



Date: April 23, 2020

To: All Department Heads and Administrative Officers

From: Alejandrina Basquez, Director of Human Resources

Subject: **Information Regarding Families First Coronavirus Response Act (FFCRA)**

In response to the COVID-19 pandemic and its impact on the nation’s workforce, the Families First Coronavirus Response Act (FFCRA) was signed into law, effective April 1, 2020, through December 31, 2020.

FFCRA entitles eligible employees up to 80 hours of emergency paid sick leave and up to 12 weeks of expanded Family Medical Leave Act (FMLA) leave, if the employee is unable to work or telework as outlined below.

Public Health Emergency Paid Sick Leave Provisions under FFCRA

All employees who are actively working, including Emergency and Health Care Responders, are entitled to up to 80 hours (this amount will vary based on the employee’s job status and actual need for leave) of paid leave if unable to work or telework because the employee is:

1. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19	4. Employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)
2. Employee has been advised by a health care provider to self-quarantine related to COVID-19	5. Employee is caring for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19 related reasons
3. Employee is seeking medical diagnosis for COVID-19 symptoms	6. Employee is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services

Permanent full-time and temporary full-time employees who are actively working for the City qualify for up to 80 hours of Emergency Paid Sick Leave (EPSL). Permanent Part-time and Seasonal/Temporary Part-Time employees who are actively working for the City qualify for a prorated number of EPSL up to the number of hours that they work on average over a two-week period. There is no length of employment required for an active City employee to qualify for EPSL leave.

The City will pay EPSL based on the employee’s regular rate of pay, which is beyond what the federal legislation has mandated in terms of the daily salary caps of \$511 for items 1-3; and \$200 for items 4-6. Part-time employees eligible for the leave will be paid based on prorated amounts. All eligible employees may take EPSL and use it prior to using other available leave time.

Expanded Family Medical Leave Act Provision under FFCRA

The expanded FMLA (EFMLA) provision allows all eligible employees who have been employed for at least 30 days to take up to 12 weeks of emergency leave if they are unable to work or telework because they need to care for their child under 18 years of age, as follows:

- If their child's school or place of care has been closed due to COVID-19; or
- If their child care provider is unavailable due to COVID-19.

EFMLA leave provides employees with up to two weeks (10 days) of unpaid or paid leave (employees can use leave accruals or the FFCRA Emergency Paid Sick Leave for this portion of the leave), followed by up to ten weeks of EFMLA, paid at two-thirds of the regular rate of pay, up to \$200 per day (maximum of \$10K).

If the employee has exhausted or used any portion of FMLA prior to requesting EFMLA under the new law, please note that the FFCRA does not provide an employee with an additional 12 weeks of FMLA leave.

The City has worked with each department to determine which employees can telework during the pandemic. While telework is a more beneficial option to maintain an employee's full salary vs. EFMLA, there are some employees who may not be able to telework. However, leave options should be discussed with the supervisor or Administrative Officer.

Who is Eligible for Leaves under FFCRA?

Employees qualify for up to 80 hours of EPSL leave whether they are Permanent Full-Time, Permanent Part-Time, Temporary Full-Time, Temporary Part-Time, and Seasonal Part-Time (includes Rehired Annuitants) who are actively working for the City, and there is no length of employment requirement. The same eligibility criteria are applicable to EFMLA, except for the following:

- The employee must be employed for at least 30 days prior to requesting EFMLA; and
- Emergency and Health Care Responders are ineligible for EFMLA, as defined in the law.

Please note the following definitions from the Department of Labor (DOL) [FFCRA FAQ](#) questions 56 and 57:

Emergency Responder: "For the purposes of Employees who may be excluded from...Expanded Family and Medical Leave by their Employer under the FFCRA, an emergency responder is anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as

well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.”

Health Care Responder: “...under the FFCRA, a health care provider is anyone employed at any doctor’s office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.”

COVID-19 Paid Leave Program for Work Exposures

The City implemented the COVID-19 Paid Time Off Leave Program as part of a strategic effort to minimize the risk of potential employee exposure, illness, and the spread of COVID-19, for work exposure of COVID-19 occurring on or after March 16, 2020.

Leave Requests under this Program for incidents occurring on or after April 1, 2020, will be processed under the Emergency Paid Sick Leave provision of FFCRA. Consequently, the COVID-19 Paid Time Off Leave Program is eliminated as of March 31, 2020.

Employees approved for the COVID-19 Paid Time Off Leave Program are still eligible for up to 80 hours of EPSL as a separate entitlement effective April 1, 2020.

Process for Approval of FFCRA Paid Leaves

1. Employees requesting either the Emergency Paid Sick Leave (EPSL) or Expanded FMLA (EFMLA) must complete the FAMILY FIRST CORONAVIRUS RESPONSE ACT (FFCRA) REQUEST FORM (attached) and submit it to their supervisor/manager. The completed forms should then be submitted to the department’s Administrative Officer (AO), for review and submittal to Human Resources (HR).
2. The HR designee will review the request and documentation. The City-Wide Return to Work Coordinator will communicate approval and/or denial of the request to the AO via e-mail.
 - For Emergency Paid Sick Leave (EPSL) related to work exposure, employees must complete the DWC-1 form. The department’s AO must notify their Worker’s Compensation Claims Examiner and provide a detailed e-mail or memo with incident details to the City’s HR department.
4. Once approved, the AO will notify the employee/PPA to use the appropriate pay code on their time card.
 - The code should not be utilized until the department receives written approval. This information will be tracked and reviewed every pay period.

Coding FFCRA Leaves in HRMS

The current “VL” pay code previously used for the COVID-19 Paid Leave Program will now be used for coding approved FFCRA Emergency Paid Sick Leave on employees’ timesheets.

Coding instructions for the EFMLA are pending further development, and will be forwarded to the Administrative Officers and the Payroll/Personnel Assistants (PPAs) in a separate communication.

CalPERS Treatment of FFCRA Paid Sick Leave

All hours paid to employees for paid sick leave or EFMLA will be reported to CalPERS and will also count toward determining whether an employee meets the 1,000 hours of employment needed for membership for part-time, seasonal employees.

Employee Communications for FFCRA

The attached DOL notice regarding the FFCRA should be posted throughout the workplace in all City departments, in addition to the COLB Employee Communication which provides information on how the City will administer the FFCRA Leaves.

To assist employees with FFCRA Leave Requests, the “Process for Approval of FFCRA Leaves” document has been developed for distribution with the FFCRA Leaves Request form. These documents will also be placed on the dedicated COVID-19 website under “Employee Communications” at: www.longbeach.gov/hr/covid-19.

FFCRA Leave Contacts

For your convenience, we have embedded a list of department contacts below. If departments have questions, please note the following contacts list by topic:

Topic	Contact Name	E-mail	Telephone Number
FFCRA Leaves	Claudia Chilin Return to Work Coordinator	Claudia.Chilin@longbeach.gov	562.570.6523
FFCRA pay codes	Stephanie Kemp	Stephanie.Kemp@longbeach.gov	562.570.6443
Workers’ Compensation	Assigned Claims Examiner	Refer to Workers’ Comp Contacts	562.570.2245

Questions related to this document can be directed to Michelle Hamilton, Human Resources Officer - Benefits and Return to Work at: michelle.hamilton@longbeach.gov or 562.570.6371.

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Attachments

CC:
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