Families First Coronavirus Response Act FAQs

What is the federal Families First Coronavirus Response Act?
This Act is the Congressional response to coronavirus (COVID-19), designed to provide free COVID-19 testing, paid sick leave, and an expansion of the current Family & Medical Leave Act (FMLA). It was signed by the President on March 18, 2020 and contains several provisions including free COVID-19 testing, effective immediately. Please consult your health care provider, in advance whenever possible, for advice on individual testing needs and current procedures. Provisions for Emergency Family & Medical Leave Expansion and Emergency Paid Sick Leave begin on April 1, 2020 and expire on December 31, 2020.

PLEASE NOTE: The Department of Labor will be issuing regulations by April 1, but until the regulations are available, we are doing our best to provide information on the Act. We will update the FAQs with new information as it becomes available.

What benefit is my Appointing Authority providing me in response to the COVID-19 situation?
As part of the Families First Coronavirus Response Act, Appointing Authorities are providing Emergency Paid Sick Leave and an expanded benefit to the Family & Medical Leave Act, as follows:

Emergency Paid Sick Leave Act
Full-time employees will receive up to 80 hours of Emergency Paid Sick Leave, and part-time employees a prorated amount, if the employee is unable to work or telework due to a need for leave because:

1. The employee is subject to a Federal, State or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to an order as described in (1) or has been advised as described in (2).
5. The employee is caring for a son or daughter, who is under the age of 18 years, if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Secretary of Health & Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.
Paid sick time is calculated as follows:

- For reasons 1, 2, and 3 above, paid time will be greater of the regular rate of pay or the State/Federal minimum wage, will not to exceed $511 per day and $5,110 in the aggregate.
- For reasons 4, 5 and 6 above, paid time will be calculated at 2/3 of the greater of the regular rate of pay or the State/Federal minimum wage, not to exceed $211 per day and $2,000 in the aggregate.

**Emergency Family & Medical Leave Expansion Act**

Employees who have been employed for at least 30 calendar days by the County will be eligible to take up to 12 weeks of job protected FMLA leave for “a qualifying need related to a public health emergency”.

A “qualifying need” is limited to circumstances where an employee is unable to work (or telework) due to a need to care for a minor child, son or daughter under 18 years of age, if the child’s school or place of child care has been closed or is unavailable due to a public health emergency.

- The first 10 days of leave may be unpaid. During this initial ten days of the leave, an employee may elect, but cannot be required, to substitute any accrued vacation leave, personal leave, or medical or sick leave for the unpaid leave.
- Paid leave for subsequent days, which is calculated based on 2/3 the employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. In no event shall such paid leave exceed $200 per day and $10,000 in the aggregate.

**IMPORTANT: The Act contains language that exempts certain categories of employees, that has yet to be specifically defined. The County is seeking an interpretation from the Department of Labor, and depending upon this clarification, the Emergency Paid Sick Leave Act and the Emergency Family & Medical Leave Expansion Act may not apply to all employees. Some categories of employment that may be exempt are essential critical infrastructure workers, health care providers and emergency responders. We hope to clarify this matter as soon as possible, and we will provide an update as soon as it becomes available.**

**Frequently Asked Questions**

What if 2/3 of my regular pay rate falls below the State/Federal minimum wage?

Appointing Authorities have agreed to set the minimum pay rate at $12.50/hr. after the 2/3 calculation, for any employee’s qualifying leave that is subject to the 2/3 pay provisions for both the Emergency Sick Leave and Emergency Family & Medical Leave Expansion Act.

Who is eligible to have unused Emergency Paid Sick Leave hours at year end rolled over into annual leave?

Employees who are employed as of April 1, 2020.
When does the additional paid sick leave expire?
The hours placed into the employee’s Emergency Paid Sick Leave bank may be used for the 
remainder of the current calendar year. While not required by the Act, the Appointing 
Authorities are anticipating, barring any changes or extensions to these Acts, that after the end 
of the 2020 calendar year, unused Emergency Paid Sick Leave hours will be rolled over to 
become regular “annual leave” hours for employees who were employed on April 1, 2020 and 
are still employed when the leave rolls over. Otherwise the unused Emergency Paid Sick Leave 
hours will expire on December 31, 2020.

If I separate from employment will I be paid out for unused Emergency Paid Sick Leave?
If an employee terminates employment before the end of the current calendar year, they will 
not be paid for unused Emergency Paid Sick Leave hours. While not required by the Act, the 
Appointing Authorities are anticipating, barring any changes or extensions to these Acts, that 
after the end of the 2020 calendar year, unused Emergency Paid Sick Leave hours will be rolled 
over to become regular “annual leave” hours for employees who were employed on April 1, 
2020, and any payout at separation will be in compliance with current Personnel Rules.

How is the time period for school closures determined?
The Families First Coronavirus Response Act applies if schools, day cares or childcare providers 
are closed or unavailable due to COVID-19 precautions. This can be because of an order from 
the Governor or from local authorities. The Act applies to all schools, public or private. This also 
applies if instruction has been moved online or virtual due to COVID-19.

What happens if a husband and wife both work for Pinellas County Government, are they 
both eligible to be paid for leave time when schools are closed, and they have children under 
18 who are enrolled in primary or secondary school?
Yes, both spouses will be entitled to Emergency Family & Medical Leave Expansion Act pay and 
Emergency Paid Sick Leave Act pay if schools are closed.

Do grandparents qualify under this program?
Yes, The Emergency Paid Sick Leave Act applies to employees who are taking care of an 
individual who is subject to a quarantine under governmental order, isolation under medical 
advice, or has symptoms of COVID-19.

Can grandparents receive this benefit if they care for grandchildren?
Yes, if a grandparent has day-to-day responsibilities to care for or financially support a 
grandchild (they are acting in loco parentis) under the age of 18 and a primary or secondary 
school or day care is closed due to COVID-19 or a qualifying need related to a public health 
emergency, they would qualify for both programs.

What proof can an employer require for all the medical and quarantine leave time elements 
contained in the Act?
An employer could require the same proof as required for regular FMLA.
Would I be eligible for free COVID-19 testing?
If you are enrolled in our Point of Service (POS) Health Plan or our Consumer Driven Health Plan and develop symptoms of COVID-19, your initial visit that leads to testing (virtual visit, in office provider visit, urgent care visit, or emergency room visit) will be covered at no cost to you, and the actual test will also be covered at no cost to you. Please call your health care provider, in advance whenever possible, prior to arriving at a health care provider location.

Is the pay under the Act pensionable and taxable?
Yes. Emergency Paid Sick Leave Act pay and Emergency Family & Medical Leave Expansion Act pay are subject to pension and taxes, just like your wages.

Who should I call if I have more questions?
Please contact Benefits at (727) 464-4570 or employee.benefits@pinellascounty.org.