**Policy 1515: Families First Coronavirus Response Act**

*Note: The FFCRA expired on December 31, 2020. However, the American Rescue Plan Act of 2021 (ARPA-21) extends the availability of the FFCRA payroll tax credits for certain wages paid by covered employers for voluntarily-provided qualifying FFCRA leave. The ARPA-21 does not require private employers to provide this leave. The ARPA-21 covers wages paid for leave from April 1 through September 30, 2021.*

*Covered employers (private employers with fewer than 500 employees) who chose to voluntarily provide leave can use this sample policy.*

**Model Policy Revised Date: 09/30/2021**

**General Policy Statement:**

The Credit Union voluntarily provided leaves under the Federal Families First Coronavirus Response Act (FFCRA) until September 30, 2021.

FFCRA provides employees with Emergency Paid Sick Leave and Emergency Paid Family and Medical Leave if they are affected by COVID-19. The Credit Union will not discharge, discipline, or otherwise discriminate against any employee who takes Emergency Paid Sick Leave under the FFCRA, files a complaint or institutes or causes to institute a proceeding under or related to the FFCRA, or has testified or is about to testify in any such proceeding.

**Guidelines:**

1. **Emergency Paid Sick Leave.**
   1. **Qualifying Reasons for Leave.** An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:  
      1. Is subject to a Federal, State or local quarantine or isolation order related to COVID-19;
      2. Has been advised by a health care provider to self-quarantine related to COVID-19;
      3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
      4. Is seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 and after an exposure to COVID-19 or test or diagnosis at the employer's request;
      5. Is obtaining immunization related to COVID-19;
      6. Is recovering from any injury, disability, illness, or condition related to COVID-19 immunization;
      7. Is caring for one or more individuals experiencing symptoms of and seeking diagnosis for COVID-19 or are subject to a governmental order or medical recommendations to quarantine or self-isolate;
      8. Is caring for a child whose school or place of care is closed or whose childcare provider is unavailable for reasons related to COVID-19; or
      9. Is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury.
   2. **Leave Entitlement.**  Regardless of their time of employment with the Credit Union, a full-time employee is eligible for up to 80 hours of emergency paid sick leave, and a part-time employee is eligible for emergency paid sick leave equal to the number of hours that the employee works on average over a two-week period. For paid sick leave taken for an employee’s own conditions (reasons i-ix above), the employee will be compensated at the higher of his or her regular rate or the applicable minimum wage, up to $511 per day and $5,110 in aggregate. Sick leave taken to care for other reasons will be compensated at two-thirds the rate the employee would otherwise receive, up to $200 per day and $2,000 in aggregate.
2. **Emergency Family Medical Leave Act Expansion.**   
   1. **Leave** **Entitlement.** Full-time and part-time employees who have been on the Credit Union’s payroll for at least 30 calendar days, may take emergency family and medical leave, as part of the FMLA leave entitlement, if leave is taken for a public health emergency, as defined by the FFCRA, as well as for any qualifying reason to take emergency paid sick leave. The employee will be paid at 2/3 of his or her regular rate of pay for the number of hours that the employee would otherwise be normally scheduled to work. Part-time employees are entitled to be paid 2/3 of their usual pay based on the average number of hours worked for the six months prior to taking the leave, up to $200 per day and $12,000 in the aggregate.
   2. **Compliance with FMLA.** The Credit Union will follow and comply with all other obligations under the FMLA.
3. **Notices.** The Credit Union will post the required FFCRA notice in a conspicuous location and will also send the notice to all employees electronically.
4. **Notifying Credit Union of the Need for FFCRA Leave**.   
   1. Employees must provide notice for FFCRA leave as follows:  
      1. For foreseeable leave taken to care for a child whose school is closed or childcare is unavailable, notice must be provided as soon as practicable.
      2. In all other cases, notice is required after the first workday that leave is taken.
   2. A request form indicating the specific qualifying reason and date of requested leave should be filled out, but notice may be provided orally. If an employee is incapacitated, the employee’s representative should give verbal notice as soon as possible.
   3. An employee must provide sufficient information regarding the reason for an absence for the company to know that protection and benefits may exist under this policy. For example, calling in “sick” does not qualify as adequate notice.
5. **Documentation.** 
   1. The Credit Union will require and maintain documentation for the reason of the employee’s leave, which must be provided by the employee in accordance with the FFCRA and related regulations.
   2. Documentation supporting FFCRA leave must include a signed statement containing the following information: (1) the employee’s name; (2) the date(s) for which leave is requested; (3) the COVID-19 qualifying reason for the leave; and (4) a statement representing that the employee is unable to work or telework because of the COVID-19 qualifying reason.
   3. If the employee is requesting FFCRA leave based on a quarantine or isolation order, the employee must provide the name of the government entity that issued the quarantine or isolation order to which the employee is subject.
   4. An employee requesting leave based on the advice of a health care provider must provide the name of the health care provider.
   5. For employees taking leave to care for a child whose school or place of care is closed, or childcare provider is unavailable due to COVID-19, the employee must provide the appropriate documentation in support of such leave, including the name of the child being cared for, the name of the school, place of care, or child care provider that is closed or unavailable, and a statement representing that no other suitable person is available.