



## Frequently Asked Questions for Employees COVID-19 Leaves and Resources

### 1. What is the Families First Coronavirus Response Act?

The “[Families First Coronavirus Response Act](#)” (FFCRA or Act) requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.” If you are currently scheduled to work, but are unable to do so due to any of the six specified reasons related to COVID-19, you may be eligible for up to two weeks of leave based on your regularly scheduled hours (e.g., 75, 80). If you are currently scheduled to work but you are unable to because you are caring for a child whose school or day-care provider is not available due to COVID-19 related reasons, you may also be eligible for 10 weeks of partially paid expanded family and medical leave.

### 2. How do I know if I qualify for paid sick leave or expanded FMLA under the FFCRA?

Review the summary of Employee Rights provided by the Department of Labor, as well as the City of Richmond’s Administrative Policy and Protocols for Employee Leave and Compensation under FFCRA. All resources are available on the [HR website](#). If you still have questions, please reach out to your supervisor or email Jessica Somera in HR at [jessica\\_somera@ci.richmond.ca.us](mailto:jessica_somera@ci.richmond.ca.us).

### 3. How do I request the FFCRA paid sick leave and/or expanded FMLA?

Complete the City’s “Request for FFCRA Leave Form” and email it to [ffcra\\_leave@ci.richmond.ca.us](mailto:ffcra_leave@ci.richmond.ca.us) (copy your supervisor).

### 4. As an employee, how much will I be paid while taking paid sick leave or expanded family and medical leave under the FFCRA?

It depends on your normal schedule as well as why you are taking leave. If you are taking paid sick leave because you are unable to work or telework due to a need for leave because you (1) are 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 for each applicable hour the greater of:

- your regular rate of pay,
- the federal minimum wage in effect under the FLSA, or
- the applicable State or local minimum wage.

In these circumstances, you are entitled to a maximum of \$511 per day, or \$5,110 total over the entire paid sick leave period.

If you are taking paid sick 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.

Under these circumstances, you are subject to a maximum of \$200 per day, or \$2,000 over the entire two week period.

If you are taking expanded family and medical leave, you may take paid sick leave for the first ten days of that leave period, or you may substitute any accrued vacation leave, personal leave, or medical or sick leave you have under your employer's policy. For the following ten weeks, you will be paid for your leave at an amount no less than 2/3 of your regular rate of pay for the hours you would be normally scheduled to work.

**5. What is my regular rate of pay for purposes of the FFCRA?**

For purposes of the FFCRA, the regular rate of pay used to calculate your paid leave is the average of your regular rate over a period of up to six months prior to the date on which you take leave. If you have not worked for your current employer for six months, the regular rate used to calculate your paid leave is the average of your regular rate of pay for each week you have worked for your current employer.

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

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 leave is not necessary unless a COVID-19 qualifying reason prevents you from working that schedule.

**7. How are hours calculated for a part-time employee for purposes of paid sick leave or expanded family and medical leave?**

A part-time employee is entitled to leave for his or her average number of work hours in a two-week period. Therefore, you calculate hours of leave based on the number of hours the employee is normally scheduled to work. If the normal hours scheduled are unknown, or if the part-time employee's schedule varies, you may use a six-month average to calculate the average daily hours. Such a part-time employee may take paid sick leave for this number of hours per day for up to a two-week period, and may take expanded family and medical leave for the same number of hours per day up to ten weeks after that.

**8. May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid sick leave for another reason provided under the Emergency Paid Sick Leave Act?**

No.

- 9. If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?**

You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave.

- 10. Is all leave under the FMLA now paid leave?**

No.

- 11. Will I be required to use my personal accruals concurrently with expanded family and medical leave under the Act?**

Yes. After the first two workweeks (usually 10 workdays) of expanded family and medical leave under the EFMLEA, you must take existing leave accruals concurrently for the same hours as expanded family and medical leave, consistent with the administration of regular FMLA.

However, if you exhaust your eligible accruals, you will continue to receive 2/3 of your pay for subsequent periods of expanded family and medical leave taken, up to \$200 per day and \$10,000 in the aggregate.

The first two weeks of EFMLA (usually ten weeks) are unpaid under the Act; however, you may choose to use the emergency paid sick leave, or other accruals during this period.

- 12. If I take paid sick leave under the Emergency Paid Sick Leave Act, does that count against other types of paid sick leave to which I am entitled under State or local law, or my employer's policy?**

No. Paid sick leave under the Emergency Paid Sick Leave Act is in addition to other leave provided under Federal, State, or local law; an applicable collective bargaining agreement; or your employer's existing policy.

- 13. What do I do if I am part of an at-risk group based on the Contra Costa County public health advisory notice regarding Shelter in Place?**

The Contra Costa Health Services Order on March 16, 2020, states, "The age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19". Pursuant to this and other orders regarding the susceptibility of at-risk populations to contract the virus, your unique state of health may qualify you for FFCRA benefits (see DOL "[Employee Rights](#)" flyer). Note: Medical documentation may be required.

- 14. If my Department Head is requiring me to rotate onsite but I am a member of a vulnerable population and my doctor has advised me to stay home, can I stay home and remain in a paid status?**

If your doctor has advised you to stay home, you may apply for EPSL and provide a note for hours that you are required to work onsite. If you are unable to work because your doctor has advised you to self-quarantine you may receive up to two weeks of pay, at your regular rate up

to \$511 per day. If that does not fully compensate you, you may use your accrued leaves to make up the remainder of your time. You may also be eligible to request a reasonable accommodation.

**15. What if I only need to take a few hours off to care for my child, but am still able to work the rest of the time?**

Both the paid sick leave and the expanded family and medical leave under FFCRA can be taken intermittently, depending on your individual needs and ability to work or telework. Please work with your supervisor to reach an agreement on your schedule and for support coding your timecard appropriately.

**16. If I have already exhausted the standard 12 weeks protected leave under FMLA, am I eligible for the emergency FMLA expansion time?**

No. If you qualify for FFCRA as listed in #5 on the DOL "[Employee Rights](#)" flyer, you are eligible to receive emergency paid sick leave at 2/3 rate of pay up the benefit limits (see flyer for more details) for up to 2 weeks. The extended 10 weeks, however, will not be able to be utilized if you have already exhausted the standard FMLA leave in the rolling twelve month period.

**17. Can I supplement my paid sick leave or expanded family and medical leave with my accrued leave to receive a full, regular paycheck?**

Yes, you can use any accrued leave in order to receive your regular, full paycheck amount. Your department and Payroll will help coordinate your hours so that you are able to receive your full pay.

**18. How can I check to see how much leave I have?**

You can view your accrued leave time by logging into your ESS account. If you need assistance, please call your supervisor.

**19. I am not working, and I do not qualify for the FFCRA sick leave or expanded FMLA, but I do not want to use my accrued leave. How will this affect my unemployment eligibility?**

Having accrued leave time available does not affect eligibility for unemployment benefits. The City will not require you to use your accrued leave.

**20. If I am still working but my hours are reduced and I choose not to supplement my paycheck with leave, am I still eligible for unemployment?**

You may be, depending on how many hours you are still working, and how much pay you are receiving. You can file for unemployment benefits if your hours have been reduced, and EDD will determine if you are eligible for unemployment.

**21. Will filing for unemployment terminate my employment with the City?**

No. Filing for unemployment does not change your employment status with the City.

**22. How do I file for unemployment?**

You can file for unemployment online through the EDD website:

[https://www.edd.ca.gov/Unemployment/Filing\\_a\\_Claim.htm](https://www.edd.ca.gov/Unemployment/Filing_a_Claim.htm)

**23. When can I file for unemployment?**

You can file for unemployment as soon as you are no longer earning wages, or your hours are reduced. If you are using accrued leave, advanced leave or donated leave to receive 100% of your normal paycheck amount, you are able to file for unemployment once all of these options for leave run out. You are also able to elect not to use your leave and may file for unemployment without exhausting your leave bank (i.e.: you are not required to use your

**24. Whom can I contact with questions about my compensation and benefits or for other COVID19 resources?**

Please call 510-620-6602 or email [hr\\_staff@ci.richmond.ca.us](mailto:hr_staff@ci.richmond.ca.us) and a member of the Human Resources team will assist you.

**25. I am worried about being able to pay my rent or utilities during this time. Are there any resources available to help?**

CA.gov has posted information about current resources available to people who need financial assistance, including information about the California Eviction Moratorium, and relief from financial institutions. For up-to-date information, check <https://covid19.ca.gov/get-financial-help/#top>

**26. Are there any resources for employee assistance if I need stress management support?**

Our Employee Assistance Program (EAP) offers a safe and private way for you and your family to manage a wide range of health, life, and work challenges. The resources and information made available cover emotional health, wellness and healthy living, family, work, and financial and legal issues. If you are not currently working due to the Stay at Home order, you are still eligible to receive EAP services. See the link and code below to register.

**Links to Resources**

Contra Costa County Website—latest County-wide information on COVID-19

<https://coronavirus.cchealth.org>

Labor + Workforce Development Agency – an informational site for employee and employers

<https://www.labor.ca.gov/coronavirus2019/>

Department of Labor Full FAQs on Families First Coronavirus Response Act

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

Employment Development Department (EDD) of CA – state agency that administers unemployment benefits <https://www.edd.ca.gov/claims.htm>

Information about Unemployment Insurance Benefits related to COVID-19  
<https://unemployment.edd.ca.gov/guide/benefits>

How to apply for unemployment benefits – step-by-step process to apply online  
<https://www.youtube.com/watch?v=QQKrICx80H8&feature=youtu.be&app=desktop>

Employee Assistance Program (EAP) – City of Richmond’s Employee Assistance Program offers counseling and other support services <https://www.mhn.com/members.html>  
Company codes - General: richmond | Fire Safety: richmond1 | Police Safety: richmond2