

To: All DFAS Employees

Subject: Interim Guidance for Emergency Sick Leave Under the Families First Coronavirus Response Act (FFCRA)

The FFCRA signed into law provides DFAS employees with up to 80 hours of emergency paid sick leave for reasons related to the coronavirus disease 2019 (COVID-19). The FFCRA leave provisions are effective from April 1, 2020, to December 31, 2020.

The Department of Labor (DOL) published regulations implementing the FFCRA. DOL also published fact sheets and questions and answers. DOL, not the Office of Personnel Management, is responsible for administering the FFCRA, including portions applying to Federal employees. <https://www.federalregister.gov/documents/2020/04/06/2020-07237/paidleave-under-the-families-first-coronavirus-response-act>

The **Leave Entitlement** for DFAS employees includes the **Emergency Paid Sick Leave** but **does not** include the **Emergency Family and Medical Leave**. This new temporary leave category is in addition to any other paid leave entitlements.

- The use of Emergency Paid Sick Leave is voluntary and employees may elect to continue using their own available annual or sick leave, instead.
- Employees must notify supervisors about their request for Emergency Paid Sick Leave as soon as practicable. If an employee fails to give proper notice, it may delay approval of the leave.
- Employees are not required to exhaust any other leave prior to requesting Emergency Paid Sick Leave.

**Qualifying reasons related to COVID-19 and required documentation:**

A Federal employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**.

<p><b>Documentation must include a signed statement containing the following information:</b> (1) the employee's name; (2) the date(s) for which leave is requested; (3) the COVID-19 qualifying reason for leave; and (4) a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason because the employee:</p>
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<u>Qualifying reasons related to COVID-19</u>	<u>Additional required documentation</u>	<b>Current e-biz time codes</b>	<b>Future e-biz time codes (not currently available)</b>
<b>#1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;</b>	The employee must also provide the name of the government entity that issued the quarantine or isolation order to which the employee is subject.	LV	LVDX
<b>#2. has been advised by a health care provider to self-quarantine related to COVID-19;</b>	The employee must also provide the name of the health care provider who advised him or her to self-quarantine for COVID-19 related reasons	LV	LVDX
<b>#3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;</b>	The employee must also provide the name of the health care provider from whom the employee sought treatment for COVID-19 related reasons.	LV	LVDX
<b>#4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);</b>	The employee must also provide either (1) the government entity that issued the quarantine or isolation order to which the individual is subject or (2) the name of the health care provider who advised the individual to self-quarantine, depending on the precise reason for the request.	LV	LVDY  2/3 rate of pay only, see note below
<b>#5. is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons</b>	The employee must also provide : (1) the name of the child being care for; (2) the name of the school, place of care, or child care provider that closed or became unavailable due to COVID-19 reasons; and (3) a statement representing that no other suitable person is available to care for the child during the period of requested leave.	LV	LVDY
<b>#6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services</b>	The employee must also provide the government entity that issued the quarantine or isolation order to which the individual is subject.	LV	LVDY

## **Paid Leave Entitlements:**

### **Generally, the Federal government must provide Federal employees:**

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the Fair Labor Standards Act (FLSA)-based regular rate of pay for an employee or two-thirds of that rate (subject to statutory limitations on daily and aggregate cash value of paid leave) paid at:

- 100% for qualifying reasons #1, #2 and #3, up to \$511 daily and \$5,110 total; and
- 2/3 for qualifying reasons #4, #5 and #6, up to \$200 daily and \$2,000 total.

## **Timekeeping:**

- Employees should code the time and attendance as 'LV' for the FFCRA.
- Under the law, some of the reason codes are paid at a rate of 2/3 of FLSA based regular rate of pay (reasons #4, #5, and #6). **Employees are hereby notified the LV code pays at the full rate and that by use of the code they will incur a subsequent debt for which a waiver cannot be granted.** Employees may also incur a debt which cannot be waived if they hit the daily or total cap described above.
- Supervisors approving emergency paid leave under these provisions should have discussions with employees about their use of this leave to ensure full understanding and proper use of leave codes.

For questions regarding Emergency Paid Leave, please contact your servicing LER Specialist or AskHR.