



Defense Logistics Agency Families First Coronavirus Response Act Frequently Asked Questions

Updated April 10, 2020

1. What is the Families First Coronavirus Response Act and how does it apply to DLA employees?

The Families First Coronavirus Response Act (FFCRA) authorizes employees paid sick leave or expanded family and medical leave for specified reasons related to COVID-19.

All DLA civilian employees are covered by the emergency paid sick leave provision in the FFCRA. This provision provides up to 80 hours of paid sick leave where an employee is unable to work because he/she 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 (at the employee's regular rate of pay); or 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 (at two-thirds (2/3) the employee's regular rate of pay).

Only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions. This provision provides up to an additional 10 weeks of paid expanded family and medical leave at two-thirds (2/3) 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.

2. What documents do I need to give my supervisor to get paid sick leave or expanded family and medical leave?

To request FFCRA leave, employees must submit a leave request to their supervisor that includes the following information:

- Name;
- Qualifying reason for requesting FFCRA leave;
- Statement employee is unable to work, including telework, for that reason; **and**
- Date(s) for which leave is requested.

In addition, employees must submit information supporting the reason the leave is necessary. The following provides the information required for each FFCRA qualifying reason.

- Employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19
 - **Information required:** source of any quarantine or isolation order (i.e., federal, state, or local) or the name of the health care provider advising quarantine (a copy of the quarantine order or note from the doctor is **not** required)

- Employee is advised by a health care provider to self-quarantine due to concerns related to COVID-19
 - **Information required:** source of any quarantine or isolation order (i.e., federal, state, or local) or the name of the health care provider advising quarantine (a copy of the quarantine order or note from the doctor is **not** required)
- Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
 - **Information required:** name of the health care provider providing diagnosis (a note from the doctor is **not** required)
- Employee is caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
 - **Information required:** source of any quarantine or isolation order (i.e., federal, state, or local) or the name of the health care provider advising quarantine (a copy of the quarantine order or note from the doctor is **not** required)
- Employee is caring for his/her child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19-related reasons
 - **Information required:**
 - Name of the child being cared for;
 - Name of the school, place of care, or childcare provider that is closed or unavailable; **and**
 - Statement no other suitable person will be caring for the child during the leave period

3. **If I am home with my child because his/her school or place of care is closed, or childcare 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. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed or childcare provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless the you elect to use annual leave under current DLA policy. After the first ten workdays have elapsed, you will receive two-thirds (2/3) of your [regular rate of pay](#) for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act. **However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.**

4. **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. You 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 paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.

5. May I take leave under the Family and Medical Leave Act over the next 12 months if I used some or all of my expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act?

You may take a total of 12 workweeks of leave during a 12-month period under the FMLA, including the Emergency Family and Medical Leave Expansion Act. If you take some, but not all 12, workweeks of your expanded family and medical leave by December 31, 2020, you may take the remaining portion of FMLA leave for a serious medical condition, as long as the total time taken does not exceed [12 workweeks in the 12-month period](#). Please note that expanded family and medical leave is available only until December 31, 2020; after that, you may only take FMLA leave.

For example, assume you take four weeks of Expanded Family and Medical Leave in April 2020 to care for your child whose school is closed due to a COVID-19 related reason. These four weeks count against your entitlement to 12 weeks of FMLA leave in a 12-month period. If you are eligible for preexisting FMLA leave and need to take such leave in August 2020 because you need surgery, you would be entitled to take up to eight weeks of FMLA leave.

However, you are entitled to paid sick leave under the Emergency Paid Sick Leave Act regardless of how much leave you have taken under the FMLA. Paid sick leave is not a form of FMLA leave and therefore does not count toward the 12 workweeks in the 12-month period cap. But please note that if you take paid sick leave concurrently with the first two weeks of expanded family and medical leave, which may otherwise be unpaid, then those two weeks do count towards the 12 workweeks in the 12-month period.

Please also note that all existing certification requirements under the FMLA remain in effect if you are taking leave for one of the existing qualifying reasons under the FMLA. For example, if you are taking leave beyond the two weeks of emergency paid sick leave because your medical condition for COVID-19-related reasons rises to the level of a serious health condition, you must continue to [provide medical certifications](#) under the FMLA.

6. If I take paid sick leave under the Emergency Paid Sick Leave Act, does that count against my regular sick leave?

No. Paid sick leave under the Emergency Paid Sick Leave Act is in addition to regular sick leave.

7. Are the paid sick leave and expanded family and medical leave requirements retroactive?

No. The FFCRA paid leave provisions are effective on April 1, 2020, and apply to leave taken between April 1, 2020, and December 31, 2020.

8. 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.

9. **If I am or become unable to telework, am I entitled to paid sick leave or expanded family and medical leave?**

If your position permits teleworking—for example, allows you to perform certain tasks or work a certain number of hours from home or at a location other than your normal workplace—and you are unable to perform those tasks or work the required hours because of one of the qualifying reasons for paid sick leave, then you are entitled to take paid sick leave.

Similarly, if you are unable to perform those teleworking tasks or work the required teleworking hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, then you are entitled to take expanded family and medical leave. Of course, to the extent you are able to telework while caring for your child, paid sick leave and expanded family and medical leave is not available.

If you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act, in that situation, you and your supervisor may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed or child care provider is unavailable because of COVID-19 related reasons, you and your supervisor may agree that you can take expanded family medical leave intermittently while teleworking. You may take intermittent leave in any increment if you and your supervisor agree. For example, if you agree on a 90-minute increment, you could telework from 1:00 PM to 2:30 PM, take leave from 2:30 PM to 4:00 PM, and then return to teleworking. **However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.**

10. **May I take my paid sick leave intermittently while working at my usual worksite (as opposed to teleworking)?**

It depends on why you are taking paid sick leave and whether your supervisor agrees. Unless you are teleworking, paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because:

- You are subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- You have been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- You are experiencing symptoms of COVID-19 and seeking a medical diagnosis; or
- You are caring for an individual who either is subject to a quarantine or isolation order related to COVID-19 or has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.

Unless you are teleworking, once you begin taking paid sick leave for one or more of these qualifying reasons, you must continue to take paid sick leave each day until you either (1) use the full amount of paid sick leave or (2) no longer have a qualifying reason for taking paid sick leave. This limit is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19 the intent of FFCRA is to provide such paid sick leave as necessary to keep you from spreading the virus to others.

If you no longer have a qualifying reason for taking paid sick leave before you exhaust your paid sick leave, you may take any remaining paid sick leave at a later time, until December 31, 2020, if another qualifying reason occurs.

In contrast, if you and your supervisor agree, you may take paid sick leave intermittently if you are taking paid sick leave to care for your child whose school or place of care is closed or whose child care provider is unavailable because of COVID-19 related reasons. For example, if your child is at home because his or her school or place of care is closed, or child care provider is unavailable because of COVID-19-related reasons, you may take paid sick leave on Mondays, Wednesdays, and Fridays to care for your child, but work at your normal worksite on Tuesdays and Thursdays.

11. May I take my expanded family and medical leave intermittently while my child's school or place of care is closed or childcare provider is unavailable due to COVID-19-related reasons if I am not teleworking?

Yes, but only with your supervisor's permission. Intermittent expanded family and medical leave should be permitted only when you and your supervisor agree upon such a schedule. For example, if your supervisor and you agree, you may take expanded family and medical leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child's school or place of care is closed or child care provider is unavailable due to COVID-19-related reasons for the duration of your leave. **However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.**

12. How do I count hours worked by 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.

If this calculation cannot be made because the employee has not been employed for at least six months, use the number of hours that you and your employee agreed that the employee would work upon hiring. And if there is no such agreement, you may calculate the appropriate number of

hours of leave based on the average hours per day the employee was scheduled to work over the entire term of his or her employment.

13. When calculating pay due to employees, must overtime hours be included?

The Emergency Paid Sick Leave Act requires that paid sick leave be paid only up to 80 hours over a two-week period. For example, an employee who is scheduled to work 50 hours a week may take 50 hours of paid sick leave in the first week and 30 hours of paid sick leave in the second week. In any event, the total number of hours paid under the Emergency Paid Sick Leave Act is capped at 80.

The Emergency Family and Medical Leave Expansion Act requires you to pay an employee for hours the employee would have been normally scheduled to work even if that is more than 40 hours in a week. Again, very few DLA employees are covered by these FMLA provisions.

If the employee's schedule varies from week to week, the calculation of hours for a full-time employee with a varying schedule is the same as that for a part-time employee. Please keep in mind the daily and aggregate caps placed on any pay for paid sick leave and expanded family and medical leave.

Please note that pay does not need to include a premium for overtime hours under either the Emergency Paid Sick Leave Act or the Emergency Family and Medical Leave Expansion Act.

14. 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 at DLA 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 at DLA.

If you are paid with commissions, tips, or piece rates, these wages will be incorporated into the above calculation.

You can also compute this amount for each employee by adding all compensation that is part of the regular rate over the above period and divide that sum by all hours actually worked in the same period.

15. 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; or (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, 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 per DLA'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. The [regular rate of pay](#) used to calculate this amount must be at or above the federal minimum wage, or the applicable state or local minimum wage. However, you will not receive more than \$200 per day or \$12,000 for the twelve weeks that include both paid sick leave and expanded family and medical leave when you are on leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

For example, if an employee's regular rate of pay is \$60 per hour and he/she took expanded family and medical leave for childcare, he/she would receive two-thirds pay or \$40 per hour for each hour of expanded family and medical leave used up to \$200 per day. Normally, this employee would receive \$480 per day (\$60 X 8 hours). If this employee took a full day (8 hours) of expanded family and medical leave, he/she would receive \$200 based on the pay cap per day for expanded family and medical leave. If this employee took 4 hours of annual leave and 4 hours of expanded family and medical leave, he/she would receive \$240 (\$60 X 4 hours) for the annual leave and \$160 (\$40 X 4 hours) for the 4 hours of expanded family and medical leave. Therefore, the employee would receive a total of \$400 for the day of leave instead of his/his regular rate of pay of \$480 per day.

However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.

16. How do I know whether I have been employed for at least 30 calendar days for purposes of expanded family and medical leave?

You are considered to have been employed by DLA for at least 30 calendar days if DLA had you on its payroll for the 30 calendar days immediately prior to the day your leave would begin. For example, if you want to take leave on April 1, 2020, you would need to have been on DLA's payroll as of March 2, 2020.

If you have been working as a temporary employee, and the agency subsequently hires you on a full-time basis, you may count any days you previously worked as a temporary employee toward this 30-day eligibility period. **However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.**

17. **If I elect to take paid sick leave or expanded family and medical leave, must my employer continue my health coverage? If I remain on leave beyond the maximum period of expanded family and medical leave, do I have a right to keep my health coverage?**

If your employer provides group health coverage that you've elected, you are entitled to continued group health coverage during your expanded family and medical leave on the same terms as if you continued to work. If you are enrolled in family coverage, your employer must maintain coverage during your expanded family and medical leave. You generally must continue to make any normal contributions to the cost of your health coverage. See the [Department of Labor Fact Sheet 28A](#). If you opt to enter into a Leave Without Pay (non-pay) status, you may elect to continue your health insurance coverage for up to 365 days in a non-pay status. Any debt incurred for the premiums would be your responsibility once you return to a duty status.

If you do not return to work at the end of your expanded family and medical leave and choose to separate from service, you should check with the [DLA Benefits Team](#) to determine whether you are eligible to continue your health coverage. If you are eligible, you may continue your coverage under Temporary Continuation of Coverage (TCC). TCC allows you and your family to continue the same group health coverage at group rates. Your cost will be higher than what you were paying before but may be lower than what you would pay for private individual health insurance coverage. **However, only employees on intermittent or temporary appointments of less than one year and part-time employees without a regular tour of duty are covered by the expanded family and medical leave provisions. DLA has very few employees covered by the expanded family and medical leave provisions.**

If you elect to take paid sick leave, your employer must continue your health coverage. Under the Health Insurance Portability and Accountability Act (HIPAA), an employer cannot establish a rule for eligibility or set any individual's premium or contribution rate based on whether an individual is actively at work (including whether an individual is continuously employed), unless absence from work due to any health factor (such as being absent from work on sick leave) is treated, for purposes of the plan or health insurance coverage, as being actively at work.

17. **My spouse and I are both employed by DLA, and our child is home due to a school closure. May we both take the new paid sick leave or expanded family and medical leave at the same time?**

You may take paid sick leave or expanded family and medical leave to care for your child only when you need to, and actually are, caring for your child if you are unable to work or telework as a result of providing care. Generally, you do not need to take such leave if a co-parent, co-guardian, or your usual childcare provider is available to provide the care your child needs.

18. As a supervisor, am I permitted to disapprove this new sick leave provision?

Supervisors may only disapprove emergency sick leave if the employee does not meet the eligibility criteria or does not provide appropriate documentation.

19. As a supervisor, may I ask my employees to stagger their sick leave requests so that I can maintain mission coverage?

As these leave requests are based on personal emergencies, supervisors are advised not to ask employees to stagger their requests.

20. How are employees and supervisors supposed to code EAGLE timesheets if we're using these new sick leave provisions?

Employees should ensure all emergency paid sick leave and expanded family medical leave are coded in EAGLE using Reason Code 21 (Families First – COVID 19).

21. If I don't want to take the reduced pay associated with the new paid sick leave provision, may I substitute regular sick leave or weather and safety leave for the same qualifying conditions?

Employees may substitute regular sick leave if experiencing COVID-19 symptoms or to care for a family member experiencing COVID-19 symptoms. Regular sick leave is not appropriate to care for a child under (18 years of age) whose school or place of care is closed (or childcare provider is unavailable) for reasons related to COVID-19. Employees may substitute annual leave for this purpose.

Asymptomatic employees directed to quarantine by public health authorities, either by possible direct exposure to COVID-19 or traveling from a country requiring mandatory quarantine, assigned to telework-eligible positions with signed telework agreements are expected to telework during the quarantine period. Asymptomatic employees not eligible for telework receive weather and safety leave for the quarantine period. Employees may substitute sick leave, annual leave, leave without pay, etc. as appropriate.