



## Overview of Statutory Leave Options in the Time of COVID-19

Detailed eligibility and other contractual specific leaves of absence may be found in Collective Bargaining Agreements and the Town Personnel Manual –

[School Employees](#)

[Town Employees](#)

[Town Personnel Manual](#)

## Family and Medical Leave Act FMLA

- Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance. **Eligible employees are entitled to:**
- Twelve workweeks of leave in a rolling 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee's spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
- Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- May be eligible to apply accrued sick time, see contract for details.

## Families First Coronavirus Response Act FFCRA

- Requires certain employers to provide their employees with paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.<sup>[1]</sup> The Department of Labor's (Department) Wage and Hour Division (WHD) administers and enforces the new law's paid leave requirements. These provisions will apply from the effective date through December 31, 2020.
- Generally, the Act provides that covered employers must provide to **all employees:**<sup>[2]</sup>
- *Two weeks (up to 80 hours) of **paid sick leave** at the employee's regular rate of pay* where the employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- *Two weeks (up to 80 hours) of **paid sick leave** at two-thirds the employee's regular rate of pay* because the employee is unable to work because of a bona fide need to care for an individual subject to quarantine (pursuant to Federal, State, or local government order or advice of a health care provider), or care for a child (under 18 years of age) whose school or child care provider is closed or unavailable for reasons related to COVID-19.
- A covered employer must provide to **employees that it has employed for at least 30 days:**<sup>[3]</sup>
- *Up to an additional 10 weeks of **paid expanded family and medical leave** at two-thirds the employee's regular rate of pay* where an employee is unable to work due to a bona fide need for leave to care for a child whose school or child care provider is closed or unavailable for reasons related to COVID-19.

## Americans with Disability Act ADA

- An individual with a disability is a person who:
- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.
- A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:
- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.
- Reasonable accommodations are adjustments or modifications provided by an employer to enable people with disabilities to enjoy equal employment opportunities. Accommodations vary depending upon the needs of the individual applicant or employee. Not all people with disabilities (or even all people with the same disability) will require the same accommodation.
- An employer does not have to provide a reasonable accommodation if it imposes an "undue hardship."
- An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.



# Medical Leaves

| TYPES OF REQUESTS & SCENARIOS   |      |     |       | Procedure / Comments  |
|---|------|-----|-------|---|
|   | FMLA | ADA | FFCRA |   |
| <b>MEDICAL LEAVE REQUESTS</b>   |      |     |       | <b>All leave requests must be submitted to HR for review. <a href="mailto:hr@longmeadow.org">hr@longmeadow.org</a></b>  |
| SELF - Due to underlying health condition - <a href="#">high risk for COVID19</a>   | X    | X   | X     | See <a href="#">request forms</a> and details for each leave and reach out to <a href="#">HR</a> .  |
| SELF - For own serious health condition (unable to work due to illness, injury, incapacity) - non COVID                       | X    | X   |       | Standard <a href="#">FMLA</a> request procedure.  |
| FAMILY MEMBER - Underlying health condition - family member or person that depends on employee's care high risk for COVID19   |      |     |       | Such a request is <b>not</b> covered under FMLA, ADA or FFRCA, and would be considered as a request for an unpaid personal leave of absence. In addition to <a href="#">HR</a> , please include the <a href="#">Town Manager</a> or <a href="#">Superintendent</a> on Personal Leave requests for review. |
| FAMILY MEMBER - To care for family member or person that depends on employee's care with serious health condition - non COVID | X    |     |       | Standard <a href="#">FMLA</a> request procedure (use of accrued time is subject to the terms of you union contract, personnel manual and/or individual contract).   |

“X” notates that you may be eligible for this type of leave, this is not guaranteeing approval; as all forms and documentation must be provided.



# COVID Related Leaves (FFCRA)

| TYPES OF REQUESTS & SCENARIOS   |      |     |       | Procedure/Comments   |
|---|------|-----|-------|--|
|   | FMLA | ADA | FFCRA |  |
| COVID19 SPECIFIC ILLNESS/ABSENCE  |      |     |       | Complete “ <a href="#">Leave Request Form</a> ” and provide documentation per Department of Labor Guidelines for FFCRA leave and submit to HR for review <a href="mailto:hrdept@longmeadow.org">hrdept@longmeadow.org</a>              |
| <b><u>Emergency Paid Sick Leave (EPSL) – up to 80 hours add'l sick leave</u></b> * (must seek medical diagnoses or be advised by healthcare provider to quarantine to qualify for EPSL)               |      |     |       |  |
| - Employee ill with COVID19*  | X    |     | X     | Absence for employee’s own illness/quarantine order paid to regular rate up to max of \$511/day ** Illness goes beyond 80 hours and medical certification provided may apply personal sick time and FMLA                               |
| - Employee suspected COVID19 case*  | X    |     |       |  |
| - Employee under quarantine order due to COVID19*   |      |     |       |  |
| - To care for a family member or a person that depends on employee’s care who is ill with COVID19 *   |      |     |       |  |
| <b><u>Emergency Family &amp; Medical Leave Expansion *</u></b><br>- Extends FMLA benefits to employees who cannot work because of COVID19 related childcare issues (school or daycare <b>closed</b> ) | X    |     | X     | Up to twelve weeks of expanded FMLA leave. The first two weeks are unpaid and the remaining ten weeks is paid at two-thirds the employee’s regular rate or pay, up to \$200 daily. May run concurrently with EPSL or other paid leave. |

\*if employee is able to work remote and has approval by HR and Town Manager / Superintendent, regular pay would be given.

“X” notates that you may be eligible for this type of leave, this is not guaranteeing approval; as all forms and documentation must be provided.



# Personal Leaves

| TYPES OF REQUESTS & SCENARIOS  |      |     |       | Procedure / Comments   |
|--|------|-----|-------|--|
|  | FMLA | ADA | FFCRA |  |
| <b>PERSONAL LEAVE REQUESTS</b>   |      |     |       | All <a href="#">FFCRA</a> leave request forms must be submitted to HR for review <a href="mailto:hrdept@longmeadow.org">hrdept@longmeadow.org</a> In addition to <a href="#">HR</a> , please include the <a href="#">Town Manager</a> or <a href="#">Superintendent</a> on Personal Leave requests for review. |
| To care for child due to his/her school or daycare being closed due to COVID19* (Hybrid and Remote is considered closed for FFCRA purposes). |      |     | X     | see COVID19 Specific Absence   |
| To care for child employee <b>chooses</b> to home school vs. send to school if school is open  |      |     |       | Such a request is not covered under FMLA, ADA or FFCRA, and would be considered as a request for an unpaid personal leave of absence.  |
| To avoid contracting COVID19 - uncomfortable reporting to work (no underlying health condition/comorbidity)                                  |      |     |       | n/a; when school is in session, it is essential for staff members to report to work, unless applying for leave due to reasons that qualify under FMLA, ADA or FFCRA  |

\* FFCRA leave for school/childcare closures subject to documentation requirements which also state that no other suitable person is available to care for the child.

“X” notates that you may be eligible for this type of leave, this is not guaranteeing approval; as all forms and documentation must be provided.



# Accommodation Requests

| TYPES OF REQUESTS & SCENARIOS   |      |     |       | Procedure / Comments   |
|---|------|-----|-------|--|
|   | FMLA | ADA | FFCRA |  |
| WORKPLACE ACCOMMODATION REQUESTS  |      | X   |       | An ADA <a href="#">request for a workplace accommodation</a> due to a medical disability; forward to HR <a href="mailto:hrdept@longmeadow.org">hrdept@longmeadow.org</a> |
| SELF - Due to underlying health condition/medical disability - higher risk for COVID19 (for example, immunocompromised due to chemotherapy) |      | X   |       | An ADA <a href="#">request for a workplace accommodation</a> due to a medical disability; forward to HR <a href="mailto:hrdept@longmeadow.org">hrdept@longmeadow.org</a> |
| FAMILY MEMBER - Due to family member having underlying health condition/medical disability - higher risk for COVID19                        |      |     |       | Such a request is not covered under FMLA, ADA or FFCRA, and would be considered as a request for an unpaid personal leave of absence                                     |

“X” notates that you may be eligible for this type of leave, this is not guaranteeing approval; as all forms and documentation must be provided.



# Request Forms and Additional Resources :

All requests and/or questions should be submitted to the Human Resources Department

## **Request Forms:**

I want to request FMLA or another contractual leave

I want to request an ADA accommodation

I want to request an FFCRA leave

All requests for an unpaid LOA's should be submitted by letter/email request to the Town Manager or Superintendent with a CC: to your Department Head/Principal and Human Resources- There is no formal form for this type of a request.

## **Additional Resources**

Am I eligible for FFCRA?

COVID-19 FFCRA Resources

Family and Medical Leave Act (FMLA)

Families First Coronavirus Response Act (FFCRA)

Conditions at high risk



# EMPLOYEE RIGHTS

## PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER 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.

### ► PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- $\frac{2}{3}$  for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at  $\frac{2}{3}$  for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

### ► ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). Employees who have been employed for at least 30 days prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

### ► QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to telework, because the employee:

- |   |   |
|---|---|
| 1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;              | 5. 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; or |
| 2. has been advised by a health care provider to self-quarantine related to COVID-19;                       | 6. is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.                           |
| 3. is experiencing COVID-19 symptoms and is seeking a medical diagnosis;                                    |   |
| 4. is caring for an individual subject to an order described in (1) or self-quarantine as described in (2); |   |

### ► ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



WAGE AND HOUR DIVISION  
UNITED STATES DEPARTMENT OF LABOR

For additional information  
or to file a complaint:  
**1-866-487-9243**  
TTY: 1-877-889-5627  
[dol.gov/agencies/whd](https://dol.gov/agencies/whd)



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