

**City of Raleigh**

**Families First Coronavirus Response Act (FFCRA): Expanded FMLA/Public Health Emergency Leave (PHL) & Emergency Paid Sick Leave (EPSL)**

The Families First Coronavirus Response Act was signed into law on March 18, 2020 and goes into effect on April 1, 2020, with enforcement beginning April 17th. The Act will remain in effect until December 31, 2020. It applies to certain private sector employers and certain public employers, including the City of Raleigh. The chart below summarizes the paid provisions of the Act and discusses the City’s general procedures for implementing the Act. The procedures are subject to change, including changes as the Dept. of Labor puts out further guidance on the new law. Be advised that nothing in this document conveys a contract of employment with the City of Raleigh, and nothing in this document is intended to be a term of a contract when combined with any other document, instrument, or writing.

	<b>Expanded Family Medical Leave/Public Health Emergency Leave (PHL)</b>	<b>Emergency Paid Sick Leave (EPSL)</b>
<b>Eligibility</b>	All employees who have been employed at least 30 calendar days when they request the leave. Employees that are health care providers and emergency responders are included.	All employees are eligible on or after their first day of employment with the City. Employees that are health care providers and emergency responders are included.
<b>Amount</b>	Up to 12 weeks. See <i>Relationship with Other Leaves</i> below.	Depends on normal work schedule. Up to 80 hours for those working 40 or more hours per week. Those working fewer hours per week receive the number of hours equal to average number of hours they work over a 2-week period (e.g., up to 77.5 hrs. for employees on 38.75/week schedule).
<b>Applicability</b>	Applies to leave taken between April 1, 2020, and December 31, 2020.	Applies to leave taken between April 1, 2020, and December 31, 2020.
<b>Purposes</b>	Employee is unable to work, or telework, due to a need to care for a son or daughter under the age of 18 because (1) the child’s school or place of care has been closed, or (2) the employee’s child care provider is unavailable, as a result of the COVID-19 pandemic.  (Care for a son or daughter over the age of 18 is also covered by PHL if the child is incapable of self-care because of a mental or physical disability.)	Employee is unable to work, or telework, and:  (1) Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.  (2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.  (3) Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.  (4) Employee is caring for an immediate family member, someone who lives with the employee, or someone who otherwise would expect care who is subject to (1) or (2).  (5) Employee is caring for a son or daughter of the employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.  (6) Employee is experiencing any other substantially similar condition specified by the Secretary of the U.S. Department of Health & Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.

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<b>Pay</b>	<p>Initial 10 days (2 weeks) of PHL is unpaid leave. However, an employee may use EPSL or may use any appropriate accrued leave, such as vacation, etc., for these first 10 days.</p> <p>After the tenth day of leave, the employee receives 2/3 of his or her regular rate of pay for the number of hours the employee would have been regularly scheduled to work. However, an employee’s pay cannot exceed \$200 per day and \$10,000 in total. The remaining 1/3 is unpaid leave.</p>	<ul style="list-style-type: none"> <li>• If employees take EPSL for the purposes listed under (1), (2), and (3) above, they receive their regular rate of pay. However, an employee’s pay cannot exceed \$511 per day and \$5,110 in total.</li> <li>• For leave taken for the purposes listed under (4), (5), and (6) above, an employee receives 2/3 of their regular rate of pay. However, an employee’s pay cannot exceed \$200 per day and \$2,000 in total. The remaining 1/3 is unpaid leave.</li> </ul>
<b>Relationship with Other Leaves</b>	<p>Employees are entitled up to a maximum of 12 weeks of FMLA leave. If an employee has already used their FMLA leave for the employee’s rolling calendar twelve months, the Act does not provide them an additional 12 weeks of leave.</p>	<p>Employees are not required to use any other accrued leave prior to using EPSL. Use of EPSL does not count against an employee’s paid leave accrual balances, such as accrued sick leave or vacation leave.</p>
<b>General procedures for approval</b>	<p>Employees who wish to apply for leave under this provision of the Act should locate the PHL application on Corecon and submit it, as well as the other documentation required as outlined in the application, by email to <a href="mailto:benefitsadministration@raleighnc.gov">benefitsadministration@raleighnc.gov</a>.</p> <p>As usual, employees who take leave are expected to communicate with their supervisors via established Department protocols.</p>	<p>Employees who wish to apply for leave under this provision of the Act should locate the EPSL application on Corecon and submit it, as well as the other documentation required as outlined in the application, by email to <a href="mailto:benefitsadministration@raleighnc.gov">benefitsadministration@raleighnc.gov</a>. As usual, employees who take leave are expected to communicate with their supervisors via established Department protocols.</p> <p>Any unused EPSL does not carry over to calendar year 2021. Employees are not entitled to reimbursement for unused EPSL upon termination, resignation, retirement, or other separation from employment.</p>

The City supports its employees in the appropriate use of all leave, including PHL and EPSL. If an employee believes that leave has been inappropriately denied or rights under the FFCRA have been interfered with, the employee should file a grievance so that the City can assess the employee’s concerns. City SOP 300-18 describes the grievance process in detail. The City does not tolerate discrimination based on the lawful use of FFCRA leave, nor does it tolerate interference with an employee’s legal rights under the FFCRA.