Families First Coronavirus Response Act
FAQs

GENERAL

What New Leave Benefits Were Created by the Families First Coronavirus Response Act (FFCRA)?

The Act created two new types of leave: (1) up to 80 hours of Emergency Paid Sick Leave for specific qualifying reasons, and (2) Public Health Emergency Leave, which amends the Family Medical Leave Act (FMLA) to allow employees to take up to 12 weeks of leave for an additional qualifying reason related to the closure of a child's school or place of care.

When will the Emergency Paid Sick Leave and the expanded Family Medical Leave Act (FMLA) benefits be available for me to use?

You are able to use Emergency Paid Sick Leave and the expanded FMLA benefits starting April 1, 2020 through December 31, 2020.

I have already taken leave prior to April 1, 2020 related to COVID-19. Can I take Emergency Paid Sick Leave or expanded Family Medical Leave Act (FMLA) retroactively?

No, leave under the FFCRA is not available for use prior to April 1, 2020. Any leave taken prior to that date remain subject to the rules in place at that time.

For how long must I have been employed with the Postal Service to be eligible for these new types of leave?

All employees, regardless of tenure, are immediately eligible for Emergency Paid Sick Leave if they have a qualifying reason (discussed below) to take such leave. Employees who have been employed by the Postal Service for 30 or more days are eligible to take FMLA leave for the qualifying reason related to the closure of a child's school or place of care.

I am a non-career employee; do I have access to these new benefits?

Yes, eligibility criteria for these new types of leave make no distinction based on career or non-career status.

Are part-time employees eligible to receive these benefits?

Yes, part-time employees are eligible to receive these benefits. However, part-time employees are only eligible for leave equal to the number of hours they are scheduled to work, or, if you have a variable schedule, the average number of hours worked over the preceding six months. How that applies to each type of leave is discussed further below.

EMERGENCY PAID SICK LEAVE

How do I qualify for Emergency Paid Sick Leave?

You qualify for Emergency Paid Sick Leave if you are unable to work or telework for the following reasons:

1. You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19.

2. You have been advised by a health care provider to self-quarantine due to concerns about COVID-19.

3. You are experiencing COVID-19 symptoms and are seeking a medical diagnosis.

4. You are caring for an individual subject to an order described in (1) or self-quarantine as described in (2).

5. You are caring for your child whose school or place of care is closed (or child care provider is unavailable due to COVID-19 related reasons).

6. You are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

I am subject to a stay-at-home order where I live. Can I take Emergency Paid Sick Leave based on qualifying reason 1?

Because the Postal Service provides an essential federal government service as part of the nation's critical infrastructure, postal employees are generally not subject to Federal, State, or local quarantine or isolation orders related to COVID-19. That being the case, application of this qualifying factor is not automatic in the Postal Service. We will continue to handle application of this qualifying factor as we had prior to the passage of the FFCRA and liberally grant Emergency Paid Sick Leave to employees who believe they have an individual circumstance for which taking this leave is appropriate. Any questions regarding this provision should be forwarded to Human Resources.

I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?

Generally no. If you become ill with COVID-19 symptoms, you may take Emergency Paid Sick Leave only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take emergency paid sick leave.

You may not take Emergency Paid Sick Leave if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms. Note that you may not take Emergency Paid Sick Leave if you become ill with an illness not related to COVID-19.

How do I complete my 3971 Leave Request with this new leave type?

For qualifying reasons 1 – 3, for "Type of Absence" select "Other" box and write in code 077-19; for remarks you will write "Emergency Paid Sick Leave – Self."

For qualifying reasons 4 -6, for "Type of Absence" select "Other" box and write in code 081-19; for remarks you will write "Emergency Paid Sick Leave – Other"

Is Emergency Paid Sick Leave full paid leave?

It depends on your individual compensation. The FFCRA contains statutory caps on the rate of compensation an employee may receive for Emergency Paid Sick Leave.

For qualifying reasons 1 – 3, Emergency Paid Sick Leave is capped at no more than $511/day, or $5,110 in the aggregate. If your rate of pay does not exceed the statutory cap for your qualifying reason, you will receive full pay for these hours.

For qualifying reasons 4 -6, Emergency Paid Sick Leave will be paid at not less than 2/3 of your rate of pay, but is capped at no more than $200/day, or $2,000 in the aggregate.

How much Emergency Paid Sick Leave am I eligible to receive?

Qualifying employees are entitled to up to 80 hours of Emergency Paid Sick Leave.

Full-time employees are entitled to 80 hours of Emergency Paid Sick Leave.

If you are a part-time employee with a normal weekly schedule, you are entitled to Emergency Paid Sick Leave up to the number of hours you are normally scheduled to work over a two week period.

If you are a part-time employee with a variable schedule and have worked for the Postal Service for at least six months, you are entitled to Emergency Paid Sick Leave up to the number of hours equal to fourteen times the average number of hours that you were scheduled to work over the six-month period (including any hours for which you took leave of any type).

If you are a part-time employee with a variable schedule and have worked for the Postal Service for less than six months, you still are entitled to Emergency Paid Sick Leave. You are entitled to Emergency Paid Sick Leave up to the number of hours equal to fourteen times the number of agreed upon hours you would work at your time of hiring, on average for each calendar day. If no such agreement exists, you are entitled to Emergency Paid Sick Leave up to the number of hours equal to fourteen times the average number of hours per calendar day you were scheduled to work over the duration of your employment (including hours for which you took leave of any type).

Are an employee's overtime hours included in the 80 hours of Emergency Paid Sick Leave?

Yes, an employee's normally scheduled overtime hours can be included in their Emergency Paid Sick Leave. However, an employee's Emergency Paid Sick Leave hours cannot exceed 80 hours in total for the two-week period. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any event, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

Does Emergency Paid Sick Leave reduce my current accrued leave balances?

No. Emergency Paid Sick Leave is Postal Service-funded leave that does not affect an employee's regular sick or annual leave balances.

Do I qualify for leave for a COVID-19 related reason even if I have already used some or all of my leave under the Family and Medical Leave Act (FMLA)?

If you are an eligible employee, you are entitled to paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA.

Can I take 80 hours of emergency paid sick leave for my self-quarantine and then another amount of emergency paid sick leave for another qualifying reason under the Emergency Paid Sick Leave Act?

No. The total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act. However, you can elect to use your own leave after the 80 hours has expired if you still need to stay out of work as a result of COVID-19.

Can I use Emergency Paid Sick Leave intermittently?

No, if you are required to report to a worksite and are taking Emergency Paid Sick Leave for qualifying reasons 1-4 above. Once you begin taking emergency paid sick leave for one or more of these qualifying reasons, you must continue to take emergency paid sick leave each day until you either (1) use the full amount of emergency paid sick leave, or (2) no longer have a qualifying reason for taking emergency paid sick leave. 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 emergency paid sick leave as necessary to keep you from spreading the virus to others.

If you report to a worksite and are taking Emergency Paid Sick Leave for qualifying reason 5, or you are able to work remotely, you may be able to take Emergency Paid Sick Leave intermittently if you are able to agree with your manager on a schedule in which you are able to perform the functions of your position while taking this type of leave intermittently. However, in the absence of an agreement between you and your manager to use Emergency Paid Sick Leave intermittently, you will still be permitted to take it all at once.

FMLA LEAVE EXPANSION

How do I qualify for the expanded FMLA paid leave benefits?

To qualify for this new qualifying reason under the FMLA, you must be taking care of a child whose school or place of care is closed due to the pandemic.

Can I get expanded FMLA paid leave benefits to take care of my disabled adult child?

Yes, but only if your son or daughter, ward, foster-child or child for whom you are in loco parentis is incapable of self-care because of a mental or physical disability.

I thought I could only take FMLA leave if I have been employed by the Postal Service for a specific period of time. Are there different eligibility rules for this type of leave?

Yes. Employees who have been employed by the Postal Service for 30 or more days are eligible to take expanded FMLA leave for the qualifying reason related to the closure of a child's school or place of care. For all other qualifying reasons under the FMLA, the pre-existing eligibility rules still apply.

Does this new qualifying reason entitle me to a new 12-week period under the FMLA?

No. Each employee is still only entitled to 12 weeks of FMLA leave per leave year, regardless of reason. If you have already exhausted your FMLA leave for this leave year, you are not entitled to take FMLA leave for this new qualifying reason related to COVID-19. If you have exhausted only part of your FMLA leave entitlement, you can take any remaining FMLA leave for this new qualifying reason.

Does FMLA leave for this new qualifying reason include paid leave?

Yes. The first two weeks (10 days for full-time employees) of FMLA Leave for this new qualifying reason will be unpaid. You have the option to use your own accrued leave or use Emergency Paid Sick Leave during the first two weeks of FMLA leave for this qualifying reason. The remaining 10 weeks of FMLA leave for this qualifying reason is to be paid out at not less than 2/3 of your pay, but is capped at $200 a day, or $10,000 in the aggregate.

If I am not a full-time employee, how many hours of this type of leave am I entitled to?

It depends on the nature of your schedule.

If you have a normal regular schedule, you are eligible for the number of hours per week you are normally scheduled to work.

If you have a variable schedule, you are eligible for the number of hours equal to the average number of hours you were scheduled to work over the preceding six month period, including the hours for which you used any type of leave.

Is all leave under the FMLA now paid leave?

No, only expanded FMLA leave associated with caring for a covered child whose school or child care provider is closed is considered a qualifying reason for this new type of paid expanded FMLA leave.

Can I use expanded FMLA leave for this new qualifying reason intermittently?

Whether you are permitted to take FMLA leave for this new qualifying reason intermittently is up to your manager. If you and your manager can agree on a schedule in which you are able to perform the functions of your position while taking this type of leave intermittently, you may do so. However, in the absence of an agreement between you and your manager to use FMLA leave for this new qualifying reason intermittently, you will still be permitted to take it all at once.

What documentation do I need to provide to receive the FMLA benefit if I am caring for a child whose school or child care provider is closed is considered a qualifying reason for paid FMLA leave?

Documentation is required, and should include:

- Employee's name;
- Date(s) for which leave is requested; and
- Qualifying reason for the leave (care for child);
- Oral or written statement that the Employee is unable to work because of the qualified reason for leave.
- Name of the Son or Daughter being cared for;
- Name of the School, Place of Care, or Child Care Provider that has closed or become unavailable; **and**
- An oral or written statement that no other suitable person will be caring for the Son or Daughter during the period for which the Employee takes Paid Sick Leave or Expanded Family and Medical Leave.

I noticed that the closure of a child's school or place of care is closed is a qualifying reason for both types of new leave. Can I use Emergency Sick Leave in conjunction with FMLA leave for this new qualifying reason to ensure that all twelve weeks of leave are paid?

Yes, you may use paid Emergency Paid Sick Leave for the first two weeks of unpaid FMLA leave, which may otherwise be unpaid, for this new qualifying reason. You may also (but are not required to) use other accrued leave during this period. The remaining period of FMLA leave for this new qualifying reason is partially paid leave. However, please note that pay for both types of leave for this new qualifying reason is capped at $200/day, and is also be subject to aggregate pay caps.

Also note that you may only use 80 hours of Emergency Paid Sick Leave once. For example, if you use all 80 hours of Emergency Paid Sick Leave in conjunction with expanded FMLA leave to get the first two weeks of expanded FMLA leave paid, and you later experience symptoms of COVID-19, you will not be eligible for a second period of Emergency Paid Sick Leave.

Will I continue to accrue my earned annual/sick leave if I take expanded FMLA leave?

Yes, as long as you are in a paid status, you will continue to accrue earned leave.

MISCELLANEOUS

Who should I call if I have questions regarding these benefits?

For additional questions please contact the HR Shared Service Center at 1-877-477-3273 and select Option 5.

Where can I go to view more information regarding these benefits?

Additional details about the act's provisions and other COVID-19 information can be found on the special COVID-19 pages of our internal website, Blue, and our employee website, LiteBlue. You can also view the Federal Employee Rights Poster provided by the Department of Labor.

I am a manager, and have been contacted by the Department of Labor regarding a potential issue related to these new leave categories. What should I do?

Please contact Human Resources of Labor Relations, who will engage the Law Department to help address this issue.