

Families First Coronavirus Response Act

Frequently-Asked Questions

April 10, 2020

4/10/20	<p>Q: What is the effective date of the Families First Coronavirus Response Act (FFCRA), which includes the Emergency Paid Sick Leave Act and the Emergency Family and Medical Leave Expansion Act?</p> <p>A: The FFCRA’s paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.</p>
4/10/20	<p>Q: What employers are covered?</p> <p>A: The paid sick leave and expanded Family and Medical Leave provisions of the FFCRA apply to private employers with fewer than 500 employees and to certain public employers.</p>
4/22/20	<p>Q: Are State of Iowa agencies required to provide these provisions?</p> <p>A: Yes. Certain State of Iowa agencies are excluded based on the nature of the business that includes health care providers and emergency responders.</p>
4/10/20	<p>Q: As an employee of a State of Iowa agency, am I eligible to receive paid leave under these acts?</p> <p>A: All employees, except health care providers and emergency responders, are eligible under the Emergency Paid Sick Leave Act and employees who have been on the payroll for 30 days are eligible for the Emergency Family and Medical Leave Expansion Act.</p>
4/10/20	<p>Q. Are temporary or seasonal workers eligible for Emergency Paid Sick Leave (EPSL) or expanded FMLA?</p> <p>A: Temporary or seasonal workers who are scheduled to work and cannot work or telework because of COVID-19 are eligible.</p>
4/10/20	<p>Q: Who is considered a healthcare provider or an emergency responder?</p> <p>A: For the purposes of the FFCRA, the Department of Labor has expanded their guidance on who is considered a healthcare provider or an emergency responder. Certain State of Iowa agencies have excluded their employees. If you are uncertain if your position has been excluded, please contact your supervisor.</p>

<p>4/10/20</p>	<p>Q: How do I know whether I have “been employed for at least 30 calendar days by the employer” for purposes of expanded Family and Medical Leave?</p> <p>A: You are considered to have been employed for at least 30 calendar days if you have been on payroll for the 30 calendar days immediately prior to the day your leave would begin. For example, if you want to take leave on April 1, 2020, you would need to have been on payroll as of March 2, 2020.</p> <p>If you had been working as a temporary employee, and subsequently are hired on a full-time basis, you may count any days you previously worked as a temporary employee toward this 30-day eligibility period.</p>
<p>4/10/20</p>	<p>Q: Who can apply for these provisions?</p> <p>A: Employees who are unable to work or telework for COVID-19 qualifying reasons.</p>
<p>4/10/20</p>	<p>Q: What does it mean to be unable to work, including telework, for COVID-19 related reasons?</p> <p>A: You are unable to work if your employer has work for you and one of the COVID-19 qualifying reasons set forth in the FFCRA prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.</p> <p>If you and your employer agree you will work your normal number of hours, but outside of your normally scheduled hours (for instance early in the morning or late at night), then you are able to work and leave is not necessary unless a COVID-19 qualifying reason prevents you from working that schedule.</p>
<p>4/10/20</p>	<p>Q: As an employee, how much will I be paid while taking EPSL or expanded Family and Medical Leave under the FFCRA?</p> <p>A: Under the <i>Emergency Paid Sick Leave Act</i> an employee will receive one of the following:</p> <ul style="list-style-type: none"> ● If an employee is unable to work or telework because the employee is quarantined (pursuant to Federal, State, or local government order, or advice of a healthcare provider), or is experiencing COVID-19 symptoms and seeking a medical diagnosis, the employee will receive two weeks (up to 80 hours) of paid sick leave at the employee’s regular rate of pay. Under these circumstances, you are entitled to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period. ● If an employee is unable to work or telework because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a healthcare provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19, and/or the employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of the Treasury and Labor, the employee will

	<p>receive two weeks (up to 80 hours) of paid sick leave at two-thirds the employee's regular rate of pay. Under these circumstances, you are subject to a maximum of \$200 per day, or \$2,000 over the entire two-week period.</p> <p>Under the <i>Emergency Family and Medical Leave Expansion Act</i> an employee will receive:</p> <ul style="list-style-type: none"> • Up to an additional 10 weeks of paid expanded Family and Medical Leave at two-thirds the employee's regular rate of pay where an employee is unable to work or telework due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. <p>Under these circumstances, you are subject to a maximum of \$200 per day, or \$10,000 over 10 weeks. If you are taking expanded Family and Medical Leave, you may take EPSL for the first 10 days of that leave period. However, you will not receive more than \$200 per day or \$12,000 for the 12 weeks that include both EPSL and expanded Family and Medical Leave when you are on leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.</p>
4/10/20	<p>Q: According to FFCRA, if an employee is unable to work or telework then they can be paid EPSL due to Federal, State or Local Government quarantine order. Will the State of Iowa recognize a shelter-in-place order in lieu of an official quarantine?</p> <p>A: For purposes of the FFCRA, a Federal, State, or local quarantine or isolation order includes quarantine or isolation orders, as well as shelter-in-place or stay-at-home orders, issued by any Federal, State, or local government authority that cause you to be unable to work (or to telework) even though your employer has work that you could perform but for the order. You may not take paid sick leave for this qualifying reason if your employer does not have work for you as a result of a shelter-in-place or a stay-at-home order. In the instance where your employer does not have work for you as a result of a shelter-in-place or a stay-at-home order, please see the question below.</p>
4/10/20	<p>Q: What if my employer does not have work for employees as a result of a shelter-in-place order?</p> <p>A: Employees may not take paid sick leave if the employer does not have work for you as a result of a shelter-in-place or a stay-at-home order (example an employer closes a worksite). Employees may be eligible for unemployment benefits. This is true whether the employer closes the work site for lack of business or because it is required to close pursuant to a Federal, State or local directive. Please note that if the employer is paying the employee pursuant to a paid leave policy or State or local requirements, the employee is not eligible for unemployment benefits. Employees are encouraged to contact Iowa Workforce Development (IWD).</p>

<p>4/10/20</p>	<p>Q: May I take 80 hours of EPSL for my self-quarantine and then another amount of EPSL for another reason provided under the Emergency Paid Sick Leave Act?</p> <p>A: No. You may take up to two weeks—or 10 days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours the employee works over a typical two-week period) of EPSL for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.</p>
<p>4/10/20</p>	<p>Q: If I am home with my child because his or her school or place of care is closed, or the child care provider is unavailable, do I get EPSL, Expanded Family and Medical leave, or both—how do they interact?</p> <p>A: You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both EPSL and expanded Family and Medical Leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period covers the first 10 workdays of expanded Family and Medical Leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use LWOP, existing vacation, sick, or other accrued paid leave. After the first 10 work days have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent 10 weeks under the Emergency and Family Medical Leave Expansion Act.</p> <p>Please note you can only receive the additional 10 weeks of expanded Family and Medical Leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.</p>
<p>4/10/20</p>	<p>Q: Am I still eligible if I used Advanced Paid Sick Leave the State of Iowa allowed me to use for a reason identified in the Emergency Paid Sick Leave Act prior to the Act going into effect?</p> <p>A: Yes. The Emergency Paid Sick Leave Act imposes a new leave requirement on employers that is effective beginning on April 1, 2020.</p>
<p>4/10/20</p>	<p>Q: Are the paid sick leave and expanded Family and Medical Leave requirements retroactive?</p> <p>A: No.</p>
<p>4/10/20</p>	<p>Q: Is all leave under the FMLA now paid leave?</p> <p>A: No. The only type of Family and Medical Leave that is paid leave is expanded Family and Medical Leave under the Emergency Family and Medical Leave Expansion Act when such leave exceeds 10 days. This includes only leave taken because the employee must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.</p>

<p>4/10/20</p>	<p>Q: Will my leave entitlement of 12 weeks under the Emergency Family and Medical Leave Expansion Act be affected by any leave that I have already taken under FMLA?</p> <p>A: Yes, your eligibility for expanded Family and Medical Leave, to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, depends on how much leave you have already taken during the 12-month period that the State of Iowa uses for FMLA leave. The SOI uses the same 12-month period as the fiscal year (July 1 - June 30).</p> <p>You may take a total of 12 work weeks for FMLA or expanded Family and Medical Leave reasons during a 12-month period. If you have taken some, but not all, 12 work weeks of your leave under FMLA during the current 12-month period, you may take the remaining portion of leave available. If you have already taken 12 work weeks of FMLA during this 12-month period, you may not take additional Family and Medical Leave.</p> <p>Please also note that all existing certification requirements under the FMLA remain in effect if you are taking leave for one of the existing qualifying reasons under the FMLA (for example, if you are taking leave for a medical condition not related to COVID-19 reasons).</p>
<p>4/10/20</p>	<p>Q: Will I be eligible to take another 12 work weeks under the Family and Medical Leave Act after July 1, 2020?</p> <p>A: State of Iowa employees are entitled to up to 12 work weeks of FMLA leave in a fiscal year. If you have already taken time under the expanded Family and Medical Leave prior to July to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, you will be eligible to take up to 12 work weeks again in the new fiscal year. However, you will not be eligible for paid leave under this act if you have already been paid the \$10,000 maximum cap. If you have not been paid the full \$10,000, you would be eligible for the difference between what you have already been paid and the \$10,000 maximum cap.</p>
<p>4/10/20</p>	<p>Q: How do I report my need for EPSL or expanded Family and Medical Leave under the FFCRA?</p> <p>A: Under the Emergency Paid Sick Leave Act, State of Iowa agency employees should report the need to their supervisor or agency Human Resources. You will be asked to complete a form to designate the reason for your leave. Your agency will track this usage.</p> <p>Under the Emergency Family and Medical Leave Expansion Act, State of Iowa agency employees should file a claim with the Reed Group and report the need to their supervisor. You will be asked to provide documentation.</p>
<p>4/10/20</p>	<p>Q: What documents do I need to give my employer to get EPSL or expanded family and medical leave?</p> <p>A: You are entitled to EPSL if you are unable to work or telework due to a qualifying reason related to COVID-19. DAS has created a form you will complete to designate your reason for leave and you may need to submit documentation in support of the reason for</p>

	<p>your EPSL that may include a copy of the Federal, State, or local quarantine or isolation order related to COVID-19 or written documentation by a health care provider advising you to self-quarantine due to concerns related to COVID-19. Your agency will retain this form and documentation in support of the emergency paid sick leave.</p> <p>The Reed Group will ask you a series of questions related to your need for expanded Family and Medical Leave. The Reed Group will open a leave and send you an electronic form. You will be asked to provide an email address to send this form to. You will complete this form to designate your need for expanded Family and Medical Leave. You will be able to complete this form and acknowledge you are not in an exempt position. A notice will also be sent to the Supervisor and Human Resources for verification of exempt status. You will have 15 days to e-sign and return this form to the Reed Group.</p> <p>In addition to this form, you may be asked to provide documentation in support of your expanded Family and Medical Leave taken to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19-related reasons. For example, this requirement may be satisfied with a notice of closure or unavailability from your child’s school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider. The Reed Group will retain the form and documentation in support of expanded family and medical leave.</p>
4/10/20	<p>Q: May I take EPSL intermittently while working at my usual worksite (as opposed to teleworking)?</p> <p>A: EPSL for qualifying reasons related to COVID-19 MUST be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:</p> <ul style="list-style-type: none"> ● You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19. ● You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19. ● You are experiencing symptoms of COVID-19 and seeking a medical diagnosis. ● You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19. ● You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services. <p>You must continue to take EPSL each day until you either (1) use the full amount of EPSL, or (2) you no longer have a qualifying reason for taking EPSL. This limit is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent of FFCRA is to provide such EPSL as necessary to keep you from spreading the virus to others.</p> <p>If you no longer have a qualifying reason for taking EPSL before you exhaust your EPSL, you may take any remaining EPSL at a later time, until December 31, 2020, if another qualifying reason occurs.</p>

	<p>Please Note - The State of Iowa will allow you to take EPSL intermittently if you are taking it to care for your child whose school or place of care is closed, or whose child care provider is unavailable, because of COVID-19 related reasons. For example, if your child is at home because his or her school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you may take EPSL on Mondays, Wednesdays, and Fridays to care for your child, but work at your normal worksite on Tuesdays and Thursdays.</p>
4/10/20	<p>Q: May I take my EPSL or expanded Family and Medical Leave intermittently while teleworking?</p> <p>A: The State of Iowa will allow it if you are unable to telework your normal schedule of hours because you need to care for your child whose school or place of care is closed, or the child care provider is unavailable, because of COVID-19 related reasons. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you and your employer may agree that you can take expanded family medical leave intermittently while teleworking.</p>
4/10/20	<p>Q: May I take my expanded Family and Medical Leave intermittently while my child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?</p> <p>A: Yes, the State of Iowa will allow this. Intermittent expanded Family and Medical Leave should be permitted only when you and your employer agree upon such a schedule. For example, if your employer and you agree, you may take expanded Family and Medical Leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.</p>
4/10/20	<p>Q: What increments of intermittent leave may I use?</p> <p>A: Intermittent leave can be taken in minutes, hours, days, or weekly increments. For example, if you agree on a 90-minute increment, you could telework from 1:00 p.m. to 2:30 p.m., take leave from 2:30 p.m. to 4:00 p.m., and then return to teleworking.</p>
4/22/20	<p>Q: May I supplement my own paid leave with the EPSL and/or the expanded Family and Medical Leave?</p> <p>A: You can continue to use LWOP for the unpaid one-third portion EPSL of Expanded Family and Medical Leave. The State of Iowa, however, agrees to allow you to supplement the amount you receive from paid sick leave with pre-existing paid leave, up to your normal earnings.</p>

04/22/2020	<p>Q: If I want to save my vacation for later do I need to complete a leave retention form?</p> <p>A: Employees may request unpaid leave in accordance with DAS-HRE administrative rules. A leave retention form is not necessary if leave is taken for COVID-19 reasons.</p>
04/22/2020	<p>Q: How will sick and vacation accruals be affected by EPSL?</p> <p>A: Use of EPSL is considered for accrual purposes, even if it is paid at two-thirds pay. For example, you use a full day of EPSL on your timesheet but two-thirds is paid and one-third is unpaid, you still get accruals based off of a full day.</p>
04/22/2020	<p>Q: Is a return to work form required if I have taken EPSL or expanded Family Medical Leave?</p> <p>A: Once the EPSL has begun, the employee and his or her supervisor must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive EPSL and/or return to work</p> <p>On a basis that does not discriminate against employees on expanded Family and Medical leave, State of Iowa agencies may require an employee to report periodically on the employee's status and intent to return to work.</p>