



## Families First Coronavirus Response Act Frequently Asked Questions

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. Q: What is the Families First Coronavirus Response Act?**

A. On March 18, 2020, the Families First Coronavirus Response Act (“FFCRA” or “the Act”) was signed into law, with an effective date of April 1, 2020. The Act requires certain employers, including the City of Dallas, to provide eligible employees with:

- Emergency Paid Sick Leave (EPSL), and
- Family Medical Leave Act (FMLA) Public Health Emergency Leave.

Please see the attached table, with a summary of the most relevant portions of the Act and the City’s general procedures for implementing the Act, including eligibility, leave amounts, and purpose.

**2. Q: Does the FFCRA apply to the City of Dallas?**

A. Yes. The FFCRA applies to certain private sector employers with fewer than 500 employees and certain public employers, including the City of Dallas. However, certain City employees are exempted from eligibility under the Act.

**3. Q: How is Family and Medical Leave expanded under the FFCRA?**

A. Eligibility for expanded Family and Medical Leave is available to any City of Dallas employee, other than healthcare providers or emergency responders, who has been employed by the City for more than 30 days, if the employee is unable to work (or telework) due to a need for leave to care for a son or daughter under 18 years of age of the employee if the school or place of care has been closed, or the child care provider of the employee’s son or daughter is unavailable, due to the COVID-19 pandemic.

**4. Q: Is the expanded Family and Medical Leave paid leave or unpaid leave?**

A. The expanded Family and Medical Leave is partially paid leave. The first ten days of leave under this provision of the Act is unpaid leave. However, an employee may use any accrued leave, such as vacation, sick, attendance incentive leave, etc., or may use up to 80 hours of emergency paid sick leave to cover the first ten days of leave.

**5. Q: What happens after the first ten days of Family and Medical Leave?**

A. After the first ten days of leave, the expanded Family and Medical Leave is partially paid by the City. After the tenth day of leave, the employee receives:

- An amount that is not less than two-thirds of an employee’s regular rate of pay for the number of hours the employee would otherwise be normally scheduled to work.
- Paid leave under this provision of the Act shall not exceed \$200 per day and \$10,000 in the aggregate.

**6. Q: How does an employee apply for this type of Family and Medical Leave?**

A. Employees who wish to apply for leave under this provision of the Act should submit an application in writing to [FamilyLeave@dallascityhall.com](mailto:FamilyLeave@dallascityhall.com). Application forms are currently being drafted and finalized. However, eligibility for leave shall not begin until on or after April 1, 2020.



**7. Q: Will the partially paid Family and Medical Leave provisions under this expanded law apply to other types of Family and Medical Leave?**

A. No. Employees taking Family and Medical Leave for reasons other than as provided in the FFCRA follow the traditional procedures as explained in the City's Administrative Directive 3-72, which provides for unpaid Family and Medical Leave. In addition, the expanded Family and Medical Leave Act provisions do not increase the total amount of Family and Medical Leave an employee may take within a 12-month period.

**8. Q: Are health care providers and emergency responders allowed to take the expanded Family and Medical Leave provided for in the FFCRA?**

A. No.

**9. Q: Who are emergency responders under this exemption?**

A. Emergency responders are all employees assigned to the following departments:

- Dallas Police Department (sworn and civilian)
- Dallas Fire-Rescue Department (sworn and civilian)
- Marshal's Office (sworn and civilian)
- Office of Emergency Management

The City may designate additional personnel as emergency responders consistent with guidance provided by the Department of Labor or as circumstances dictate during this pandemic.

**10. Q: Will employees be allowed to use COVID-19 leave on or after April 1, 2020?**

A. Employees who have already been approved for COVID-19 leave will be allowed to continue using COVID-19 leave for up to 112 hours. Except for employees who are already approved for and taking COVID-19 leave, beginning April 1, 2020, employees (other than emergency responders) will not be allowed to use COVID-19 leave. Beginning on April 1, 2020, emergency responders as outlined in Q#9 above will be allowed to use COVID-19 leave if they are required to be in quarantine or isolation due to exposure to or infection with COVID-19.

**11. Q: How does an employee qualify for emergency paid sick leave under the FFCRA?**

A. The FFCRA provides that the City will provide emergency paid sick leave ("EPSL") to each employee (except health care providers and emergency responders) who is unable to work (or telework) under any of the following circumstances:

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 seeking a medical diagnosis;
  4. The employee is caring for an individual who is subject to a local quarantine or isolation order, or the employee is caring for an individual who has been advised by a health care provider to self-quarantine;
  5. The employee is caring for a son or daughter of the employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions;
- or



6. The employee is 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.

**12. Q: How many hours of EPSL does each employee receive under the FFCRA?**

A. Any City employee, who is not a health care provider or emergency responder, who has been employed by the City for any length of time, and who is approved for EPSL as described above, is entitled to the following:

- For full-time employees, up to 80 hours;
- For part-time employees, a number of hours equal to the number of hours that the employee works, on average, over a 2-week period.

**13. Q: Does an employee have to exhaust their other paid leave balances before using EPSL?**

A. No. Employees are not required to use any other accrued leave prior to using EPSL. Use of EPSL does not count against an employee's paid leave accrual balances, such as accrued sick leave, vacation leave, AIL, etc.

**14. Q: Does EPSL provide pay for an employee's full regular rate of pay?**

A. It depends. Pay for EPSL is provided as follows:

- Employees who take EPSL for themselves (categories 1-3 in FAQ #11 above), will be paid at their regular rate of pay, subject to a cap of \$511 per day and \$5,110 in the aggregate.
- Employees who take EPSL to care for individuals (categories 4-6 in FAQ #11 above), must be paid at 2/3 of their regular rate of pay, or the federal minimum wage, whichever is greater, subject to a cap of \$200 per day and \$2,000 in the aggregate.

**15. Q: How does an employee request approval for EPSL?**

A. An employee seeking approval to take EPSL must submit a request to the employee's supervisor. However, eligibility for EPSL does not begin until on or after April 1, 2020. Employees who are approved for EPSL must follow the same daily notification procedures that are required for absences in the employee's department.

**16. Q: Does an employee who does not use all of the employee's EPSL get to carry the EPSL leave balance to the next calendar year?**

A. Any unused EPSL does not carry over to calendar year 2021.

**17. Q: If an employee uses the expanded FMLA leave or EPSL, will the employee still be allowed to use COVID-19 leave?**

A. No. COVID-19 leave will not be available beginning April 1, 2020, unless for employees that are already approved for and taking COVID-19 leave and emergency responders. Beginning April 1, 2020, eligible employees will be required to use EPSL and expanded Family and Medical Leave for any qualifying reason.

**18. Q: Will an employee be reimbursed for unused leave under the FFCRA upon termination, resignation, retirement, or other separation from the City?**

A. No.

**19. Q: Where do I go for additional information?**

A. For more information regarding the Families First Coronavirus Response Act, see links to the U.S. Department of Labor below:



<https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave>

<https://www.dol.gov/agencies/whd/pandemic>

- 20. Q: Is the Dallas County shelter-in-place order a “local isolation order” and therefore a qualifying reason for leave?**
- A. Yes, a local quarantine or isolation order related to COVID-19 is a qualifying reason, for eligible employees other than health care providers and emergency responders. However, employees that are able to work from home (telework), or who are deemed essential, are required to work during this time.
- 21. Q: Does the FFCRA effectively add up to 80 hours of sick leave to the sick leave balance of qualifying employees? Or are we limited by our normal accrual of sick time?**
- A. For employees that qualify, up to 80 hours of EPSL are provided in addition to their accrued sick leave, but the 80 hours are not added to employee’s normal sick leave accrual, and do not provide for full pay for some employees and circumstances.
- 22. Q: For qualifying reason #5, does the FFCRA effectively add 12 weeks of paid sick leave (albeit at reduced pay for many employees) to an employee’s balance? Or, are employees limited by their accrued sick leave?**
- A. No. The expanded Family and Medical Leave is not paid sick leave under the FFCRA, although an employee may use their hours of EPSL to cover the first ten days of the expanded Family and Medical Leave, which is unpaid. The remaining ten weeks of expanded Family and Medical Leave is partially paid leave, providing for 2/3 the employee’s regular rate of pay, subject to a cap of \$200.00 per day and \$10,000 in the aggregate.
- 23. Q: For qualifying reason #5, is the cut-off for children 18 years of age? Or is it any dependent that is enrolled in K-12?**
- A. Yes, the cut-off for children is 18 years of age.
- 24. Q: For employees who are working from home, does this notice change anything for them?**
- A. No. Employees able to work from home will not be eligible for additional leave. This provision is to assist employees who cannot work or telework, so that they can have a source of income. If an employee working from home becomes eligible for leave to take care of themselves or an individual, they will need to submit the appropriate documentation to qualify for the leave.
- 25. Q: May an employee take 80 hours of EPSL or self-quarantine and then another amount of EPSL for another reason provided under the FFCRA?**
- A. No. Eligible employees may take up to two weeks—or ten days—(80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of EPSL for any combination of qualifying reasons.
- 26. Q: If an employee is home with a child because his or her school or place of care is closed, or child care provider is unavailable, does the employee qualify for EPSL, expanded Family and Medical Leave, or both—how do they interact?**
- A. Eligible employees may be authorized for both types of leave, but only for a total of twelve weeks of partially paid leave. The first ten days of expanded Family and Medical Leave are unpaid, but an eligible employee may elect to cover the first ten days with the EPSL hours, unless the employee qualifies and elects to use existing vacation or other applicable accrued leave balances. After the first ten workdays have elapsed, the employee will receive 2/3 of the regular rate of pay, subject to a daily cap of \$200, for the hours the employee would have been scheduled to work in the subsequent ten weeks under the FFCRA.



Please note that eligible employees may only qualify for expanded Family and Medical Leave under the FFCRA for leave to care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons and the employee is not able to work or work from home.

**27. Q: When is an employee able to telework under the FFCRA?**

- A. An employee may telework when the employee's supervisor authorizes the employee to perform work at home or at a location other than the employee's normal workplace. Telework is work for which normal wages must be paid and is not compensated under the paid leave provisions of the FFCRA.

**28. Q: If an employee is or becomes unable to telework, is the employee entitled to EPSL or expanded Family and Medical Leave?**

- A. Yes, for eligible employees other than health care providers and emergency responders. If an employee's supervisor has authorized an employee to telework — for example, the employee has been authorized to perform certain tasks or work a certain number of hours from home or at a location other than the normal workplace—and the employee becomes unable to perform those tasks or work the required hours because of one of the qualifying reasons for EPSL, then the employee may be authorized to take EPSL.

Similarly, if an eligible employee is unable to perform those teleworking tasks or work the required teleworking hours because of the need to care for a child under the age of 18 whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, then the employee may qualify to take expanded Family and Medical Leave. Of course, to the extent an employee is able to work or telework while caring for the child, EPSL and expanded Family and Medical Leave is not available.

**29. Q: May an employee take EPSL or expanded Family and Medical Leave intermittently while working?**

- A. If you are teleworking, yes. If an eligible employee is able to telework on a reduced schedule, the employee may work out a schedule with his or her supervisor to take EPSL intermittently while teleworking. Similarly, an employee who needs to telework on a reduced schedule because their child's school or place of care is closed, or child care provider is unavailable, because of COVID-19 reasons, the employee may take expanded Family and Medical Leave intermittently.

With supervisor approval, an employee may take intermittent leave while teleworking in any increment. For example, an employee could telework from 1:00 p.m. to 2:30 p.m., take leave from 2:30 p.m. to 4:00 p.m., and then return to teleworking, if the supervisor authorizes this schedule. The City encourages managers and employees to collaborate to achieve flexibility and meet mutual needs and is supportive of such voluntary arrangements that combine telework and intermittent leave.

If the employee is reporting to a job location, and not teleworking, the employee may take intermittent expanded Family and Medical Leave with supervisor approval. Employees who report to a job location and are not teleworking may only take EPSL intermittently, with supervisor approval, because their child's school or place of care is closed, or child care provider is unavailable, because of COVID-19 reasons.

## City of Dallas COVID-19 Family Medical Leave Act (FMLA) Public Health Emergency Leave and Emergency Paid Sick Leave (EPSL)

### Families First Coronavirus Response Act (FFCRA)

The Families First Coronavirus Response Act was signed into law on March 18, 2020 and goes into effect on April 1, 2020. The Act will remain in effect until December 31, 2020. It applies to certain private sector employers and certain public employers, including the City of Dallas. The chart below summarizes relevant portions of the Act and discusses the City's general procedures for implementing the Act. Be advised that nothing in this document conveys a contract of employment with the City of Dallas, and nothing in this document is intended to be a term of a contract when combined with any other document, instrument, or writing.

	Family Medical Leave Act (FMLA) Public Health Emergency Leave	Emergency Paid Sick Leave (EPSL)
<b>Eligibility</b>	<p>Employees who have been employed at least 30 calendar days. Employees that are health care providers and emergency responders are excluded from this type of FMLA leave and include employees of the following departments:</p> <ul style="list-style-type: none"> <li>• The Dallas Police Department (sworn and civilian);</li> <li>• the Dallas Fire-Rescue Department (sworn and civilian);</li> <li>• the Office of Emergency Management;</li> <li>• and the Dallas Marshal's Office (sworn and civilian).</li> </ul>	<p>Employees are eligible on or after their first day of employment with the City. Employees that are health care providers and emergency responders are excluded from EPSL and include employees of the following departments:</p> <ul style="list-style-type: none"> <li>• The Dallas Police Department (sworn and civilian);</li> <li>• the Dallas Fire-Rescue Department (sworn and civilian);</li> <li>• the Office of Emergency Management; and</li> <li>• the Dallas Marshal's Office (sworn and civilian).</li> </ul>
<b>Amount</b>	Up to 12 weeks.	Full time employees receive up to 80 hours. Part time employees receive the number of hours equal to average number of hours they work over a 2-week period.
<b>Applicability</b>	Applies to leave taken between April 1, 2020, and December 31, 2020.	Applies to leave taken between April 1, 2020, and December 31, 2020.
<b>Purposes</b>	Employee is unable to work, or telework, due to a need to care for a son or daughter under the age of 18 because (1) the child's school or place of care has been closed, or (2) the employee's child care provider is unavailable, as a result of the COVID-19 pandemic	<p>Employee is unable to work, or telework, and:</p> <ol style="list-style-type: none"> <li>(1) Employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.</li> <li>(2) Employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</li> <li>(3) Employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.</li> <li>(4) Employee is caring for an individual who is subject to (1) or (2).</li> <li>(5) Employee is caring for a son or daughter of the employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable due to COVID-19 precautions.</li> </ol>

**City of Dallas COVID-19 Family Medical Leave Act (FMLA) Public Health Emergency Leave and Emergency Paid Sick Leave (EPSL)  
Families First Coronavirus Response Act (FFCRA)**

		(6) Employee is experiencing any other substantially similar condition specified by the Secretary of the U.S. Department of Health & Human Services, in consultation with the Secretary of the Treasury and the Secretary of Labor.
<b>Pay</b>	<p>Initial 10 days (2 weeks) is unpaid leave. However, an employee may use EPSL or may use any accrued leave, such as vacation, sick, attendance incentive leave, etc., for these first 10 days.</p> <p>After the tenth day of leave, the employee receives the greater of 2/3 of his or her regular rate of pay, or 2/3 of the applicable minimum wage, whichever amount is greater, for the number of hours the employee would have been regularly scheduled to work. However, an employee's pay cannot exceed \$200 per day and \$10,000 in total. The remaining 1/3 is unpaid leave.</p>	<ul style="list-style-type: none"> <li>• If employees take EPSL for the purposes listed under (1), (2), and (3) above, they receive their regular rate of pay or the applicable minimum wage, whichever is greater. However, an employee's pay cannot exceed \$511 per day and \$5,110 in total.</li> <li>• For leave taken for the purposes listed under (4), (5), and (6) above, an employee receives 2/3 of their regular rate of pay, or 2/3 of the applicable minimum wage, whichever is greater. However, an employee's pay cannot exceed \$200 per day and \$2,000 in total. The remaining 1/3 is unpaid leave.</li> </ul>
<b>Relationship with Other Leaves</b>	Employees are entitled up to a maximum of 12 weeks of FMLA leave. If an employee has already used their FMLA leave for the employee's rolling calendar twelve months, the Act does not provide them an additional 12 weeks of leave.	Employees are not required to use any other accrued leave prior to using EPSL. Use of EPSL does not count against an employee's paid leave accrual balances, such as accrued sick leave, vacation leave, or AIL.
<b>General procedures for approval</b>	<p>Eligible employees who wish to apply for leave under this provision of the Act should submit an application in writing to the City's FMLA Coordinator at:</p> <p align="center"><a href="mailto:FamilyLeave@dallascityhall.com">FamilyLeave@dallascityhall.com</a></p>	<p>Employees seeking approval to take EPSL must submit a request to the employee's supervisor. Employees who are approved for EPSL must follow the same daily notification procedures that are required for absences in the employee's department.</p> <p>Any unused EPSL does not carry over to calendar year 2021.</p> <p>Employees are not entitled to reimbursement for unused EPSL upon termination, resignation, retirement, or other separation from employment.</p>