



Memo

Date: March 30, 2020
To: All pastors and business managers
From: Marquita Richburg, Manager, Office of Human Resources
Re: COVID-19 & new legislation

We sincerely hope everyone is staying well. This communication serves as a follow-up to the March 13 memo regarding the current COVID-19 pandemic and employees' leaves of absence.

We understand that there are still a lot of unanswered questions about the handling of employees' leaves of absence, specifically for those who do not have the ability to telecommute. Following a thorough review of recently passed legislation in response to COVID-19 and consultation with legal counsel, we are prepared to provide further guidance (described below).

The **Families First Coronavirus Response Act (FFCRA)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reason related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

Until this law takes effect on April 1, please continue to follow the Emergency Closing Policy, which recommends that employees who are unable to work (or telework) receive their normal compensation through March 31. The policy can be found in Section 6.16 of the Employee Policy Manual.

❖ **Emergency Paid Sick Leave Act & Emergency Family and Medical Leave Expansion Act:**

○ **Emergency Paid Sick Leave Act:**

- Applies to all employees (regardless of full-time/part-time status), regardless of tenure
- Entitles an employee to paid emergency leave if an employee cannot work (or telework) due to any of the following reasons:
 1. The employee is subject to a federal, state or local quarantine or isolation due to COVID-19;
 2. A health care provider advised the employee to self-quarantine due to concerns related to COVID-19 (self-imposed quarantine without medical advice does not qualify under the Act); a physician's note may be requested
 3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis; a physician's note may be requested

4. The employee is caring for an individual (not limited to family members, although there is a stray reference to family members elsewhere in the Act, so stay tuned) who is either subject to a federal, state or local quarantine or isolation due to COVID-19 or has been advised to self-quarantine due to concerns related to COVID-19; a physician's note may be requested
5. **The employee is caring for the employee's child whose school has been closed or place of care is unavailable due to COVID-19 precautions;** *****Also see Emergency Family and Medical Leave Expansion Act below for employees who fall under this category*****
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 Treasury and Labor. The precise meaning of this sixth reason will be clarified by the Secretary of Health and Human Services

The employees described above are entitled to the following benefits under the **Emergency Paid Sick Leave Act**.

- ✓ **Full-time employees:** Two weeks of paid leave (80 hours); this is federal paid leave, which does not allow for the employee's accrued sick leave to be docked during this time. For qualifying reasons 1, 2, and 3 above, employees should receive paid sick leave at their regular rate of pay; pay should not exceed \$511 per day (maximum of \$5,110 in total during the 80 hour period); for reasons 4, and 6, employees will receive paid leave at two-thirds of their regular rate of pay; pay should not exceed \$200 per day (maximum of \$2,000 in total during the two-week period)
- ✓ **Part-time employees:** number of hours of federal paid leave is determined by the average number of hours worked in a two-week period; same rules apply as described above

The employees who request leave due to reason # 5 described above, should be handled in accordance with the **Emergency Family and Medical Leave Expansion Act**.

- **Emergency Family and Medical Leave Expansion Act:**
 - Applies to employees who fall under qualifying reason #5 as described above;
 - Employee must have worked for at least 30 days prior to their leave request
 - **Employees are entitled to the following benefits under the act:**
 - 12 weeks of job protected leave of absence;
 - Paid sick leave paid at two-thirds of the employee's regular rate of pay; maximum of \$200 per day/\$12,000 maximum over the 12 week period;
 - Employee must be restored to the same or equivalent position
 - Employers with < 25 employees must reinstate person unless the position does not exist due to economic conditions or other changes caused by the public health emergency; employer must make a reasonable effort to restore individual to the same or equivalent position for at least a year

The benefits described above do not take the place of an employee's entitlement to leave under the standard Family Medical Leave Act (FMLA).

A copy of the Employee Summary of Rights Poster is included in this email. This must be posted at your work site with your other required labor law posters. For employees who will not be at the work site, please email a copy of the poster to them.

We will continue to have discussions regarding this legislation in the upcoming weeks. We realize that each entity may have special circumstances that may not be covered in the new law. We invite you to reach out to our office directly and we will continue to tackle each one at a time.

We understand that this may prompt additional questions or concerns. As previously communicated, we are here to help. Please feel free to contact me at mrichburg@archatl.com, (404) 920-7483 or Chuck Thibaudeau, HR Director, cthibaudeau@archatl.com, (404) 920-7482.