

Families First Coronavirus Response Act (FFCRA)

Frequently Asked Questions (FAQs)

GENERAL

What New Leave Benefits Were Created by the Families First Coronavirus Response Act (“FFCRA” or “Act”)?

The Act created two new types of leave: (1) up to 80 hours of Emergency Paid Sick Leave for specific qualifying reasons, and (2) Public Health Emergency Leave, which amends the Family Medical Leave Act (FMLA) to allow employees to take up to 12 weeks of leave for an additional qualifying reason related to the closure of a child’s school or place of care.

When will the Emergency Paid Sick Leave and the expanded Family Medical Leave Act (Expanded FMLA) benefits be available for me to use?

You are able to use Emergency Paid Sick Leave and the Expanded FMLA benefits April 1, 2020 through December 31, 2020.

I have already taken leave prior to April 1, 2020 related to COVID-19. Can I take Emergency Paid Sick Leave or Expanded FMLA Leave retroactively?

No, leave under the FFCRA is not available for use prior to April 1, 2020. Any leave taken prior to that date remain subject to the rules in place at that time.

For how long must I have been employed with the Postal Service to be eligible for these new types of leave?

All employees, regardless of tenure, are immediately eligible for Emergency Paid Sick Leave if they have a qualifying reason (discussed below) to take such leave. Employees who have been on the Postal Service’s payroll for the 30 calendar days immediately prior to when leave would begin are eligible to take the expanded FMLA leave for the qualifying reason related to the closure of a child’s school or place of care.

I am a non-career employee; do I have access to these new benefits?

Yes, eligibility criteria for these new types of leave make no distinction based on career or non-career status.

Are part-time employees eligible to receive these benefits?

Yes, part-time employees are eligible to receive these benefits. However, part-time employees are only eligible for leave equal to the number of hours they are scheduled to work, on average, over a two-week period, up to a maximum of 80 hours. Alternatively, if the employee has a variable schedule such that it is not possible to determine the normal hours over a two-week period, the employee is eligible for leave equal to the average number of hours the employee was scheduled to work per calendar day over the six-month period ending on the first day of the requested leave, up to a maximum of 80 hours. How that applies to each type of leave is discussed further below.

How do I request the new leave benefits?

Submit a completed PS Form 3971 “Request for or Notification of Absence” to your supervisor with all supplemental information related to the leave type and qualifying reason for the leave.

Can I call into the IVR leave line or use the Enterprise Leave Request Application (eLRA) to request the new leave?

No. IVR and eLRA are for unscheduled leave only. To request leave under FFCRA you must submit a completed PS Form 3971 "Request for or Notification of Absence" to your supervisor.

EMERGENCY PAID SICK LEAVE

How do I qualify for Emergency Paid Sick Leave?

You qualify for Emergency Paid Sick Leave if you are unable to work or telework for the following reasons:

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 about COVID-19.
3. You are experiencing COVID-19 symptoms and are seeking a medical diagnosis.
4. You are caring for an individual subject to an order described in (1) or self-quarantine as described in (2).
5. You are caring for your child whose school or place of care is closed (or child care provider is unavailable due to COVID-19 related reasons).
6. You are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services (HHS). As of August 20, 2020, no such condition has been specified by HHS.

I am subject to a stay-at-home order where I live. Can I take Emergency Paid Sick Leave based on qualifying reason 1?

Because the Postal Service provides an essential federal government service as part of the nation's critical infrastructure, postal employees are generally not subject to Federal, State, or local quarantine or isolation orders related to COVID-19. That being the case, application of this qualifying factor is not automatic in the Postal Service. We will continue to handle application of this qualifying factor as we had prior to the passage of the FFCRA and liberally grant Emergency Paid Sick Leave to employees who believe they have an individual circumstance for which taking this leave is appropriate. Any questions regarding this provision should be forwarded to Human Resources.

I am an employee. I become ill with COVID-19 symptoms, decide to quarantine myself for two weeks, and then return to work. I do not seek a medical diagnosis or the advice of a health care provider. Can I get paid for those two weeks under the FFCRA?

Generally, no. If you become ill with COVID-19 symptoms, you may take Emergency Paid Sick Leave only to seek a medical diagnosis or if a health care provider otherwise advises you to self-quarantine. If you test positive for the virus associated with COVID-19 or are advised by a health care provider to self-quarantine, you may continue to take emergency paid sick leave.

You may not take Emergency Paid Sick Leave if you unilaterally decide to self-quarantine for an illness without medical advice, even if you have COVID-19 symptoms. Note that you may not take Emergency Paid Sick Leave if you become ill with an illness not related to COVID-19.

How do I complete my 3971 Leave Request with this new leave type?

For qualifying reasons 1 – 3, for "Type of Absence" select "Other" box and write in code 077-19; for remarks you will write "Emergency Paid Sick Leave – Self."

For qualifying reasons 4 -6, for "Type of Absence" select "Other" box and write in code 081-19; for remarks you will write "Emergency Paid Sick Leave – Other"

Is Emergency Paid Sick Leave full paid leave?

It depends on your individual compensation. The FFCRA contains statutory caps on the rate of compensation an employee may receive for Emergency Paid Sick Leave.

For qualifying reasons 1 – 3, Emergency Paid Sick Leave is capped at no more than \$511/day, or \$5,110 in the aggregate. If your rate of pay does not exceed the statutory cap for your qualifying reason, you will receive full pay for these hours.

For qualifying reasons 4 -6, Emergency Paid Sick Leave will be paid at not less than 2/3 of your rate of pay but is capped at no more than \$200/day, or \$2,000 in the aggregate.

How much Emergency Paid Sick Leave am I eligible to receive?

Qualifying employees are entitled to up to 80 hours of Emergency Paid Sick Leave.

Full-time employees are entitled to 80 hours of Emergency Paid Sick Leave.

If you are a part-time employee with a normal weekly schedule, you are entitled to Emergency Paid Sick Leave up to the number of hours you are normally scheduled to work over a two-week period.

If you are a part-time employee with a variable schedule such that it is not possible to determine your normal hours over a two-week period, you are entitled to Emergency Paid Sick Leave hours based on the average number of hours you worked over the six-month period ending on the first day of the requested leave (including any hours for which you took leave of any type). If you are a part-time employee who has worked for few than six months, you are entitled to Emergency Paid Sick Leave hours based on the average number of hours you worked over the duration of your employment (including any hours for which you took leave of any type).

Non-career employees are treated as all other employees for purposes of Emergency Paid Sick Leave. If a non-career employee works the equivalent of full-time (i.e., 40 hours per week), he or she would be eligible for up to 80 hours of Emergency Paid Sick Leave. If he or she works fewer hours, he or she would be eligible for Emergency Paid Sick Leave as described above for part-time employees.

Are an employee's overtime hours included in the 80 hours of Emergency Paid Sick Leave?

Yes, an employee's normally scheduled overtime hours can be included in their Emergency Paid Sick Leave. However, an employee's Emergency Paid Sick Leave hours cannot exceed 80 hours in total for the two-week period. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any event, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

Does Emergency Paid Sick Leave reduce my current accrued leave balances?

No. Emergency Paid Sick Leave is Postal Service-funded leave that does not affect an employee's regular sick or annual leave balances.

Do I qualify for Emergency Paid Sick Leave for a COVID-19 related reason even if I have already used some or all of my leave under the FMLA?

If you are an eligible employee, you are entitled to Emergency Paid Sick Leave under the FFCRA regardless of how much leave you have taken under the FMLA.

Can I take 80 hours of emergency paid sick leave for one qualifying reason and then another amount of emergency paid sick leave for another qualifying reason under the Emergency Paid Sick Leave Act?

No. The total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act. However, if the Postal Service would allow you to report to work but you still need to stay out of work as a result of COVID-19, you can elect to use your own leave after the 80 hours has expired or take expanded FMLA leave if your need for leave is a qualifying reason as described below.

Can I use Emergency Paid Sick Leave intermittently?

No, if you are required to report to a worksite and are taking Emergency Paid Sick Leave for qualifying reasons 1-4 above. Once you begin taking emergency paid sick leave for one or more of these qualifying reasons, you must continue to take emergency paid sick leave each day until you either (1) use the full amount of emergency paid sick leave, or (2) no longer have a qualifying reason for taking emergency paid sick leave. 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 FFCRA is to provide such emergency paid sick leave as necessary to keep you from spreading the virus to others.

If you report to a worksite and are taking Emergency Paid Sick Leave for qualifying reason 5, or you are able to work remotely, you may be able to take Emergency Paid Sick Leave intermittently if you are able to agree with your manager on a schedule in which you are able to perform the functions of your position while taking this type of leave intermittently. However, in the absence of an agreement between you and your manager to use Emergency Paid Sick Leave intermittently, you will still be permitted to take it all at once.

I took leave prior to April 1, 2020 for a reason related to COVID-19. Does that mean I have used some of the 80 hours of Emergency Paid Sick Leave?

No. Emergency Paid Sick Leave only became available on April 1, 2020. Any leave taken before that, even if related to COVID-19, is not Emergency Paid Sick Leave.

Does using Emergency Paid Sick Leave have any effect on my health care coverage or retirement date?

No.

FMLA LEAVE EXPANSION

How do I qualify for the Expanded FMLA paid leave benefits?

To qualify for this new qualifying reason under the FMLA, you must be taking care of a child whose school or place of care is closed due to the pandemic.

Can I get Expanded FMLA paid leave benefits to take care of my disabled adult child?

Yes, but only if your son or daughter, ward, foster-child or child for whom you are in loco parentis is incapable of self-care because of a mental or physical disability.

Can I take Expanded FMLA leave, or Emergency Paid Sick Leave for qualifying reason 5, to care for my grandchild?

Generally, no. Expanded FMLA leave and Emergency Paid Sick Leave are only available for employees who need to care for a son or daughter whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19. However, if a grandparent is the child's legal guardian, or if the grandparent stands in loco parentis to the child, an employee may be eligible to take either type of leave.

I thought I could only take FMLA leave if I have been employed by the Postal Service for a specific period of time. Are there different eligibility rules for this type of leave?

Yes. Employees who have been on the Postal Service's payroll for the 30 days prior to the day their leave would begin are eligible to take Expanded FMLA leave for the qualifying reason related to the closure of a child's school or place of care. For all other qualifying reasons under the FMLA, the pre-existing eligibility rules still apply.

Does this new qualifying reason entitle me to a new 12-week period under the FMLA?

No. Each employee is still only entitled to 12 weeks of FMLA leave per leave year, regardless of reason. If you have already exhausted your FMLA leave for this leave year, you are not entitled to take FMLA leave for this new qualifying reason related to COVID-19. If you have exhausted only part of your FMLA leave entitlement, you can take any remaining FMLA leave for this new qualifying reason.

I have used part of my FMLA entitlement this year. How do I know how many hours I have left?

Your timekeeper and/or supervisor can access your year-to-date FMLA leave usage in eRMS under the Leave Management screen. The new FMLA year began January 4, 2020.

Does FMLA leave for this new qualifying reason include paid leave?

Yes. The first two weeks (10 days for full-time employees) of FMLA leave for this new qualifying reason will be unpaid. You have the option to use your own accrued leave or use Emergency Paid Sick Leave during the first two weeks of FMLA leave for this qualifying reason. The remaining 10 weeks of FMLA leave for this qualifying reason is to be paid out at not less than 2/3 of your pay, but is capped at \$200 a day, or \$10,000 in the aggregate.

If I am not a full-time employee, how many hours of this type of leave am I entitled to?

It depends on the nature of your schedule.

If you have a normal regular schedule, you are eligible for the number of hours you are normally scheduled to work over a two-week period, up to the maximum of 80 hours.

If you have a variable schedule such that it is not possible to determine the normal hours over a two-week period, you are eligible for leave equal to the average number of hours you were scheduled to work per calendar day over the six-month period ending on the first day of the requested leave, up to a maximum of 80 hours. If you have such a variable schedule but have worked for fewer

than six months, you are entitled to Emergency Paid Sick Leave hours based on the average number of hours you worked over the duration of your employment (including any hours for which you took leave of any type).

Is all leave under the FMLA now paid leave?

No, only expanded FMLA leave associated with caring for a covered child whose school or child care provider is closed is considered a qualifying reason for this new type of paid expanded FMLA leave.

Can I use expanded FMLA leave for this new qualifying reason intermittently?

Yes. For more information, please see the FAQs regarding Return to School Issues below.

Do I need to submit my documentation to HR Shared Service Center via the normal FMLA process to receive leave benefits?

No. The new FMLA Expansion is not being managed by the Human Resources Shared Service Center (HRSSC). You are to submit your request for leave and documentation to your local supervisor. Any documents related to FFCRA leave sent to HRSSC will be returned to sender.

I noticed that the closure of a child's school or place of care is a qualifying reason for both types of new leave. Can I use Emergency Sick Leave in conjunction with FMLA leave for this new qualifying reason to ensure that all twelve weeks of leave are paid?

Yes, you may use paid Emergency Paid Sick Leave for the first two weeks of unpaid FMLA leave, which may otherwise be unpaid, for this new qualifying reason. You may also (but are not required to) use other accrued leave during this period. The remaining period of FMLA leave for this new qualifying reason is partially paid leave. However, please note that pay for Emergency Paid Sick Leave and expanded FMLA leave for this new qualifying reason is capped at \$200/day and is also subject to aggregate pay caps.

Also note that you may only use 80 hours of Emergency Paid Sick Leave once. For example, if you use all 80 hours of Emergency Paid Sick Leave in conjunction with Expanded FMLA leave to get the first two weeks of expanded FMLA leave paid, and you later experience symptoms of COVID-19, you will not be eligible for a second period of Emergency Paid Sick Leave.

Will I continue to accrue my earned annual/sick leave if I take Expanded FMLA leave?

Yes, as long as you are in a paid status, you will continue to accrue earned leave.

RETURN TO SCHOOL ISSUES – Fall 2020

My child’s school is requiring students to report for in-person lessons some days but using virtual learning on others due to COVID-19. Is this situation covered by Emergency Paid Sick Leave qualifying reason 5 or Expanded FMLA Leave?

Yes, provided you have not exhausted your leave under the FFCRA / FMLA, you need the leave to actually care for your child during that time, and no other suitable person is available to do so. You may take paid leave under the FFCRA on your child’s required remote-learning days. All eligibility and documentation requirements still apply.

My child’s school has given students the option to report for in-person schooling or to use virtual learning. If I choose to have my child use virtual learning, would I be eligible for Emergency Paid Sick Leave under qualifying reason 5 or Expanded FMLA Leave?

No. You are not eligible to take paid leave under the FFCRA because your child’s school is not “closed” due to COVID–19 related reasons; it is open for your child to attend. The FFCRA requires that the school be closed due to COVID-19 in order for an employee to qualify for either leave type. FFCRA leave is not available to take care of a child whose school is open for in-person attendance. If your child is home not because his or her school is closed but because you have chosen for the child to remain home, you are not entitled to FFCRA paid leave.

If, because of COVID-19, your child is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, you may be eligible to take emergency paid sick leave to care for him or her.

If your child has a serious health condition that makes it dangerous for him or her to attend school in person, you may be eligible for traditional FMLA leave; please contact your FMLA Office of the Human Resources Share Service Center (HRSSC) for more information.

Someone in my household is at high risk for serious illness from COVID-19, so I want to / need to keep my child home from school even though the school is offering in-person learning. Would I be eligible for Emergency Paid Sick Leave under qualifying reason 5 or Expanded FMLA Leave?

No. You are not eligible to take paid leave under the FFCRA because your child’s school is not “closed” due to COVID–19 related reasons; it is open for your child to attend. The FFCRA requires that the school be closed due to COVID-19 in order for an employee to qualify for either leave type. FFCRA leave is not available to take care of a child whose school is open for in-person attendance. If your child is home not because his or her school is closed but because you have chosen for the child to remain home, you are not entitled to FFCRA paid leave.

If, because of COVID-19, your child or another member of your household is under a quarantine order or has been advised by a health care provider to self-isolate or self-quarantine, you may be eligible to take emergency paid sick leave to care for him or her.

If your child has a serious health condition that makes it dangerous for him or her to attend school in person, you may be eligible for traditional FMLA leave; please contact your FMLA Office of the Human Resources Share Service Center (HRSSC) for more information.

I have exhausted my FFCRA leave (or will exhaust it), but I still need to care for my child whose school is using virtual learning. What are my options?

While the Postal Service has a liberal leave policy in place, an employee is eligible to take LWOP or an appropriate form of available paid leave provided it is operationally feasible to have that employee on leave.

MISCELLANEOUS

Who should I call if I have questions regarding these benefits?

For additional questions please contact the HR Shared Service Center at 1-877-477-3273 and select Option 5.

Where can I go to view more information regarding these benefits?

Additional details about the act's provisions and other COVID-19 information can be found on the special COVID-19 pages of our internal website, Blue, and our employee website, LiteBlue. You can also view the [Federal Employee Rights Poster](#) provided by the Department of Labor.

I am a manager and have been contacted by the Department of Labor regarding a potential issue related to these new leave categories. What should I do?

Please contact Human Resources or Labor Relations, who will engage the Law Department to help address this issue.