



Memorandum

DATE: April 2, 2020

TO: All Employees

FROM: Jeffrey Stumbo, Chief Human Resources Officer

SUBJECT: **Families First Coronavirus Response Act (“FFCRA”) Policy and MTS COVID-19 Emergency Paid Leave**

This policy supersedes and replaces the “COVID-19 Emergency Leave” policy dated March 31, 2020.

The federal government recently passed the Families First Coronavirus Response Act (FFCRA), which will be in effect from April 1, 2020 to December 31, 2020. FFCRA provides emergency pandemic sick pay and expanded FMLA protection to employees if they are unable to work or telework due to impacts of the COVID-19 virus. The pandemic sick pay under this Act allows employees to preserve their accrued time off benefits and thus may be used before any other accrued paid time off when the employee is absent for qualifying COVID-19 related reasons.

In an effort to make this information more understandable, it has been broken down by scenario:

<p>Sick or Has Symptoms and Seeking Medical Diagnosis</p> <p>The employee is unable to work or telework because the employee is experiencing COVID-19 symptoms and seeking a medical diagnosis.</p>	<p>Rate of Pay: The employee’s regular rate of pay</p> <p>Caps on Pay: Up to a maximum of \$511 per day and \$5,110 total over the entire pandemic sick pay period</p> <p>Duration:</p> <ul style="list-style-type: none"> • Full-time Employees: Up to 80 hours of pandemic sick pay • Part-time Employees: Pandemic sick pay up to the average hours worked over a two-week period <p>If additional time is needed beyond 80 hours: An employee may use his or her vacation or annual leave for pay coverage</p>
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<p>Quarantine</p> <p>The employee is unable to work or telework because the employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; or the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.</p>	<p>Rate of Pay: The employee's regular rate of pay</p> <p>Caps on Pay: Up to a maximum of \$511 per day and \$5,110 total over the entire pandemic sick pay period</p> <p>Duration:</p> <ul style="list-style-type: none"> • Full-time Employees: Up to 80 hours of pandemic sick pay • Part-time Employees: Pandemic sick pay up to the average hours worked over a two-week period <p>If additional time is needed beyond 80 hours:</p> <ul style="list-style-type: none"> • An employee may use his or her accrued paid time off for pay coverage
<p>Care for Quarantined Individual</p> <p>The employee is unable to work or telework due to 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.</p>	<p>Rate of Pay: 2/3 of the employee's regular rate of pay</p> <p>Caps on Pay: Up to a maximum of \$200 per day and \$2,000 total over the entire pandemic sick pay period</p> <p>Duration:</p> <ul style="list-style-type: none"> • Full-time Employees: Up to 80 hours of pandemic sick pay • Part-time Employees: Pandemic sick pay up to the average hours worked over a two-week period <p>If additional time is needed beyond 80 hours:</p> <ul style="list-style-type: none"> • An employee may use his or her accrued paid time off for pay coverage <p>Supplementing the 2/3 of pay benefit</p> <ul style="list-style-type: none"> • An employee may use his or her vacation or annual leave to supplement their 2/3 pay benefit under the Act
<p>Substantially Similar Condition</p> <p>The employee is unable to work or telework because the employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services. (As of 4/2/2020, no "substantially similar conditions" have been specified by the Secretary of Health and Human Services.)</p>	<p>Rate of Pay: 2/3 of the employee's regular rate of pay</p> <p>Caps on Pay: Up to a maximum of \$200 per day and \$2,000 total over the entire pandemic sick pay period</p> <p>Duration:</p> <ul style="list-style-type: none"> • Full-time Employees: Up to 80 hours of pandemic sick pay • Part-time Employees: Pandemic sick pay up to the average hours worked over a two-week period <p>If additional time is needed beyond 80 hours:</p> <ul style="list-style-type: none"> • An employee may use his or her accrued paid time off for pay coverage <p>Supplementing the 2/3 of pay benefit</p> <ul style="list-style-type: none"> • An employee may use his or her vacation or annual leave to supplement their 2/3 pay benefit under the Act
<p>Care for Child out of School/Care</p>	<p>Rate of Pay: 2/3 of the employee's regular rate of pay</p>

<p>The employee is unable to work or telework because the employee is caring for his or her child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.</p>	<p>Caps on Pay: Up to a maximum of \$200 per day and \$2,000 total over the entire pandemic sick pay period</p> <p>Duration:</p> <ul style="list-style-type: none"> • Full-time Employees: Up to 80 hours of pandemic sick pay • Part-time Employees: Pandemic sick pay up to the average hours worked over a two-week period • The following 10 weeks of expanded FMLA are paid at 2/3 of an employee's regular rate of pay, with a cap of \$200 daily and \$10,000 total. <p>Supplementing the 2/3 of pay benefit</p> <ul style="list-style-type: none"> • An employee may use his or her vacation or annual leave to supplement their 2/3 pay benefit under the Act
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Expanded Family Medical Leave (FMLA)

During this pandemic period, employees are eligible for the expanded family medical leave after 30 days of employment.

- To apply for the expanded FMLA and/or FFCRA pay, please complete the attached form and provide a copy of the form and necessary supporting documentation to your direct supervisor. The supervisor will email copies of completed forms to Lisa-Marie.Imdieke@sdmts.com.
- Employees are allotted a total of 12 weeks of FMLA in a rolling calendar year. Any FMLA taken due to impacts of COVID-19 will be combined with any previously taken FMLA for a maximum of 12 weeks.
- The only type of family and medical leave that is paid leave is expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act when such leave exceeds ten working days. This includes only leave taken because the employee must care for a child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.
- Employees who use paid sick leave during the first two weeks of unpaid expanded family and medical leave, and the full remaining 10 weeks of FMLA coverage to care for a child, will not receive more than \$200 per day or \$12,000 for the combined twelve weeks.

Additional Provisions for COVID-19 Pandemic Leaves and Other Related Policy Updates:

- Employees who are absent from work due to their own health condition may be eligible for payments from [State Disability Insurance](#) or MTS's short-term disability carrier, Voya. Employees who have applied for or been approved for disability benefits may integrate their disability payments with PTO (approximately 3 PTO hours per day) to achieve full pay during periods of disability. Integration of leave lessens the amount of PTO an employee must use during periods of disability.
- In addition to FFCRA paid leave benefits described above, employees who exhaust their existing PTO balances and can establish a continuing qualifying need for COVID-19 emergency paid leave, will be advanced up to 80 hours of sick leave (Annual Leave for

unrepresented employees), creating a negative balance in your respective account. The Chief Human Resources Officer or Director of Human Resources may authorize employees on a case-by-case basis to exceed the negative 80 hours, based on documentation submitted by the employee. Upon the employee's return to work, they will resume accruing PTO and continue to accrue leave until the negative balance is eliminated. Repayment of the negative balance may be through normal accrual or through potential state or federal reimbursement to MTS. Employees who voluntarily separate from MTS will be required to repay any negative leave balances from their final paycheck.

- While on pandemic sick pay or expanded family medical leave, eligible employees shall continue to receive all employee benefits for which they are eligible.
- MTS will continue your benefits during your FMLA-covered absence by paying the employer portion of the premium. You will continue to be responsible for the employee portion. Employees who exhaust their FMLA entitlement will be responsible for paying the employer and employee portions of their insurance premiums for the remainder of their absence, consistent with current policy.
- Until COVID-19 travel restrictions/advisories are lifted, all out-of-state work travel with MTS is prohibited.
- MTS's remote work program for administrative employees is extended through April 30, 2020.
- The suspension of attendance-related discipline described in the memorandum to all employees dated March 17, 2020 is extended through April 30, 2020.

Please contact your direct supervisor with questions. You may also email Lisa-Marie.Imdieke@sdmts.com or call the Human Resources offices at 619-557-4598.

Attachments:

1. COVID-19 FFCRA Leave Request Form
2. Department of Labor "Employee Rights" Poster

cc: Post on all Agency Bulletin Boards in place of March 31, 2020 Emergency Leave Policy
Post on all COVID-19 web pages
Text link to all employees