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Families First Coronavirus Response Act (FFCRA)

Extension

On December 27th the Consolidated Appropriations Act, 2021 was enacted by the federal government to provide both government funding and economic stimulus provisions due to the coronavirus pandemic. Guidance was provided by NCDPI on January 5, 2021 that within the passed legislation employers were provided a provision to voluntarily elect to extend FFCRA leave. The benefits within FFCRA are not reset but are extended for those employees that have not used this benefit. The extension allowance runs through March 31, 2021.

This extension is only available to those employees who have not previously exhausted their FFCRA leave allowances for the April 1, 2020 - December 31, 2020 time period. The extension does not allow additional leave time for employees.

This extension does not entitle employees to FFCRA leave for the period of January 2, 2021 to March 31, 2021, but gives the employer the option to continue the leave. If an employer elects to offer the FFCRA leave to its employees, it should be offered uniformly to all employees.

Below is a summary of the Families First Coronavirus Response Act. This law allows additional provisions through the use of FMLA and sick leave, while the federal, state, or local COVID-19 state of emergency is in effect (but no longer than through December 31, 2020, under certain circumstances). This is for an employee who is unable to work (or telework).

Emergency Family Medical Leave Expansion Act TEMPORARY

- **Availability:**
 - Available to full- time employees who have been employed at least 30 calendar days
- **Criteria:**
 - Employee's leave must be to provide care for a dependent (under age of 18) in the event their school or child care provider is unavailable due to COVID-19
 - The employee must take leave for ten (10) days* (paid or unpaid)
- **Benefit:**
 - After the ten days of leave used by the employee, the employee will be paid at the lesser of (i) two-thirds of the employee's regular rate of pay for the number of hours the employee would otherwise normally be



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scheduled to work for the remainder of this FMLA (up to 10 weeks); or
(ii) \$200 per day

- **Provisions:**
 - Employees are limited to a total of twelve weeks of FMLA leave within a 12-month period for all reasons combined

Emergency Paid Sick Leave Act TEMPORARY

- **Availability:**
 - Current full and part-time employees
- **Criteria:**
 1. Subject to a Federal, State, or local quarantine or isolation order related to COVID-19
 2. Advised by the health department/care provider to self-quarantine
 3. Experiencing symptoms of COVID-19 and seeking a medical diagnosis
 4. The employee is caring for an individual who is self-isolating because of COVID-19 diagnosis, or is experiencing symptoms and is seeking a medical diagnosis
 5. Caring for a dependent if the school or place of care has been closed, or the child care provider of such is unavailable due to COVID-19
 6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services
- **Benefit:**
 - Full-time employees receive up to 80 hours (two weeks) of paid sick leave and part-time employees receive an equivalent amount worked on average over two weeks
 - Compensation:
 - *Criteria 1-3:* Leave will be paid at the lessor of (i) employee's regular rate, or (ii) \$511 per day
 - *Criteria 4-6:* Leave will be paid at the lessor of (i) two-thirds of employee's regular rate. Or (ii) \$200 per day
- **Provisions:**
 - Paid sick time is in addition to any paid leave already available to the employee under current employer policies
 - The employer may not require an employee to use other paid leave before using paid sick time under this provision

** Employees have the option of using accrued paid leave or accrued overtime compensatory time off alongside the FMLA leave to turn the first 10-days into a paid leave*

***Pay is prorated for part-time employees based on the average number of hours they work in a two-week period over the last six months.*