

Families First Coronavirus Response Act (HR 6201) State of Emergency COVID-19 (EO 1458)

Governor Reeve's Executive Order 1458 provides administrative leave to all State employees (including contract workers) for the following reasons:

- a. The period(s) of time that the employee's employer has closed in response to COVID-19
- b. The period(s) of time that the employee's supervisor has determined the employee's duties are deemed non-essential during any period of time during the State of Emergency.
- c. The period(s) of time that the employee or a member of their immediate household is placed in quarantine or isolation as a result of being diagnosed with COVID-19.
- d. Other reasons as determined by the appointing authority in consultation with a health care professional that are necessary to prevent the risk of possible transmission of COVID-19 within the employee's workplace.

Agencies may use the ADMIN leave code or the newly created CVADM leave code in SPAHRS on timesheets to reflect time not worked. Those employees working from home or in the office should record their time worked in SPAHRS as is usually done.

The Families First Coronavirus Response Act (FFCRA or Act) requires certain employers to provide their employees with additional paid sick leave of 80 hours and expanded family and medical leave for specified reasons related to COVID-19. Employees working part time should have their 80 hours prorated according to the number of hours they usually work. These provisions will apply from April 1, 2020 through December 31, 2020. The guidelines in their entirety may be found at this link to the DOL employer poster: https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf

The additional 80 hours of paid sick leave allowed under HR 6201 must be set up as Bal 19 using the Maintain Leave Balance screen in SPAHRS. If it is to be used for a biweekly payperiod that starts in one month and ends in the next month, it must be added for both months. This leave balance cannot be transferred to PERS if the employee should terminate and will not be rolled over to the next year. If the employee transfers to another agency, any remaining balance for Bal 19 must be transferred to the new agency. These are the rules for using this leave:

1. Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19. The employee will be paid for 100% of their hourly rate up to a maximum of \$511 per day. Use Earnings Code CV100 to enter the leave hours taken in the timesheet.
2. Employee has been advised by a health care provider to self-quarantine related to COVID-19. The employee will be paid for 100% of their hourly rate up to a maximum of \$511 per day. Use Earnings Code CV100 to enter the leave hours taken in the timesheet.
3. Employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis. The employee will be paid for 100% of their hourly rate up to a maximum of \$511 per day. Use Earnings Code CV100 to enter the leave hours taken in the timesheet.
4. Employee (66.7%) is caring for an individual subject to an order described in (1) or self-quarantine as described in (2). Employee will be paid for 66.7% of their hourly rate up to a maximum of \$200 per day. Use Earnings Code CV067 to enter the leave hours taken in the timesheet.
5. See next Section on FMLA.
6. Employee (66.7%) is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury. The employee will be paid for 66.7% of their hourly rate up to a maximum of \$200 per day. Use Earnings Code CV067 to enter the leave hours taken in the timesheet.

The aggregate amount for the year on CV100 is \$5,110 and the aggregate amount for CV067 for the year is \$2,000. CV100 and CV067 should be entered in the timesheet to reflect paid time off, just as other paid leave codes currently are. In the above instances where the employee may not be receiving their full pay period pay, they may purchase personal leave, FLSA comp , or agency comp hours to make up the difference. Calculate the amount the employee is losing in pay for the pay period. Divide this amount by the employee's hourly rate. The result will be the amount of hours the employee buys out to make up the pay difference. Enter this amount in the timesheet using Earnings Codes CVDPL for personal leave, CVACP for agency comp time or CVFLS for FLSA comp time. These codes cannot be used to enter paid leave time off in the timesheet.

The Family Medical Leave Act expansion allows FMLA leave to be used for the reason listed below. If the employee already has a current FMLA balance, continue with it. If the employee does not have a current FMLA leave balance, create a new one through the normal SPAHRS process. Under the guidelines, the first two weeks associated with this reason for use requires the employee to take unpaid FMLA leave, use the extra 80 hours of paid sick leave provided, or take personal or comp time leave.

5. Employee (66.7%) [up to 12 weeks at 2/3 pay] is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19. The employee will be paid for 66.7% of their hourly rate up to a maximum of \$200 per day. If taking unpaid leave, enter CVUFM for the first two weeks. If using the extra 80 hours of provided sick leave, enter CVDSL for the first two weeks. If using personal leave or accrued comp time, enter CVPFM for personal leave, CVCMP for agency comp, CVFCP for FLSA comp time, or CVHOL for floating holiday (or a combination of these). After the first two weeks, use CVFML to pay the 66.7%. The agency may require employees to use available Personal Leave (CVPFM) in lieu of CVFML. The employee does not get extra FMLA leave and is subject to any remaining balances still left in a current FMLA year.

As previously mentioned, the employee may have a gap in their usual pay for a pay period and what they are being paid. Use the same formula and earnings codes for buying personal and comp leave hours to make up the difference.