

Frequently Asked Questions
Families First Coronavirus Response Act
Emergency Family Medical Leave

Q. What is Emergency Family Medical Leave?

A. Emergency Family Medical Leave is an expansion of the Family Medical Leave Act. Effective April 1, 2020, Emergency FMLA is available to any employee who has worked with the City for at least thirty calendar days. When an employee is unable to work or telework, Emergency FMLA may be taken to care for their son and/or daughter under the age of eighteen if their school or place of care has been closed or their child care provider is unavailable due to a public health emergency only if no other suitable person is available to care for their son and/or daughter. Emergency Family Medical Leave is also available for employees caring for a son and/or daughter over the age of 18, if the son and/or daughter is unable to care for themselves due to a physical, mental, or intellectual disability, and their school or place of care has been closed, or their care provider is unavailable due to the public health emergency only if no other suitable person is available to care for their son and/or daughter.

Q. How do I request Emergency Family Medical Leave?

A. Employees are required to provide notice of the need for Emergency Family Medical Leave no later than after the first workday for which the leave is taken. Initially, the notice may be submitted orally or via email to the immediate supervisor. However, a written request must be submitted to the Personnel Services Department, which includes the name of the son and/or daughter being cared for and a statement that no other suitable person will be caring for the son and/or daughter during the period of Emergency Family Medical Leave. The REQUEST FOR EMERGENCY FAMILY/MEDICAL LEAVE form is located on Employee Benefits page of the City website.

Q. Is Emergency Family Medical Leave paid time off?

A. The first ten days of the leave are unpaid, although employees may choose to use paid leave during this period such as Emergency Paid Sick Leave or their own paid leave. Beginning on the eleventh day of the leave, the remaining 10 weeks of Emergency FMLA is paid. The rate of pay is 2/3 average regular rate up to \$200 per day and a maximum of \$10,000 in total. Employees may coordinate other paid leaves to receive their regular pay.

Q. When does Emergency FMLA become available for use?

A. Emergency FMLA is available beginning April 1, 2020, and may be used through December 31, 2020, for employees who have been employed with the City for at least 30 days and only if no other suitable person is available to care for their son and/or daughter.

Q. Does Emergency FMLA provide an additional 12 weeks of leave entitlement or does it allow the use of 12 weeks provided by FMLA for childcare due to the Coronavirus emergency?

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A. Emergency FMLA does not provide an additional 12 weeks of leave entitlement. Any portion of your 12-week FMLA entitlement that has already been used during the fiscal year will not be available for use as Emergency FMLA.

Q. What type of documentation is required when I submit my request?

A. When you submit your REQUEST FOR EMERGENCY FAMILY/MEDICAL LEAVE form, you will need to attach a copy of the notice of closure from the school or day care provider. You will also need to include the name of the son and/or daughter being cared for and a statement that no other suitable person will be caring for the son and/or daughter during the period of Emergency Family Medical Leave.

Q. Can I take Emergency FMLA on an intermittent basis?

A. Yes, with mutual agreement on the schedule between the employee and the Supervisor, Emergency FMLA may be taken on an intermittent basis until December 31, 2020.

Q. Are employees eligible for 80 hours of Emergency Paid Sick Leave plus up to 480 hours of expanded Family and Medical Leave due to school closure for a total of 560 hours?

A. No. Employees who have not used any FMLA during the fiscal year may qualify for 480 hours of Emergency FMLA. Of those hours, the first 80 hours may also be taken as Emergency Paid Sick Leave. Note employees qualifying for Emergency FMLA may also be entitled to Emergency Paid Sick Leave for another qualifying reason, if the employee's allotment of Emergency Paid Sick Leave has not been exhausted (e.g. an employee is directed to self-isolate by their physician due to COVID-19 exposure, uses their Emergency Paid Sick Leave, then, separately, the employee later qualifies for Emergency FMLA based on the need to care for their child(ren). However, the total amount of leave cannot exceed 480 hours of Emergency FMLA.

Q. As a single parent with no childcare available due to school closure, am I eligible for Emergency Family Medical Leave and, if so, what documentation is required beyond the Leave Request form?

A. Yes, provided you have been employed with the City for at least 30 days, and you are not available for work or telework, you are eligible to request Emergency Family Medical Leave. You will need to complete and submit the REQUEST FOR EMERGENCY FAMILY/MEDICAL LEAVE form, located on the Employee Benefits page of the City website, attach the school or provider closure notice including the name of the son and/or daughter being cared for and a statement that no other suitable person will be caring for the son and/or daughter during the period of Emergency Family Medical Leave, and submit it to your supervisor.

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Q. What will my Supervisor do with the form and documentation?

A. Your Supervisor will review the form and documentation and note when you will be unavailable for work. The Supervisor will then send the documents to Personnel Services. Personnel Services will transmit approval to Payroll staff in the Department. Personnel Services will review and prepare a FMLA designation form to the employee and the Department confirming how much time was approved as Emergency FMLA.

Q. How quickly is the Emergency FLMA leave approved?

A. Absent extenuating circumstances, the regulations require an employer to notify an employee of whether the employee is eligible to take FMLA leave and, if not, at least one reason why the employee is ineligible within five business days of the employee requesting leave.

Q: I am an emergency responder. Am I eligible for Emergency FMLA leave?

A: No. FFCRA permits municipalities to exclude emergency responders from the Emergency FMLA leave benefit. Please see City Emergency Order 2020-10 for more information regarding eligibility.

Q: Will Emergency FMLA affect my Health Reimbursement Account?

No. Emergency FMLA is protected leave by law.