

Employee Questions and Answers re: the End of the FFCRA

The Families First Coronavirus Response Act (FFCRA) was in effect from April 1 through December 31, 2020. Employees that were on one of the two paid leaves under the act, either Emergency Paid Sick Leave (EPSL) or Expanded Family Medical Leave (EFML), need to convert to another form of leave on January 1, 2021.

Since the FFCRA ended on December 31st, am I no longer eligible to take leave for COVID-related reasons after that date?

You may continue to take approved leave for qualifying reasons, including those related to COVID-19, but the type of leave must change since EPSL and EFML is no longer available.

If I was on EPSL or EFML on December 31, is there a way I can be “grandfathered” and just stay on that leave until I return to work?

The law does not make any provision or exception for an extension beyond the expiration date, so grandfathering is not possible. Since there is no legal authorization for EPSL or EFML after December 31, 2020, employees on either one of those leaves at the end of the year will have to convert to a different type of leave for which they qualify and are eligible.

I was allowed to take EPSL to care for someone in my household who is not a family member. Will I be allowed to continue taking care of that person?

You may request annual leave and use that time for any reason you choose, including to care for another member of your household. Employees may also use family sick leave to care for a qualifying spouse, dependent child or parent, consistent with State Personnel System Rule R2-5A-B603. The rule dictates up to 40 hours of family sick leave may be used per calendar year. However, the 40 hour limitation has been temporarily waived for COVID-19 related absences to care for a family member.

Do I need to complete new paperwork for leave beginning January 1st?

You should check with your agency Human Resources representative to see what, if any, additional paperwork is required. It is understandable that agencies might request new leave paperwork to document and support the type of leave you will be on beginning January 1, 2021.

Will my leave on or after January 1, 2021 be paid like EPSL or EFML?

If you convert to sick leave or annual leave, you will be paid in accordance with the provisions of that leave, and your leave balance(s) will be deducted accordingly. If you convert to leave without pay, you will not be paid and you may be required to pay for continuing benefits coverage.

I was previously able to use Administrative Leave to supplement my EFML pay because I didn't have any paid leave balances. May I continue to use Administrative Leave?

Agency heads are authorized to approve Administrative Leave for some COVID-19 reasons during the public health emergency. Some agencies are capping the amount of Administrative Leave to be used for this purpose. You should check with your supervisor or your agency's Human Resources representative regarding any request you are considering for Administrative Leave.

I hear that congress may approve an extension of the FFCRA. Is this true?

We are not aware of any pending legislation to extend or amend the FFCRA. We are monitoring this and other employment laws closely, and we will certainly keep employees informed of any changes impacting them. Right now, our focus is to ensure compliance with the end of this law.

If I still have to stay home some of the time because my children cannot go to school, what should I do?

You should speak with your supervisor or your Human Resources representative regarding the options that are available to you in your agency. Of course, annual leave may be taken for any reason, so employees with annual leave balances may request to use this leave to care for their children. Your supervisor or Human Resources representative will work with you to find an appropriate alternative since EFML is no longer available.

For more information, please contact your agency's Human Resources Office or Human Resources Representative. They are there to assist you.