

# ALLEGHENY COUNTY

## DEPARTMENT OF HUMAN RESOURCES

### Families First Coronavirus Response Act (FFCRA) Guidance for Allegheny County Employees

Attached is a notice regarding your right to leave under the Families First Coronavirus Response Act (FFCRA). Please read it carefully. Allegheny County will administer these leave programs in accordance with the FFCRA as well as Department of Labor Guidance. Please note: this notice and the information below are subject to change and clarification as the FFCRA may be amended and the Department of Labor may issue regulations and additional guidance necessary to carry out the FFCRA. To the extent that there is a conflict between the FFCRA and this notice and the information below, the terms of the FFCRA shall govern.

Effective today, April 1, 2020, the County's temporary 14 Day Quarantine/Incubation Paid Leave Policy is discontinued and is being replaced by the FFCRA's Emergency Paid Sick Leave which provides for ten (10) sick days. In addition to the ten (10) sick days provided pursuant to the FFCRA, employees may request an additional four (4) paid sick days for a total of 14 sick days, the same number of days provided by the County under the discontinued policy.

If you are an employee of the Courts or a Row Office, you should contact your manager or HR representative for leave guidance.

Please be advised that the FFCRA provides eligible and qualifying Allegheny County employees (with certain exemptions) two categories of paid leave for COVID-19 related reasons, discussed below:

#### **EMERGENCY PAID SICK LEAVE**

The Emergency Paid Sick Leave provided under the FFCRA, discussed in the attached notice, is in addition to sick time currently provided by County policy and/or bargaining unit agreements and is available for immediate use. Employees do not need to use existing benefit time prior to applying for Emergency Paid Sick Leave.

There are six qualifying reasons for Emergency Paid Sick Leave: 1) the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; 2) the employee has been advised by a health care provider to self-quarantine related to COVID-19; 3) the employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; 4) the employee is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); 5) the employee is caring for a child of such employee if the school or place of care of the child has been closed, or the child care provider of such child is unavailable, due to COVID-19 precautions; or 6) the employee 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.

For an employee taking Emergency Paid Sick Leave for qualifying reasons 1, 2, and 3, above, the employee is entitled to pay at either their regular rate or the applicable minimum wage, whichever is higher, up to \$511 per day and \$5,110 in the aggregate (over a 2-week period).

For an employee taking Emergency Paid Sick Leave for qualifying reasons 4 and 6, above, the employee is entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$2,000 in the aggregate (over a 2-week period). Note that the employees taking leave for qualifying reasons 4 and 6 may choose to supplement the 2/3 leave pay with accrued benefit time up to normal earnings. Employees must notify their department payroll person in writing if they wish to supplement with benefit time at the time of their leave request.

For an employee taking Emergency Paid Sick Leave for qualifying reason 5, above, the employee is entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of Emergency Paid Sick Leave followed by up to 10 weeks of paid Expanded Family and Medical Leave). For more information regarding Expanded Family and Medical Leave, please see the section titled Expanded Family and Medical Leave below. Note that the employees taking leave for qualifying reason 5 may choose to supplement the 2/3 leave pay with accrued benefit time up to normal earnings. Employees must notify their department payroll person in writing if they wish to supplement with benefit time at the time of their leave request.

Unless you are teleworking or taking Emergency Paid Sick Leave for qualifying reason 5, above (i.e., the employee is caring for a child whose school is closed or child care provider is unavailable), Emergency Paid Sick Leave must be taken in consecutive full-day increments until you no longer have a qualifying reason for taking the leave or exhaust the available leave, whichever occurs first. If you are taking Emergency Paid Sick Leave for qualifying reason 5, above, you must obtain departmental approval and must come to an agreed upon modified work schedule with your supervisor prior to notifying WorkPartners of your request to take leave intermittently.

If your Department allows you to telework and you are unable to telework your normal schedule of hours due to one of the above-referenced qualifying reasons, your Department may allow you to take Emergency Paid Sick Leave intermittently while teleworking. You must obtain departmental approval and must come to an agreed upon modified work schedule with your supervisor prior to notifying WorkPartners of your request to take leave intermittently while teleworking.

If you do not exhaust your available leave and later experience an event that qualifies you again for the Emergency Paid Sick Leave, you may use the balance at that time, until December 31, 2020. Unused Emergency Paid Sick Leave under the FFCRA will not carry over to the following year.

Allegheny County has decided not to exempt any Departments or employees from the provisions of the Emergency Paid Sick Leave under FFCRA at this time, but reserves the right to exempt Departments or positions from said provisions depending on circumstances and/or staffing needs.

### **EXPANDED FAMILY AND MEDICAL LEAVE**

The Emergency Family and Medical Leave Expansion Act (“Expanded Family and Medical Leave”) provided under the FFCRA and discussed in the attached notice, provides eligible employees (generally, employees who have been employed by Allegheny County for at least 30 calendar days) with up to an additional 10 weeks of paid Expanded Family and Medical Leave at 2/3 the employee’s regular rate of pay where an employee is unable to work or telework due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. This new provision does

not expand the total amount of FMLA leave available to employees, which remains at a maximum of 12 weeks of leave.

NOTE: Employees in the following Departments are NOT eligible for Expanded Family and Medical Leave under FFCRA: Emergency Services; Health Department; Jail; Police; Medical Examiner; Shuman Center; Public Works; Kane; Facilities Management; and Department of Human Services. Allegheny County reserves the right to exempt additional Departments or positions from said provisions depending on circumstances and/or staffing needs.

For an employee taking Expanded Family and Medical Leave, the employee is entitled to pay at 2/3 their regular rate or 2/3 the applicable minimum wage, whichever is higher, up to \$200 per day and \$12,000 in the aggregate (over a 12-week period—two weeks of Emergency Paid Sick Leave followed by up to 10 weeks of paid Expanded Family and Medical Leave). Note that the employees taking Expanded Family and Medical Leave may choose to supplement the 2/3 leave pay with accrued benefit time up to normal earnings. Employees must notify their department payroll person in writing if they wish to supplement with benefit time at the time of their leave request.

Employees may submit a request to their department to take Expanded Family and Medical Leave on an intermittent basis. If that request is granted by the department, employees must agree upon a modified work schedule with the employee's supervisor prior to notifying WorkPartners of the employee's request to take leave intermittently. If your Department allows you to telework and you are unable to telework your normal schedule of hours due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19, your Department may allow you to take Expanded Family and Medical Leave intermittently while teleworking. You must obtain departmental approval and must come to an agreed upon modified work schedule with your supervisor prior to notifying WorkPartners of your request to take leave intermittently while teleworking.

### **REQUESTING EMERGENCY PAID SICK LEAVE AND/OR EXPANDED FAMILY AND MEDICAL LEAVE**

If you are unable to work and are unable to telework due to any of the qualifying reasons listed on the attached notice and would like to request a leave, you must provide notice to your department and you must submit a request for leave by contacting WorkPartners at 1-855-396-8762. You must provide your department advance notice of the need for leave when the leave is foreseeable.

You must advise WorkPartners of the reason for your leave. WorkPartners will determine your eligibility and will provide you with information regarding required documentation that must be submitted in order to approve your time off work.

If your need for leave is to care for a child whose school or place of care is closed, or if child care is unavailable, due to COVID-19, please let your department and WorkPartners know if the first two weeks of the leave will be (a) taken as two weeks' Emergency Paid Sick Leave OR (b) taken under Expanded Family and Medical Leave OR (c) that you have elected to use benefit time and compensatory time for those two weeks. If taken under Expanded Family and Medical Leave, the first two weeks will be unpaid, unless you choose to use your benefit time and compensatory time. The ability to take Expanded Family and Medical Leave for school or place of care closures, or if child care is unavailable, due to COVID-19, does not expand the total amount of FMLA leave available to you. The overall amount of FMLA leave you

can take for any FMLA qualifying reason under the original FMLA and Expanded Family and Medical Leave remains at a maximum of 12 workweeks of leave during a “rolling” 12-month period.

#### **USE OF EXISTING ACCRUED BENEFIT TIME**

The County’s established accrued paid leave benefits, including vacation, personal, sick and compensatory (if applicable) time are available to all eligible employees, to utilize as appropriate under existing policies. In addition, at this time of extraordinary circumstances regarding the COVID-19 emergency, the County is allowing the use of any of the paid leave benefits for which an employee is currently eligible to be used for situations compelling their absence from work. As such, an employee may take his/her accrued sick, vacation, personal and/or compensatory (if applicable) time to care for themselves or for family members.

If you have any questions about requesting leave as described in this notice, please contact your immediate supervisor and/or the Allegheny County Department of Human Resources at 412-350-6830.