

# **Frequently Asked Questions**

## **Families First Coronavirus Response Act (FFCRA)**

### **Iowa State University**

Congress recently passed and President Trump signed into law the Families First Coronavirus Response Act (FFCRA). The law will be administered by the Department of Labor's Wage and Hour Division and goes into effect on April 1, 2020 with a sunset of December 31, 2020.

The FFCRA generally provides:

1. FMLA: Eligible employees who are unable to work or telework due to a need for leave to care for a minor child if the child's school or daycare has been closed or is unavailable due to COVID are eligible for up to 12 weeks of job-protected leave under the Family Medical Leave Act (FMLA). The first two weeks are unpaid, the last 10 weeks are paid at 2/3 of the employee's regular rate of pay (up to a maximum of \$200 per day).
2. COVID-19 Sick Time Off: Employees may qualify for up to 10 days of paid sick time off (pro-rated for part time employees) if they are unable to work or telework because of 6 specific COVID-related reasons. Depending on the reason for leave, COVID-19 Sick Time Off may be paid at the employee's full rate of pay (up to a maximum of \$511 per day) or at 2/3 the regular rate (up to a maximum of \$200 per day).

Under the FFCRA, an employee may qualify for COVID-19 Sick Time Off if the employee is unable to work (or telework) due to a need for leave because the employee is:

1. Subject to a Federal, State or local quarantine or isolation order related to COVID-19;
2. Advised by a health care provider to self-quarantine due to COVID-19 concerns;
3. Experiencing COVID-19 symptoms and is seeking medical diagnosis;
4. Caring for an individual subject to a Federal, State or local quarantine or isolation order or has been advised by a health care provider to self-quarantine due to COVID-19 concerns;
5. Caring for the employee's child if the school or place of care is closed (or child care provider is unavailable) for COVID-19 reasons; or
6. Experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Regular and part-time employees at Iowa State University may be eligible for leave under the provisions of the FFCRA. Employees, Graduate Assistants and Post-Docs are advised to work remotely where they can. Where telework is not possible and work can be completed under current social distancing requirements, report to work on campus if able and not currently sick, subject to self-isolation or quarantine as outlined above. Where remote or campus work is not available or feasible, use current leave as appropriate and available.

## Frequently Asked Questions (FAQ)

### Who is eligible for FMLA and paid time off leave under the FFCRA?

A: All faculty and staff in all ISU locations are eligible for paid sick time off under the FFCRA (note that some ISU positions have been identified as exempt from the FFCRA\*). Part-time and temporary employees, including student workers, will be eligible for a prorated amount of time off. Students on graduate assistantship are not eligible for paid time off under the FFCRA. All faculty and staff are eligible for FMLA under the FFCRA if they have been working for ISU for at least 30 calendar days.

\*ISU positions that have currently been identified as FFCRA exempt have received a direct communication from their leadership with additional details regarding eligibility and exemption for the different types of FFCRA time off and leave types.

### As a part-time staff member or temporary, seasonal or student worker, can I take FMLA under the FFCRA?

A: Yes, you may be eligible for FMLA under the FFCRA (COVID-19 FMLA leave) if you meet the following requirements: you must have been an employee of Iowa State University for at least 30 calendar days prior to taking leave, you are scheduled to work, and you are unable to work (or telework) due to a need for leave to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable due to COVID-19. You will be required to provide complete and sufficient documentation in support of a request for COVID-19 FMLA leave. Please contact Employee and Labor Relations at [fmla@iastate.edu](mailto:fmla@iastate.edu) to request this leave.

### As a part-time staff member or temporary, seasonal or student worker, can I take COVID-19 Sick Time Off under the FFCRA?

A: Yes, you may be eligible for sick time off under the FFCRA (COVID-19 Sick Time Off (Self) or (Family)) if you are scheduled to work and cannot work (or telework) because you've been directed to quarantine

**What does it mean to be unable to work, including telework, for COVID-19 related reasons?** One who is directed to quarantine or isolate, or you are caring for a child whose school or child care provider is

A: You are unable to work if your employer has work for you and one of the COVID-19 qualifying reasons set forth in the FFCRA prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

If you and your employer agree that you will work your normal number of hours, but outside of your normally scheduled hours (for instance early in the morning or late at night), then you are able to work and sick time off or leave is not necessary unless a COVID-19 qualifying reason prevents you from working that schedule.

### How do I record my COVID-19 FMLA or COVID-19 Sick Time Off under the FFCRA?

A: Please refer to the [COVID-19 FMLA Job Aid](#) or [COVID-19 Intermittent FMLA Time Offs Job Aid](#) and/or this [COVID-19 Sick Time Off Job Aid](#) for specific instructions.

**As a part-time staff member or temporary, seasonal or student worker, how many hours of COVID-19 FMLA or COVID-19 Sick Time Off under the FFCRA am I eligible for?**

A: The amount of time off or leave for which you may be eligible is pro-rated based on the average number of hours you work per week. This is a one-time bank of time off for use between April 1, 2020 and December 31, 2020. Please contact your HR Delivery Timekeeper/Absence Coordinator regarding your specific hour eligibility.

**As a full-time employee, can I take sick time off under the FFCRA?**

A: Yes, you may be eligible for sick time off under the FFCRA (COVID-19 Sick Time Off (Self) or (Family)) if you are scheduled to work and cannot work (or telework) because you've been directed to quarantine or isolate due to COVID-19, you are sick with COVID-19 symptoms, you need to care for someone who is directed to quarantine or isolate, or you are caring for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

**As a full-time employee, how many hours of COVID-19 Sick Time Off under the FFCRA am I eligible for?**

A: As a full-time employee, you are eligible for up to 80 hours of paid sick time off to be used because you've been directed to quarantine or isolate due to COVID-19, you are sick with COVID-19 symptoms, you need to care for someone who is directed to quarantine or isolate, or you are caring for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. This is a one-time bank of paid sick time off for use between April 1, 2020 and December 31, 2020.

**As a full-time employee, can I take FMLA under the FFCRA?**

A: Yes, you may be eligible for COVID-19 FMLA leave under the FFCRA if you meet the following requirements: you must have been an employee of Iowa State University for at least 30 calendar days prior to taking leave, you are scheduled to work, and you are unable to work (or telework) due to a need for leave to care for a child (under 18 years of age) whose school or child care provider is closed or unavailable due to COVID-19. You will be required to provide complete and sufficient documentation in support of a request for COVID-19 FMLA leave. Please review the [COVID-19 FMLA Job Aid](#) to request this leave. For questions please contact Employee and Labor Relations at [fmla@iastate.edu](mailto:fmla@iastate.edu).

**As a full-time employee, how many weeks of COVID-19 FMLA leave under the FFCRA am I eligible for?**

A: As a full-time employee, you are eligible for up to 12 weeks (480 hours) of FMLA leave to be used because you are caring for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19. The first 10 days may be unpaid or employees may use accrued time off (vacation, sick, emergency, comp time) or COVID-19 Sick Time Off (Family). After 10 days, compensation for the remaining leave will be paid at 2/3 of the employee's regular rate of pay for the number of hours the employee would otherwise be scheduled to work (up to a maximum of \$200 per day). Eligibility for COVID-19 FMLA leave will be reduced by any hours taken for other FMLA-approved conditions during the period of January through December 2020.

**How do I request use of COVID-19 Sick Time Off (Self) or (Family)?**

A: Please review the steps in the [COVID-19 Sick Time Off Job Aid](#) for instructions on how to request COVID-19 SickTime Offs.

**How do I report COVID-19 Sick Time Off on my timesheet?**

A: Please review the steps in the [COVID-19 Sick Time Off Job Aid](#) for instructions.

**Can employees take paid sick time off under the FFCRA because their children’s schools or child care providers are closed?**

A: Yes. When possible, departments are encouraged to allow employees to work remotely and be flexible with arrangements. If remote work and/or flexible arrangements are not possible, employees may use COVID-19 Sick Time Off and/or COVID-19 FMLA leave. COVID-19 Sick Time Off (Family) to care for a minor child whose school or child care provider has closed or is unavailable as well as the last 10 weeks of COVID-19 FMLA leave are paid at 2/3 of the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work (up to a maximum of \$200 per day). Employees may also choose to use existing time off, as applicable.

**Can employees take paid sick time off under the FFCRA to care for a family member who has contracted COVID-19 or is being quarantined?**

A: Yes. When possible, departments are encouraged to allow employees to work remotely and be flexible with arrangements. If remote work and/or flexible arrangements are not possible, employees may use COVID-19 Sick Time Off (Family). COVID-19 Sick Time Off (Family) to care for a family member who has contracted COVID-19 or who is being quarantined is paid at 2/3 of the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work (up to a maximum of \$200 per day). Employees may also choose to use existing time off accruals, as applicable. Employees should follow guidelines from local public health departments to protect their safety.

**Are employees required to use sick or vacation time off if they are directed to stay home by a healthcare provider or government health agency?**

A: Where possible, departments are encouraged to allow employees to work remotely if they are directed to stay home from work by a healthcare provider or government health agency.

For employees who are unable to work remotely and otherwise meet the eligibility requirements, COVID-19 Sick Time Off may be used first before other forms of paid or unpaid time off (e.g. vacation, sick, emergency, comp time, or authorized leave without pay). For additional information regarding eligibility for COVID-19 Sick Time Off, contact HR Delivery at [HR\\_Delivery@iastate.edu](mailto:HR_Delivery@iastate.edu).

**What sick time off options are available for an employee who is a caregiver for a low immune or high-risk family member?**

A: When possible, departments are encouraged to allow employees to work remotely and be flexible with arrangements. If remote work and/or flexible arrangements are not possible, employees may use COVID-19 Sick Time Off (Family) to provide caregiving responsibilities for an ill family member related to

COVID-19. COVID-19 Sick Time Off may be used first before other forms of paid or unpaid time off (e.g., vacation, comp time, or authorized leave without pay).

**If I use up all 80 hours of COVID paid sick time off and need to take other paid time off, such as vacation, how do I report it?**

A: Employees must record all paid-time-off through Workday. Please follow the regular process of requesting time off in Workday. For assistance please review the [Requesting an Absence Quick Reference Guide](#).

**As an employee, how much will I be paid while taking COVID-19 Sick Time Off or COVID-19 FMLA leave under the FFCRA?**

A: It depends on your normal schedule as well as why you are taking leave.

If you are taking paid COVID-19 Sick Time Off (Self) because you are unable to work or telework due to a need for leave because you are:

1. subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or
3. are experiencing symptoms of COVID-19 and are seeking medical diagnosis, you will receive your regular rate of pay.

In these circumstances, you are entitled to paid time off at your full regular rate of pay, up to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period.

**OR**

If you are taking COVID-19 Sick Time Off (Family) leave because you are:

1. caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
2. caring for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or
3. experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, you are entitled to compensation at 2/3 of the greater of the amounts above.

In these circumstances, you are entitled to sick leave paid at 2/3 of your regular rate of pay, up to a maximum of \$200 per day, or \$2,000 over the entire paid sick leave period.

If you are taking COVID-19 FMLA leave, the first two weeks (10 days) are unpaid; however, you may elect to substitute COVID-19 Sick Time Off or existing vacation or sick time off. For the last ten weeks, you will be paid 2/3 of your regular rate of pay for the hours you would be normally scheduled to work, up to a maximum of \$200 per day or \$12,000 for the twelve-week period.

**May I take 80 hours of paid sick time off for my self-quarantine and then another 80 hours of paid sick time off for another reason provided under the FFCRA?**

A: No. You may take up to ten days (80 hours for full-time employees, pro-rated for part-time employees) of paid COVID-19 sick time off under the FFCRA for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick time off is capped at 80 hours under the FFCRA.

**Is all leave under the FMLA now paid leave?**

A: No. The only type of FMLA that is paid is leave taken because the employee is unable to work or telework because they must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

**Can I use COVID-19 Sick Time Off and COVID-19 FMLA leave retroactively?**

A: No. You may only use COVID-19 Sick Time Off and COVID-19 FMLA leave for leave taken between April 1, 2020 and December 31, 2020.

**May I take COVID-19 Sick Time Off and COVID-19 FMLA intermittently while teleworking?**

A: Yes, if you are unable to telework your normal schedule of hours due to one of the qualifying reasons under the FFCRA and you and your supervisor are able to agree on a work schedule. In that situation, you may take COVID-19 Sick Time Off intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons and you and your supervisor are able to agree on a work schedule, you may take COVID-19 FMLA intermittently while teleworking. You should work closely with your supervisor regarding your work schedule and need for COVID-19 intermittent FMLA. You may take intermittent leave in increments to the nearest tenth of an hour, as needed, in coordination with your supervisor, and then return to teleworking.

**May I take COVID-19 Sick Time Off and COVID-19 FMLA leave intermittently while working at my usual worksite (as opposed to teleworking)?**

A: It depends on why you are taking paid sick time off and whether your employer agrees. Unless you are teleworking, paid sick time off for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

1. You are subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
3. You are experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or

5. You are experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

Unless you are teleworking, once you begin COVID-19 Sick Time Off for one or more of these qualifying reasons, you must continue to take COVID-19 Sick Time Off each day until you either

1. use the full amount of paid sick time off or
2. no longer have a qualifying reason for taking paid sick time off.

This limit is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent of the FFCRA is to provide such paid sick time off as necessary to keep you from spreading the virus to others.

If you no longer have a qualifying reason for taking COVID-19 Sick Time Off before you exhaust your COVID-19 Sick Time Off, you may take any remaining COVID-19 Sick Time Off at a later time, until December 31, 2020, if another qualifying reason occurs.

In contrast, you may take COVID-19 Sick Time Off intermittently, in coordination with your supervisor, if you are taking COVID-19 Sick Time Off to care for your child whose school or place of care is closed, or whose child care provider is unavailable, because of COVID-19 related reasons. For example, if your child is at home because his or her school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you may take COVID-19 Sick Time Off on Mondays, Wednesdays, and Fridays to care for your child, but work at your normal worksite on Tuesdays and Thursdays.

**May I take COVID-19 FMLA intermittently while my child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?**

A: Yes, but only with your supervisor's permission. Intermittent COVID-19 FMLA leave should be permitted only when you and your supervisor agree upon such a schedule. For example, if your supervisor and you agree, you may take COVID-19 FMLA leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child's school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

**If I elect to take paid time off or expanded family and medical leave, must my employer continue my health coverage?**

A: If you've elected ISU's group health insurance, you are entitled to continued group health coverage during your COVID-19 FMLA on the same terms as if you continued to work. If you are enrolled in family coverage, your coverage will be maintained during your COVID-19 FMLA leave. You generally must continue to make any normal contributions to the cost of your health coverage.

If you elect to take COVID-19 Sick Time Off, ISU will continue your health coverage.

**If I remain on leave beyond the maximum period of COVID-19 FMLA leave, do I have a right to keep my health coverage?**

A: If you do not return to work at the end of your COVID-19 FMLA leave, you should consult closely with UHR regarding your need for additional leave and how it could impact your health benefits. If you are no longer eligible, you may be able to continue your coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA allows you and your family to continue the same group health coverage at group rates. Your share of that cost may be higher than what you were paying before but may be lower than what you would pay for private individual health insurance coverage.

**What does it mean to be unable to work, including telework for COVID-19 related reasons?**

You are unable to work if your department has work for you and one of the COVID-19 qualifying reasons set forth in the FFCRA prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

If you and your department agree that you will work your normal number of hours, but outside of your normally scheduled hours (for instance early in the morning or late at night), then you are able to work and leave is not necessary unless a COVID-19 qualifying reason prevents you from working that schedule.

**Where can I get more information on the new Federal regulations?**

A: The FFCRA is administered by the Wage and Hour Division of the U.S. Department of Labor. Documents and Frequently Asked Questions can be found at the following links:

[COVID-19 and the American Workplace](#)

[Families First Coronavirus Response Act: Employee Paid Leave Rights](#)

[Families First Coronavirus Response Act: Questions and Answers](#)

[COVID-19 and the Family and Medical Leave Act Questions and Answers](#)