



CHARLES COUNTY GOVERNMENT
Department of Human Resources

Families First Coronavirus Response Act (FFCRA)

Guidance Document

Purpose and Statement of this FFCRA Guidance Document

It is the policy of Charles County Government to comply with the requirements of the Federal Families First Coronavirus Response Act (FFCRA). The FFCRA provides employees with Emergency Paid Sick Leave and Emergency Family and Medical Leave Act (EFMLA) Expansion for those affected by the COVID-19 pandemic. The benefits afforded as a result of the FFCRA are in effect from April 1, 2020 through December 31, 2020.

Administration

The Human Resources Department in collaboration with department supervisors will have responsibility for the overall compliance with the FFCRA.

Definitions for FFCRA Purposes

Parent: The biological, adoptive step or foster father or mother or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include “parents-in-law”.

Son or daughter: a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under the age of 18 years of age or who is 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that the EFMLA leave is to commence. The onset of a disability may occur at any age for purposes of the definition of an adult “son or daughter” under the EFMLA.

Spouse: a husband or wife as defined or recognized in the state where the individual was married, including same-sex marriage.

Individual:

- an employee’s immediate family member;
- a person who regularly resides in the employee’s home; or
- a similar person with whom the employee has a relationship that creates an expectation that the employee would care for the person if he were quarantined or self-quarantined.

Emergency Responder (and front facing) Employees: Per the Personnel Policy and Procedures Manual, Chapter 19, essential employees include those employees who are regularly scheduled and employed in County agencies, departments and/or offices whose services are considered necessary at all times under all circumstances (e.g. Dispatchers, Paramedics, EMTs and Water/Wastewater Operators regularly scheduled during the severe emergency situation).

Additionally, emergency responders for this emergency also includes EMS management, Animal Control Officers, Animal Shelter employees, building service technicians, parks and grounds employees, inspectors, landfill and scale house employees, mail delivery, Tech Support Spec Manager and Technology Sup Spec II.

Any employee who believes there is another job title that should be deemed an Emergency Responder (or front facing employee) may contact their Director with sufficient justification.

Any director who believes there is another job title that should be deemed an Emergency Responder (or front facing employee) may seek approval on a case-by-case basis from the County Administrator with sufficient justification.

Emergency Responders (and front facing employees) are not eligible for EFMLA. They are eligible for all other benefits provided under FFCRA.

Leave Covered Under FFCRA

There are two types of leave covered under the FFCRA.

1. Emergency Paid Sick Leave (EPSL)
2. Emergency Family Medical Leave Act (EFMLA) Expansion

Each is explained below.

Type 1: Emergency Paid Sick Leave (EPSL)

Emergency paid sick leave will be available for an employee who is unable to work or work remotely because:

1. The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. The employee is caring for an individual who is subject to quarantine or isolation or advised to self-quarantine by a health care provider due to concerns related to COVID-19;
5. The employee is caring for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions; or
6. The employee is experiencing substantially similar conditions as specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Eligibility for EPSL:

All employees, regardless of their tenure with the organization, with full-time or part-time status are eligible to receive this benefit. Furloughed employees are not eligible for EPSL.

Benefits Under EPSL:

Eligible employees will receive up to two weeks of paid sick leave for the qualifying reasons above.

- Full-time employees (scheduled to work 37.5 or more hours per week): 75, 80, or 84 hours at their regular rate of pay based on their work schedule, subject to any caps and reasons noted below.
- Part-time employees (scheduled to work less than 37.5 hours per week): the number of hours that the employee works, on average, over a two-week period, as calculated based on hours worked during the six months prior to the request, subject to any caps and reasons noted below.

Note: While the FFCRA allows employers to apply a cap to the amount of money an employee may receive each day based on the six reasons listed above. Charles County Government is not applying any caps on the EPSL.

Return to Work Following EPSL

Employees are required to follow guidelines established by the [Centers for Disease Control and Prevention](#) as it relates to ceasing home isolation practices.

Type 2: Emergency Family Medical Leave Act (EFMLA) Expansion

Employees will be entitled to take up to 12 weeks of job-protected leave if an employee is unable to work (or remote work) due to caring for the employee's son or daughter because the child's school or place of care has been closed or his or her childcare provider is unavailable due to the public health emergency.

Eligibility for EFMLA

Under this provision of the FFCRA, full-time and part-time employees who have been on *Charles County Government* payroll for 30 days, prior to taking the leave, are eligible for leave.

This is an expansion of the Family & Medical Leave Act (FMLA) so all hours taken within the previous 12 months are applied as part of the 12 weeks of eligibility.

Benefits Under EFMLA

The EFMLA provides for a combination of *unpaid* and *paid* leave.

- ***The first 10 days of EFMLA may be unpaid.*** An employee may choose to take any existing pay benefit (i.e. annual, compensatory, floating holiday, personal day or, sick pay) during the 10-day unpaid period, or the 10 days may be paid under EPSL, if taken for a qualifying reason (see 1-6 above).
- After ten days of unpaid leave, employees are entitled to 10 weeks of job-protected leave of two-thirds their usual pay. Part-time employees are entitled to be paid two-thirds of their usual pay based on the average number of hours worked for the six months prior to taking the leave.

- The cap of the paid leave entitlement for employees is \$200 per day \$10,000 in the aggregate.

**** The FFCRA allows employers to apply a cap to the amount of paid leave entitlement an employee may receive each day and in total over the course of leave. Charles County Government is applying the daily limit of \$200 and a total limit of \$10,000 over the course of the leave period.**

Notifying the County of the Need for FFCRA Leave

Employees should request their need for emergency paid leave as soon as possible, by notifying their immediate Supervisor or Human Resources and filling out a request form indicating the specific qualifying reason and date of requested leave. If an employee is incapacitated, the employee's representative should give verbal notice as soon as possible. Calling in "sick" does not qualify as adequate notice. An employee must provide enough information regarding the reason for an absence for the supervisor and Human Resources to know that protection and benefits may exist under this policy.

Supervisors must notify Human Resources via email of an employee's request for leave under the FFCRA:
Kimberly Pelczar (Primary) PelczarK@charlescountymd.gov
Angel DuBose DuBoseA@charlescountymd.gov
Megan Donnick DonnickM@charlescountymd.gov

If a supervisor is uncertain of the leave type an employee is requesting or should request as a result of the pandemic, please contact Human Resources for support and assistance at (301) 645-0585 or via email at any of the email addresses above.

Insurance Benefit Continuation During FFCRA Leave

Coverage under County sponsored group health insurance will continue while on leave, but employees must continue to pay their portion of the premium. Other employment benefits such as group life insurance, accidental death and dismemberment (AD&D) etc. will also be continued during the leave, if the employee continues to pay any required contribution. Payment arrangements will be discussed with individuals upon their request for leave.

Certification for FFCRA Leave

Generally, the County will require certification to verify the qualifying reason for the leave. Employees should be prepared to provide documentation such as a copy of any quarantine or isolation order, or written note by a health care provider advising self-quarantine, or a notice of closure of school or childcare provider (i.e. email, notification on website, or news article).

We understand that requesting healthcare provider documentation may place additional burdens on our medical community during this pandemic, therefore if an employee is unable to obtain this documentation, at a minimum, the name, address, and phone number of your treating healthcare provider must be provided. Charles County Government also reserves the right to request additional documentation be completed by your healthcare provider or childcare provider (as applicable) in situations where insufficient information has been provided to establish eligibility for leave and/or there is reason to believe an employee has fraudulently obtained leave or paid benefits.

Intermittent Leave

For employees working on the premises, intermittent leave will only be permitted for the qualifying reason related to caring for their minor child whose school or place of care is closed, or childcare provider is unavailable. For employees working remotely, intermittent leave will be permitted if the employee is unable to work his or her normal schedule of hours.

The employee and supervisor will come to an agreement on a schedule that provides for the least amount of disruption to an employee's job. Supervisors are asked to be flexible with hours, creative schedules could be developed where feasible and practicable. For EFLMA purposes, the total amount of leave taken should not exceed the 12 weeks defined earlier in this policy.

Rights Upon Return from FFCRA Leave

An employee who takes leave under this policy may be reinstated to the same job or an equivalent position upon completion of the leave. If an individual has exhausted all leave under this policy and is still unable to return to work, the situation will be reviewed on a case-by-case basis to determine what rights and protections might exist.

The law provides that an employee has no greater rights upon a return from leave than the individual would have had if s/he had continued to work. Therefore, an employee may be affected by a layoff, reorganization, furlough, change in job duties or other change in employment if the action would have occurred had the employee remained actively at work.

Please be advised that this is a living document and that guidance may be adjusted as additional information is provided by the Federal Government regarding implementation of the features of the FFCRA.