Families First Coronavirus Response Act Employee Fact Sheet

Updated April 17, 2020

This new regulation has been implemented to support employees and families during the COVID-19 pandemic. This Fact Sheet provides an overview of the provisions included in the bill. If you have specific questions, please email HR at hr@ubalt.edu and a member of our staff will follow up with you.

* Effective April 1, 2020 – December 31, 2020
* Two primary leave provisions:
	+ **Emergency Paid Sick Leave (EPSL)**
	+ **Expanded Family Medical Leave (EFMLA)**
* Applies to all employees

**EPSL** provides up to 80 hours (pro-rated by FTE) of paid sick leave for the following reasons:

* + Employee is unable to work because they are quarantined, and/or experiencing COVID 19 symptoms and is seeking a medical diagnosis
	+ Employees receive regular rate of pay up to a maximum $511 / day
	+ Employees do not have to use their own leave before using EPSL
	+ Employee is unable to work because they are caring for an individual who is quarantined, or to care for a child whose school or daycare is closed due to COVID 19
	+ Employees receive 2/3 regular rate of pay up to a maximum of $200 / day
	+ Employees do not have to use their own leave before using EPSL
	+ UB permits employees to use their own accrued leave to supplement the 2/3 pay in order to receive full pay. This is referred to as “top off pay”.

EPSL can only be used for hours an employee was scheduled to work. It cannot be used to supplement reduced hours of work.

**Expanded FMLA** extends FMLA eligibility and income protection to employees who need to provide childcare because their child’s school or paid day care is closed due to COVID 19. EFMLA provides twelve weeks of job protected leave.

* The first two weeks of EFMLA are unpaid.
	+ An employee who has not used the paid sick leave provided under EPSL may use EPSL during this time. EPSL is paid at 2/3 pay up to $200/day. An employee can use accrued leave to supplement the additional 1/3 pay for these two weeks.
	+ An employee who has used EPSL can use accrued leave during the first two weeks of EFMLA.
	+ If an employee has used EPSL and does not have accrued leave, the two weeks will be unpaid.
* EFMLA assures paid leave for up to 10 weeks (400 hours if full time, pro-rated by FTE). The paid leave assurance will be provided as follows:
	+ Accrued leave available to the employee must be used
	+ An employee who does not have leave available or who exhausts leave during the period of EFMLA will be paid at a rate equal to 2/3 the employee’s regular rate of pay up to a maximum of $200 / day.
* UB permits employees to take this leave intermittently if the employee chooses to do so.
	+ Employees using accrued leave may take intermittent leave in full or partial-day increments
	+ Employees receiving 2/3 pay may only take intermittent leave in full-day increments
	+ Intermittent leave allows an employee to extend the EFMLA beyond 12 calendar weeks by reducing the number of hours used each week. An employee utilizing intermittent leave would work part-time and use EFMLA part-time.
* Because this is FMLA, the cap of 12-weeks over a 12-month period remains
	+ Employees who have used FMLA in last 12 months will have reduced time available under EFMLA
	+ Employees who use EFMLA will have reduced time available in the next 12 months for other FMLA events
* Employees must have worked at UB for 30 days to be eligible
* EFMLA may only be used for scheduled work hours.

**How to Request Leave:**

* Complete the COVID-19 Emergency Paid Leave and Expanded FMLA Form
* Indicate if you want to use EPSL for the first two weeks
	+ If so, confirm if you will use accrued leave to supplement 2/3 pay
* The form is routed to the supervisor and then to OHR
* Unlike traditional FMLA, this request does not require medical certification
	+ Note: all other FMLA requests still require the usual FMLA forms and medical certification
* Once OHR receives the form, a staff member will contact you to confirm your benefit and use of accrued leave (if applicable).

**Timekeeping:**

HR and OTS are working on a solution that will allow us to use the PeopleSoft timesheet to accurately record this leave and pay appropriately. Due to the complexity of the legislation, the solution may take some time to finalize. When OHR receives a request form, OHR will identify the hours / leave codes that should be used on the timesheet. Updated communication will be sent when a timesheet solution is finalized.