Families First Coronavirus Response Act (FFCRA)

Department Training
Agenda

1. Overview of COVID 19 paid leave options
   a. Paid Leave Options
   b. FFCRA Eligibility Requirements
   c. Expanded Family and Medical Leave (EFML) deep dive

2. Process
   a. Emergency Paid Sick Leave (EPSL) Process
      i. Employee roles and responsibilities
      ii. Department roles and responsibilities
   b. Expanded Family Medical Leave (EFML) Process
      i. Employee roles and responsibilities
      ii. Department roles and responsibilities
   c. Human Resources Process

3. EFML for Hybrid Schedules--updated 11/16/20

4. Resources for determining appropriate paid leave
Overview of COVID-19 Paid Leave Options
Overview of COVID-19 leave options

• UC Paid Administrative Leave- PAL
  Through 12/31/20

• Families First Coronavirus Response Act (FFCRA):
  Federal entitlement for employees impacted by COVID-19
  effective 4/1/20- 12/31/20.
  • Emergency Paid Sick Leave (EPSL)
  • Expanded Family Medical Leave (EFML)

• April 15 communication
<table>
<thead>
<tr>
<th>UC Expanded Paid Administrative Leave (PAL)</th>
<th>FFCRA Emergency Paid Sick Leave (EPSL)</th>
<th>FFCRA Expanded Family &amp; Medical Leave (EFML)</th>
</tr>
</thead>
<tbody>
<tr>
<td>128 hours or 16 days for FTE prorated for part-time appointees</td>
<td>80 hours for FTE or the two-week equivalent for part-time appointees</td>
<td>Up to 12 workweeks for any eligible appointee</td>
</tr>
<tr>
<td>March 1 – December 31, 2020</td>
<td>April 1 – December 31, 2020</td>
<td>April 1 – December 31, 2020</td>
</tr>
<tr>
<td>No prior service requirements</td>
<td>No prior service requirements</td>
<td>On payroll for 30 calendar days immediately prior to the leave</td>
</tr>
<tr>
<td>Must be taken in whole day increments but may be taken intermittently</td>
<td>Must be taken in two-week block</td>
<td>Must be taken in blocks of at minimum two-weeks</td>
</tr>
<tr>
<td>Qualifying reason for use – unable to work or telework because of: 1. Appointee’s own COVID-19 related illness or that of a family member 2. Appointee directed not to come to worksite for COVID-19 related reasons and/or worksite has COVID-19 related remote work program or is under shelter in place order and it is not operationally feasible for employee to work remotely 3. COVID-19 related school or daycare closure requires appointee to be at home with child/dependent and it is not operationally feasible for appointee to work remotely or in conjunction with childcare commitment</td>
<td>Qualifying reason for use – unable to work or telework because of: 1. Quarantine or isolation order 2. Told by health care provider to self-quarantine 3. Experiencing COVID-19 symptoms and seeking diagnosis 4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine 5. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19 6. Other substantially similar condition specified by HHS Secretary</td>
<td>Qualifying reason for use – unable to work or telework because of: 1. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19 (same as reason #5 under EPSL) 2. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19 3. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine 4. Caring for individual subject to quarantine/isolation order or who was told by health care provider to self-quarantine 5. Caring for child whose school/place of care is closed or child care provider unavailable b/c of COVID-19 6. Other substantially similar condition specified by HHS Secretary</td>
</tr>
</tbody>
</table>

Health care workers and emergency responders are not eligible for EFML.

Any prior use of Family & Medical Leave Act (FMLA) entitlement in 2020 reduces appointee’s entitlement under EFML. Any use of EFML also reduces FMLA entitlement in 2020 assuming appointee is eligible for FMLA. First two weeks of EFML are unpaid unless appointee elects to use other...
COVID-19 Paid Leave Options

- **Paid Administrative Leave (PAL)**
  Provides up to 128 hours of pay.
  Must be taken in full day increments.

- **Emergency Paid Sick Leave (EPSL)**
  Up to 80 hours of pay for a full-time employee.
  - pro-rated for part-time employees.
  Must be taken in one block leave.

- **Expanded Family & Medical Leave (EFML)**
  Up to 12 weeks (10 weeks paid)
  Must be taken in minimum of 2 week blocks.
FFCRA Eligibility for Leave and Pay

- Emergency Paid Sick Leave: All employees* are eligible regardless of length of University service.

- Expanded Family and Medical Leave: All employees* are eligible if they have been on University payroll for at least 30 days prior to day leave would begin and need leave for childcare purposes.

*First responders and health care workers may be excluded as essential workers
Questions?
Expanded Family Medical Leave (EFML)
Childcare due to school/daycare closure is a qualifying reason for all three types of COVID-19 leave.
Expanded Family and Medical Leave (EFML)

• An eligible employee* may take expanded family and medical leave to care for his or her child whose school or daycare is closed (or child care provider is unavailable) due to COVID-19 related reasons.

• Employee needs to be on payroll for 30 days prior to beginning leave. Regular FMLA eligibility does not apply to EFMLA.

• If employee is eligible for regular FMLA, taking EFML will use FMLA allocation.

*Health care workers and emergency responders are not eligible to take expanded family and medical leave.
Expanded Family and Medical Leave (EFML)

• Up to twelve workweeks (may be less if employee has used some of their 2020 FMLA).

• First two workweeks of Expanded Family and Medical Leave are unpaid, employees may elect to use emergency paid sick leave (Reason #5), existing paid accruals, or UC’s Paid Administrative Leave during this time.

• After first two workweeks have elapsed, employee will receive up to 10 workweeks of paid Expanded Family and Medical Leave at their regular rate of pay for hours they would have been scheduled to work.
Scenario for Practice
Employee has continued to work, has not used any COVID-related leaves, now can’t work due to childcare availability.

<table>
<thead>
<tr>
<th>Leave Type</th>
<th>100% Employee</th>
<th>50% Employee</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid Administrative Leave (PAL)</td>
<td>☑️</td>
<td>☑️</td>
<td>Must be taken in full day increments only</td>
</tr>
<tr>
<td>Emergency Paid Sick Leave (EPSL)</td>
<td>☑️</td>
<td>☑️</td>
<td>Must be taken as full 2 week block (or equivalent)</td>
</tr>
<tr>
<td>Expanded Family &amp; Medical Leave (EFML)</td>
<td>☑️</td>
<td>☑️</td>
<td>FMLA eligibility does not change EFML eligibility. Will deplete FMLA allocation if available.</td>
</tr>
</tbody>
</table>
Questions?
Process
Emergency Paid Sick Leave (EPSL) Process

Department Role & Responsibilities

● Department works directly with employee:
  ○ on determining eligibility for EPSL.

● Department submits inquiry via Service Now/Employee and Labor Relations (ELR):
  ○ if need help determining whether employee qualifies for EPSL.

● Department provides request form to employee.

● Department enters paid time for EPSL and PAL in Kronos
  ○ See: Entering COVID-19 Related Leaves in Kronos

● Department sends form to HR Leave Admin via Service Now:
  ○ if need for medical leave continues beyond 2 weeks, for FMLA analysis
Emergency Paid Sick Leave (EPSL) Process

Employee roles and responsibilities

• Completes Section III of linked form.
• Returns form to Supervisor.
• Reviews use of paid leave in Kronos for accuracy.
Expanded Family & Medical Leave (EFML) Process

Departments’ role & responsibilities

• Department will work directly with employee on determining initial eligibility for EFML.
  • Is there a need for child care due to a care or school closure?

• Department can submit inquiry via SN/Leave Admin/EFMLA Questions if need help determining if employee qualifies for EFML and if they have hours available.

• Department provides request form to employee
• Department submits completed form via SN/Leave Admin/Department EFML Request.
Expanded Family & Medical Leave (EFML) Process

Departments’ role & responsibilities-cont’d

• Once approval is received from Leave Admin:
  • Department enters paid EFML in Kronos
    • Supervisor notifies Timekeeper of EFML dates
      • follow department’s notification process for existing leaves of absence
    • Timekeeper enters EFML and returns to supervisor for regular approval process.
• Please identify employees that meet EFML criteria, and submit leave/form to HR ASAP.
• UCPath Shutdown 4/29/20 to 5/5/20 at 8am
Employee roles and responsibilities

- Employee fills out Section IV of linked request form, and returns to Supervisor.
- Required to elect how 1st two weeks will be covered.
- May be required to complete sections III & IV if also requesting EPSL.
HR Roles & Responsibilities

• PAL- ELR can assist with Questions. No action needed by HR.

• EPSL- ELR can assist with questions and related issues.
  • If reason for leave is employee’s own or family member’s serious medical condition and the need for leave is expected to continue beyond 2 weeks, send form to HR Leave Admin/Service Now/Department Leave Request to assess eligibility for regular Family and Medical Leave.

• EFML- Leave Administration will review request, including any employee FMLA eligibility for 2020.
  • If EFMLA approved enter in Extended Absences - UCPath.
  • Issue approval/designation for EFMLA. See following slide for example.
    • Supervisor cc’d.
    • Kronos directions included.

• Cognos leave report in progress: R-052 FFCRA Leave Tracking
HR Roles & Responsibilities

Approval of EFML:

Dear Employee,

I am writing to confirm your current leave is being designated as Expanded Family and Medical Leave (EFML) in accordance with the Employee Request for Emergency Paid Sick Leave (EPML) and Expanded Family and Medical Leave (EFML) form you submitted.

EFML is a maximum of 12 workweeks, provided you have not taken any Family and Medical Leave (FML) in 2020. EFML counts towards your 2020 FML entitlement, if eligible.

The first two weeks of EFML are unpaid and you may elect to use eligible paid time including Paid Administrative Leave (PAL), Emergency Paid Sick Leave (EPML) or your sick/vacation/PTO accruals. The remaining 10 weeks of EFML is paid at your regular rate. Per your department, you have elected to use EPML for these first two weeks (from 04/27/2020 – 05/8/2020).

Your leave is being designated as EFML from 05/09/2020-07/19/2020 (if needed).

Department Timekeeper Instructions

Please input PAL and/or EPML on Kronos timecard as elected by the employee on their completed Employee Request for Emergency Paid Sick Leave (EPML) and/or Expanded Family and Medical Leave (EFML) form. For guidance on entering these codes in Kronos, please reference Entering COVID-19 Leaves in Kronos for more information. HR Leave Administration will input the EFML into the UCPath system.

Please note: any entries of Kronos pay code COVID-19 Expanded FMLA Paid outside of the approved EFML dates above will cause the employee’s timecard to error out of processing and delay pay.
EFML for Hybrid Schedule Process

Departments’ role and responsibilities

• Establish/approve the employee’s work schedule

• Submit the completed EPSL/EFML request form through ServiceNow to HR Leave Administration

• Receive EFML/FMLA hours remaining for 2020 from HR Leave Administration

• Utilize EFML/FMLA usage tracking calculator to track the days used

• Enter EFML earn code on Kronos for the corresponding days used

• Report exhaustion date to HR Leave Administration through a ServiceNow case
  • Indicate if the leave is still needed after exhaustion

• Contact HR Leave Administration with any questions
EFML for Hybrid Schedule Process

Employee’s roles and responsibilities

• Talk to your supervisor about your child’s alternate school schedule

• Complete the revised Request for EPSL/EFML form (revised on 10/12/20)

• Keep your supervisor informed of the schedule changes
EFML for Hybrid Schedule Process

HR roles and responsibilities

- Determine eligibility for EFML
- Calculate the balance of 2020 EFML/FMLA entitlement remaining and notify the department
- Reviews and approves request for EFML
  - Supervisor is cc’d
  - Kronos directions and EFML/FMLA usage tracker included
- Enters EFML leave in UCPath Extended Absences
Questions?
Contacts for questions

Emergency Paid Sick Leave and Administrative Paid Leave
  • Employee and Labor Relations: Service Now

EFML & EPSL for childcare reasons.
  • Leave Administration: Service Now/Leave Administration/EFML

Questions concerning Family and Medical Leave (FMLA)
  • If reason for leave is because of employee’s or family member’s medical condition, and need continues beyond 2 weeks, send form to HR Leave Admin (via Service Now) to assess eligibility for Family and Medical Leave (FMLA)

Academic Personnel for academic employees: AP-Leave@ucsb.edu
Additional Resources

• April 15, 2020: COVID-19 Related Leaves and Job Protections Guidance

• April 13, 2020: COVID-19 Related Leaves and Job Protections Guidance for Policy-Covered and Represented Staff Employees

• April 7, 2020: UC Leave Obligations under FFCRA