

Families First Coronavirus Response Act FAQs

Information included here may change as further information is released by the U.S. Department of Labor or as circumstances change due to the pandemic.

1. What is the Families First Coronavirus Response Act (FFCRA)?

This Act is the Congressional response to coronavirus (COVID-19), designed to provide free COVID-19 testing, paid sick leave, and an expansion of the current Family & Medical Leave Act (FMLA). Provisions for Emergency Family & Medical Leave Expansion and Emergency Paid Sick Leave begin on April 1, 2020 and expire on December 31, 2020.

2. What benefit is the City of Birmingham providing in response to the COVID-19 situation?

As part of the Families First Coronavirus Response Act, The City of Birmingham is providing Emergency Paid Sick Leave and an expanded benefit to the Family & Medical Leave Act, as follows:

Emergency Paid Sick Leave Act

Eligible full-time employees will receive up to 80 hours of Emergency Paid Sick Leave, and part-time employees a prorated amount, if the employee is unable to work or telework due to a need for leave because:

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 due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 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 his or her child whose school or child care provider of such child is closed or unavailable for reasons related to COVID-19.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Paid sick time is calculated as follows:

- For reasons 1, 2, and 3 above, paid time will be greater of the regular rate of pay or the State/Federal minimum wage, will not to exceed \$511 per day and \$5,110 in the aggregate.
- For reasons 4, 5 and 6 above, paid time will be calculated at 2/3 of the greater of the regular rate of pay or the State/Federal minimum wage, not to exceed \$211 per day and \$2,000 in the aggregate.
- The Emergency Paid Sick Leave Act expires on December 31, 2020.

Emergency Family & Medical Leave Expansion Act

Eligible employees who have been employed for at least 30 calendar days by the City will be eligible to take up to 12 weeks of job protected FMLA leave for “a qualifying need related to a public health emergency”.

A “qualifying need” is limited to circumstances where an employee is unable to work (or telework) due to a need to care for a minor child, son or daughter under 18 years of age, if the child’s school or place of child care has been closed or is unavailable due to a public health emergency.

- The first 10 days of leave may be unpaid. During this initial ten days of the leave, an employee may elect, to substitute any accrued vacation leave, sick leave and/or other paid leave for the unpaid leave.
- Paid leave for subsequent days, which is calculated based on 2/3 the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. In no event shall such paid leave exceed \$200 per day and \$10,000 in the aggregate.
- The Emergency Family & Medical Leave Expansion Act expires on December 31, 2020.

City of Birmingham's Emergency Leave

Available on to City employees who are excluded from the provisions of the Emergency Paid Sick Leave & Expanded FMLA and have not received any other COVID related paid leave or advanced leave benefit. This benefit expires on July 31, 2020 and offers up to 80 hours of paid sick leave for the following:

1. Employee has been advised by a health care provider to self-quarantine due to COVID-19 illness.
2. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
3. Employee is asymptomatic, but has been exposed to a confirmed case of COVID-19 and is seeking a medical diagnosis

3. Who is eligible for the Emergency Paid Sick Leave Act and Emergency Family & Medical Leave Expansion Act at the City of Birmingham?

All employees, excluding essential personnel identified below (Sections 1, 4 & 6 from COB Essential Personnel list), are eligible on or after their first day of employment with the City. Excluded employees include:

(1) Law Enforcement, Public Safety, First Responders and Municipal Courts

- a) Emergency management employees
- b) Fire, including EMTs
- c) Police
- d) Jail employees
- e) 911 and 311 call center employees
- f) Hazardous material responders
- g) Frontline employees providing support to law enforcement, public safety, and first responders
- h) Managers providing support to law enforcement, public safety, and first responders

(4) Public Works

- a) Workers who provide support for the operation, inspection and maintenance of essential facilities and operations including bridges, roads, real property, parks, sidewalks and other critical operations
- b) Fleet maintenance personnel
- c) Traffic signal maintenance personnel
- d) Workers such as plumbers, electricians and other service providers who are necessary to maintain the safety, sanitation and essential operations of residences
- e) Workers who support road and line clearing to ensure the availability of needed facilities, transportation and communications
- f) Workers who support the effective removal, storage and disposal of residential and commercial solid and hazardous waste
- g) Frontline employees who support public works employees and operations
- h) Managers who support public works employees and operations

(6) Other Community-Based Government Operations and Essential Functions

- a) Employees, such as building maintenance workers, laborers and security to maintain building functions and the security of City facilities
- b) Employees who support the operations necessary to maintain other community critical functions such as permits, licensing and inspections

4. When does the paid sick leave expire?

The employee's Emergency Paid Sick Leave and Expanded FMLA leave may be used for the remainder of the current calendar year, until December 31, 2020. Unused Emergency Paid Sick Leave hours will not be rolled over to calendar year 2021. The unused Emergency Paid Sick Leave and Expanded FMLA leave hours will expire on December 31, 2020.

The paid leave for limited City personnel may be used until July 31, 2020. The unused emergency leave hours will expire on July 31, 2020.

5. If I separate from employment will I be paid out for unused Paid Sick Leave?

No. Employees are not entitled to reimbursement for unused leave upon termination, resignation, retirement, or other separation from employment.

6. What proof can an employer require for all the medical and quarantine leave time?

An employer could require the same proof as required for regular FMLA, which is medical certification. Medical documentation is required for City personnel excluded from the provisions of EPSL & Expanded FMLA.

7. What if an immediate family member is ill due to COVID-19? Can I use sick leave?

Yes, caring for an ill family member is an appropriate use of sick leave. Employees must notify his or her department of the absence and follow current call-in procedures. In addition, beginning April 1, 2020, caring for an individual with a confirmed case of COVID-19 is an appropriate use of emergency paid sick leave for eligible City employees, available through the Families First Coronavirus Response Act.

8. Will I be required to stay home? If so, how will I be paid?

An eligible employee who has been exposed to or infected with COVID-19 and is required to be in quarantine or isolation, may be granted up to 80 hours of emergency paid sick leave.

9. What happens after the emergency paid sick leave is exhausted?

Employees who have not been released to return to work after the quarantine or isolation period, may use their accrued vacation, sick and/or other paid leave.

10. Will I be eligible for FMLA?

An employee who has been infected with COVID-19 or an employee who must care for an infected family member may be eligible for leave under the Family and Medical Leave Act ("FMLA").

11. What happens if an employee misrepresents or falsifies the reason for a paid leave of absence?

Any employee who misrepresents or falsifies the reason for a paid leave of absence, including the COVID-19 related absence, may be subject to disciplinary action, up to and including termination of employment.

12. What is the procedure for using COVID-19 leave?

Employees must continue to notify his or her department absences and follow current call-in procedures. A request form will be provided to all employees on the City of Birmingham's intranet and/or in a manner accessible to all. The employee must submit their request to Human Resources for review and approval. Medical documentation will be required by Human Resources, if requested.