



From the Desk of the Director: Families First Coronavirus Response Act (FFCRA)

Dear colleagues,

As we continue to meet the challenges posed by COVID-19, we want to make you aware of the additional leave options available to eligible State employees under the federal Families First Coronavirus Response Act (FFCRA) that was recently signed into law.

Effective retroactively to April 1, 2020, the State's FFCRA policy details your rights and responsibilities in discharging leave under the Emergency Paid Sick Leave Act and the Emergency Family Medical Leave Expansion Act, which are both parts of the FFCRA.

Unless an employee elects otherwise, he or she can discharge emergency paid sick leave made available under the FFCRA before discharging any other forms of accrued paid leave that may be available to employees. **As these new paid leave options are now available, the FFCRA will replace the State's [flexible sick leave policy \[r20.rs6.net\]](https://www.rhodeisland.gov/office-of-the-director/2020/04/01/families-first-coronavirus-response-act-ffcra).**

With the sheer number changes taking effect in recent weeks, we understand it may be difficult to keep track of **everything**. Please review the attached policy, as well as the Frequently Asked Questions (FAQ), for more guidance about how and when emergency paid sick leave and emergency family medical leave can be discharged.

Emergency Paid Sick Leave Act

Eligible employees may discharge **up to two weeks** of emergency paid sick leave if they are unable to work or telework because the employee:

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. Has been advised by a health care provider to quarantine due to concerns related to COVID-19;
3. Is experiencing symptoms of COVID-19 and is seeking a medical diagnosis;
4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);
5. 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; or

6. Is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.

Please note that health care providers and emergency responders, as defined in the FFCRA Policy, are only allowed to request emergency paid sick leave under scenarios 1, 2 or 3.

If an employee is unable to work or telework because of scenarios 1, 2 or 3, they are entitled to be paid at their regular rate of pay (up to \$511 per day and \$5,110 in total over the two weeks).

If an employee is unable to work or telework because of scenarios 4, 5 or 6, they are entitled to be paid two-thirds (2/3) of their regular rate of pay (up to \$200 per day and \$2,000 in all over the two weeks). An employee may elect to use accrued paid leave (sick, vacation, personal, etc.) to supplement pay under emergency paid sick leave for scenarios 4, 5, or 6 so that the employee receives the full amount of biweekly pay. Unless otherwise extended or modified, this provision applies only to leave taken between April 1, 2020 and June 26, 2020.

Emergency Family and Medical Leave Expansion Act (EFMLEA)

This option is only available to an employee who 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 (Scenario 5 above).

The expansion allows an employee who has been employed for at least 30 days prior to their leave request to be eligible for **two weeks of unpaid leave, followed by 10 weeks of partially paid leave.**

For the first two weeks, the employee may elect to discharge the leave provided by the Emergency Paid Sick Leave Act and be paid an amount equal to two-thirds of their regular rate. For the next 10 weeks, the employee will continue to be paid two-thirds (2/3) of their regular rate. An employee may elect to use accrued paid leave (sick, vacation, personal, etc.) to supplement pay under the Emergency Family and Medical Leave Act Expansion so that the employee receives the full amount of biweekly pay. Unless otherwise extended or modified, this provision applies only to leave taken between April 1, 2020 and June 26, 2020.

How to Request Leave under FFCRA

An eligible employee must notify his or her supervisor of the request and submit a FFCRA form to his or her Human Resources Disability Management Unit representative, along with required documentation. (See policy for a list of acceptable documentation.)

Upon receipt of the completed FFCRA form and documentation, the employee will be informed by the Human Resources Disability Management Unit (DMU) whether

the request for leave has been approved or denied, and whether additional information or clarification is needed.

If you have any questions after reviewing the policy and FAQs, please reach out to the Division of Human Resources at doa.hrcontact@hr.ri.gov.

Thank you for always stepping up to do the right thing for Rhode Islanders. As we receive additional guidance from the federal government and Rhode Island Department of Health, we will continue to share updates, directives and helpful information to assist you in navigating this difficult time.

Sincerely,

A handwritten signature in blue ink that reads "B Smiley". The signature is written in a cursive, slightly slanted style.

Brett Smiley
Director
R.I. Department of Administration