

## MEMORANDUM

**TO:** Town of Bloomfield Employees Excluding Employees Designated As Emergency Responders

**FROM:** Cindy Coville, Director of Human Resources

**DATE:** March 31, 2020

**RE:** The Families First Coronavirus Response Act

The Families First Coronavirus Response Act (the “Act” or the “Amendment to the FMLA”) was signed into law by President Trump on March 18, 2020 and contains additional benefits. Subject to certain limitations as explained below, the Act (1) expands the Family and Medical Family Leave Act (“FMLA”) and (2) provides emergency paid sick leave to employees for COVID-19 related reasons. The Department of Labor and Internal Revenue Service will be issuing further guidance. The Act takes effect April 1, 2020 and will remain effective until December 31, 2020.

### PUBLIC HEALTH EMERGENCY FAMILY LEAVE

The Act amends the FMLA and creates a new leave entitlement for employers with 500 or less employees. The Amendment to the FMLA even applies to employers with less than 50 employees that were not previously covered by the FMLA. Specifically, the Amendment to the FMLA provides that employees who have been employed for at least 30 calendar days may take up to 12 weeks of FMLA Public Health Emergency Leave if the employee is unable to work or telework because the employee needs to care for his or her minor child because that child’s school or place of care has been closed or the child care provider of that child is unavailable due to the COVID-19 public health emergency.

The first 10 days of leave may consist of unpaid leave. However, during the initial 10 days of leave, an employee may elect to use accrued vacation leave, personal leave, medical or sick leave, or paid sick leave provided under the Emergency Paid Sick Leave Act as explained below. Following the initial 10 days of leave, an employee is entitled to receive **two-thirds** of his or her normal wages **up to a maximum of \$200 per day and \$10,000 in total.**

*Employees will be required to fill-out a Public Health Emergency Family Leave Questionnaire prior to taking leave in accordance the Act*

**IMPORTANT: If an employee has already used all or a portion of his or her entitlement of FMLA leave for another “qualifying reason,” then the employee is only entitled to use the remaining balance of his or her FMLA entitlement for a qualifying COVID-19 related reason. Therefore, if employees have used leave for other FMLA qualifying reasons, they will not be able to exceed a combined 12 weeks over a 12-month period.**

### **EMERGENCY PAID SICK LEAVE**

The Act also includes the Emergency Paid Sick Leave Act which provides that employees, regardless of the length of their tenure with their employer, are eligible for paid sick leave. An eligible employee may take paid sick leave if the employee is unable to work or telework because he or she is:

- (1) Subject to a federal, state or local quarantine or isolation due to COVID-19;
- (2) Subject to self-quarantine due to COVID-19 at the advice of a health care provider;
- (3) Experiencing symptoms of COVID-19 *and* seeking a medical diagnosis;
- (4) Caring for an individual who is either subject to a federal, state or local quarantine or isolation due to COVID-19 or has been advised to self-quarantine due to COVID-19;
- (5) Caring for the employee’s child whose school has been closed or place of care is unavailable due to COVID-19 precautions; or
- (6) Experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

***Documentation will be required to substantiate eligibility for paid sick leave***

Full-time employees are entitled to up to 80 hours of paid leave. Part-time employees are entitled to receive the equivalent of the number of hours they work, on average, during a two-week period. Sick payments under sections 1, 2 and 3 above for eligible employees **shall not exceed \$511 per day and/or \$5,110 in total**. Sick payments under sections 4, 5 and 6 above for eligible employees **shall not exceed \$200 per day and/or \$2,000 in total**. Paid sick leave under the Act does not carry over from one year to the next and is not paid out upon separation of employment.

For the purpose of Emergency Paid Sick Leave, full-time employees and part-time employees may supplement their Emergency Paid Sick Leave with accrued sick, vacation or personal days to be paid 100% of their daily regular pay, if applicable.