




MEMO

TO: NSCS Employees

FROM: Paul Turman, Chancellor 
Nebraska State College System

DATE: March 25, 2020

SUBJECT: Families First Coronavirus Response Act

The federal **Families First Coronavirus Response Act** (FFCRA) was enacted to respond to the economic impacts of the coronavirus pandemic. The Act takes effect on April 2, 2020. Two key pieces of the Act will be significant for NSCS employees.

Emergency Paid Sick Leave. Up to 80 hours of Emergency Paid Sick Leave will be available beginning **April 2, 2020**. Employees who need to be absent from work but aren't able to work from home may request this paid leave for the following reasons:

A-Employees who are under an order or advice from the government or a healthcare provider to quarantine or self-isolate;

B-Employees who are symptomatic of COVID-19 or a substantially similar condition and who are seeking a medical diagnosis;

C-Employees who provide care for an individual who is under an order or advice from the government or a healthcare provider to quarantine or self-isolate;

D-Employees who provide care for a child whose school or care provider is closed or unavailable due to COVID-19.

Frequently Asked Questions:

How many Emergency Paid Sick Leave hours do full-time employees receive? 80

How many Emergency Paid Sick Leave hours do part-time employees receive? A number of hours equal to the number of hours that such employee works on average over a 2 week period. For employees whose work hours vary from week to week, we will have to go back 6 months to determine the average number of sick leave hours they will qualify for. The 6 months is specified in the Families First Coronavirus Response Act.

Are student workers and temporary employees eligible for this leave? Yes.

If an employee can work from home, can the employee still receive Emergency Paid Sick Leave? No.

Are all employees eligible for Emergency Paid Sick Leave, regardless of how long they have worked for the College? Yes.

Does Emergency Paid Sick Leave count against an employee's sick, vacation or comp leave balances? No.

Can Emergency Paid Sick Leave be used on an intermittent schedule? No.

Is there a limit for the amount of pay an employee can receive? Yes, \$511/day or \$5,110/aggregate for reasons A and B. The limit is \$200/day or \$2,000/aggregate for reasons C and D.

Emergency FMLA. Another section of the Act expanded the current FMLA provisions to allow more employees to access the 12 weeks of FMLA leave. Employees qualify for Emergency FMLA if they are unable to work or unable to work from home due to the need to care for a child under 18 years of age because the child's school or child care is closed or unavailable due to the COVID-19 emergency. This leave is available beginning **April 2, 2020**.

Frequently Asked Questions:

Is Emergency FMLA paid or unpaid leave? The first 10 days of Emergency FMLA will be unpaid unless the employee chooses to use (a) the Emergency Paid Sick Leave hours to cover the leave time or (b) their accumulated sick, vacation or comp leave balances to cover the leave time.

After the first 10 days of Emergency FMLA, the remaining FMLA leave will be paid, not less than 2/3 of the employee's regular rate, for the number of hours the employee would otherwise be scheduled to work if the person is home to care for the child and unable to work. The employee has the option to use their accumulated sick, vacation or comp leave balances to cover the remaining 1/3 leave time if they wish to remain in a fully paid leave status.

Does the 2/3 paid leave count against an employee's sick, vacation or comp leave balances? No, however, if the employee wants to receive full pay while on Emergency FMLA, he or she may use their accumulated sick, vacation or comp leave balances to cover the remaining 1/3 of the leave time.

Can an employee use Emergency FMLA for his or her illness related to COVID-19? No, this category of FMLA is only related to child care. An employee suffering from COVID-19 may use the "standard FMLA" leave but the special 2/3 paid leave provision will not be applicable.

Are student workers and temporary employees eligible for this leave? Yes.

If an employee can work from home, can the employee still receive Emergency FMLA? No.

Are all employees eligible for this leave, regardless of how long they have worked for the College? No, employees must have been employed by the College for at least 30 calendar days in order to qualify for Emergency FMLA.

Can this leave be used on an intermittent schedule? Yes.

If an employee has already used FMLA hours, are their available Emergency FMLA hours reduced? Yes, the 12 weeks will be reduced by the hours the employee has used for other FMLA qualifying events.

Is there a limit for the amount of pay under Emergency FMLA? Yes, \$200/day or \$10,000 aggregate.

If you wish to request Emergency Paid Sick Leave or Emergency FMLA, please send an email to your HR Office. When you submit your request, please include the reason you are requesting the leave and the amount of time you are requesting. Thank you in advance for your cooperation. If you have any additional questions related to the Families First Coronavirus Response Act, please submit those by email to your HR Office.