave does not carry over to 2021 and does not need to be paid out upon an employee's termination.

Posting Requirements

The federal Secretary of Labor, within 7 days of enactment of the Act, shall make available a [model notice](#) that employers must post in conspicuous places on their premises.

Tax Credit:

As of today, the tax credit for the paid leave is not available to school districts.

Effective Dates

The Emergency FMLA Leave Act and Emergency Paid Sick Leave Act are both effective April 1, 2020, through December 31, 2020.

Additional Employment-Related Resources

U.S. Department of Labor Coronavirus Resources

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

<https://www.dol.gov/coronavirus>

U.S Equal Employment Opportunity Commission

Pandemic Preparedness in the Workplace and the Americans with Disabilities Act (ADA)

https://www.eeoc.gov/facts/pandemic_flu.html

What You Should Know About the ADA, the Rehabilitation Act, and COVID-19

https://www.eeoc.gov/eeoc/newsroom/wysk/wysk_ada_rehabilitaion_act_coronavirus.cfm

Minnesota Department of Labor and Industry

<http://www.dli.mn.gov/updates>

Minnesota Unemployment Insurance

<https://www.uimn.org/employers/employer-account/news-updates/covid-19.jsp>

These materials are for informational use only and are not to be construed as legal advice. If legal advice is needed, the school district's legal counsel should be contacted. While current at the time it was created, this document may be later superseded by legislative or other action.