**The University of Akron**

**Families First Coronavirus Response Act (The Act) FAQs**

***Please note the Families First Coronavirus Response Act is effective April 1, 2020 through December 31, 2020***

# What are the benefits provided by the Families First Coronavirus Response Act?

There are two primary benefits offered by the Families First Coronavirus Response Act;

Emergency Paid Sick Leave

Full-time employees are eligible for eighty (80) hours of Emergency Paid Sick Leave. The amount of Emergency Paid Sick Leave provided to part-time employees is prorated based on the average number of hours regularly worked in a two (2) week period. If the part-time employee’s hours vary, the average is computed using a six (6) month period.

The payment amount for the Emergency Paid Sick Leave is the employee’s regular rate of pay but is capped at $511 per day ($5,110 per employee total) if you are caring for yourself. Payment is at 2/3 of the employee’s regular rate of pay capped at $200 per day ($2,000 per employee total) if the employee is caring for another individual.

Family Medical Leave Act Expansion

There is one new qualifying event added with the FMLA expansion. An employee is eligible if they are unable to work or telework, due to a need to care for his or her child (who is under 18 years of age) because the child’s school or place of care has been closed, or the childcare provider is unavailable, due to the public health emergency.

After 10 days, employees will receive 2/3 of their regular rate of pay up to $200 per day for up to 10 weeks (not to exceed $10,000). The first 10 days of the FMLA expansion are unpaid; however, an employee may use Emergency Paid Sick Leave, or their University accrued leave for those 10 days.

# Are employees required to provide documentation/verification in order to be approved for Emergency Paid Sick Leave or FMLA expansion?

Depending on the type of leave and the reason for the use, the University may require certain types of documentation from a physician or public agency. Contact Human Resources for more information.

# Emergency Paid Sick Leave

1. **Who is eligible for Emergency Paid Sick Leave?**

All employees of the University are eligible for the Emergency Paid Sick Leave.

# What are the qualifying reasons for using the Emergency Paid Sick Leave?

The Act provides for six qualifying reasons:

1. The employee is subject to a federal, state, or local quarantine or isolation order.
2. The employee is advised by a healthcare provider to self-quarantine.
3. The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to an order or advised by a provider to self-quarantine.
5. The employee is caring for his/her child because the school or place of care is closed, or the childcare provider is unavailable.
6. The employee is experiencing any other substantially similar conditions as specified by the Secretary of Health and Human Services.

# Is the Emergency Paid Sick Leave in addition to the University provided leave benefits that employees currently accrue?

Yes. The Emergency Paid Sick Leave is in addition to any sick leave or other leaves the employee earns.

# May the University require employees to use other paid leave before using the Emergency Paid Sick Leave?

No. The University cannot require employees to use University provided paid leave before using the Emergency Paid Sick Leave. Employees choose when to use the Emergency Paid Sick Leave.

For example, an employee who chooses to exhaust the Emergency Paid Sick Leave first, may then use the sick leave accrued under the University’s leave program in order to cover an absence.

Alternatively, an employee may choose to use their University accrued sick leave first since there are no monetary caps on the University accrued sick leave.

Human Resources staff are available to discuss appropriate leave options with employees depending on an employee’s specific circumstances and continues to follow standard University policies regarding the utilization of other paid leaves.

# May an employee use University accrued sick leave to supplement Emergency Paid Sick Leave if they reach the monetary cap?

No. Employees may not use University accrued leave to supplement Emergency Paid Sick Leave monetary caps.

# If the Emergency Paid Sick Leave is not fully used by an employee, will the employee be able to carry over the hours into the next calendar year?

No. If the Emergency Paid Sick Leave is not used by an employee, the leave does not carry over into calendar year 2021. The Act expires on December 31, 2020 and any remaining Emergency Paid Sick Leave expires.

#  Family Medical Leave Act Expansion

# Who is eligible for the new qualifying event under the Family and Medical Leave Act Expansion?

An employee must have been employed for just 30 calendar days. This is different from the requirements under existing FMLA provisions which require the employee to have been employed for a year and worked at least 1,250 hours.

# Does the new qualifying event under the FMLA expansion apply to disabled dependent children over 18?

Yes. The traditional definitions under the Family and Medical Leave Act, which includes coverage for dependent children over the age of 18 incapable of self-care because of mental or physical disability, still applies.

# How much FMLA are employees entitled to under the FMLA expansion?

Eligible employees are entitled to a total of twelve (12) weeks of leave for the qualifying event.

# If an employee has already used some or all their 12 weeks provided by the existing FMLA, does the FMLA expansion add an additional 12 weeks?

No. The Act does not expand an eligible employee’s FMLA entitlement to greater than 12 weeks during any 12-month period regardless of the number of qualifying events an employee experiences. If an employee has otherwise exhausted their 12 weeks of FMLA, they are not entitled to an additional 12 weeks of leave for the new qualifying event.

Human Resources staff are available to discuss appropriate leave options with employees depending on the employees’ specific circumstances and continues to follow standard University policies regarding the utilization of other paid leaves.

# For employees using FMLA expansion, can they use that FMLA on an intermittent basis?

Generally, yes. The FMLA expansion permits an employee to use leave on an intermittent basis so long as the employee collaborates with the employer to establish a schedule that satisfactorily combines the intermittent leave usage, work, and/or teleworking. For example, an employee may have access to childcare two days a week but may need to use leave for the remainder of the week.

# Are the twelve (12) weeks of leave for the new qualifying event paid or unpaid?

The first ten (10) days of FMLA expansion are unpaid. However, an employee may use some combination of their Emergency Paid Sick Leave or other University paid leave during those first 10 days.

After the first ten (10) days, the FMLA expansion is paid subject to the monetary caps. Employees may not use their University accrued leave to achieve their full rate of pay.