

Families First Coronavirus Recovery Act

The *Families First Coronavirus Recovery Act (FFCRA)* extends to postal employees some additional leave benefits due to the Coronavirus and the illness it causes--COVID-19. APWU represented employees, both career and non-career, are entitled to the leave provisions enacted by the FFCRA.

Two new leave types are now extended to postal employees.

- Up to 80 hours of ***Emergency Paid Sick Leave*** for specific qualifying reasons.
- ***Public Health Emergency Leave***, which amends the Family and Medical Leave Act (FMLA), allowing employees to take up to 12 weeks of leave related to the closure of a minor child's school or place of care due to COVID-19.

The law went into effect on April 1, 2020, and covers absences from that day forward. If you were off work prior to April 1st, you cannot retroactively claim benefits under the new law. However, you can claim benefits for any qualifying absences from April 1 through December 31, 2020.

No matter your length of service or status as a career or non-career employee you are eligible for the ***Emergency Paid Sick Leave***. If you meet one of these qualifying reasons:

You will be paid up to 80 hours at your regular rate of pay up to a maximum of \$511 per day (APWU represented employees do not go over this limit) if:

1. You are subject to a Federal, State, or local quarantine or isolated order related to COVID-19 (state and local "shelter in place" or "stay at home" orders are not considered "quarantines").
2. You have been advised by a health care provider to self-quarantine related to COVID-19.
3. You are experiencing COVID-19 symptoms and are seeking a medical diagnosis.

The following reasons allow you to receive $\frac{2}{3}$ of your regular rate of pay, up to \$200 per day, for the following qualifying reasons:

4. You are caring for an individual subject to an order described in numbers 1 and 2 above.
5. You are caring for your child under the age of 18 whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.
6. You are experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

FMLA is expanded if the employee meets qualifying condition five (5) above. The following regulations apply:

- An employee only needs 30 days of employment to qualify for expanded benefits.
- The usual 12-weeks of FMLA is not expanded.
- The first two weeks are not paid; but you can use Leave Without Pay (LWOP), sick or annual leave you have accrued to cover the two-week period. You may also use the 80 hours of Emergency Paid Sick Leave to cover the first two weeks; but if used here, it would not be able to use it for any other qualifying reason or combination of reasons.
- The remaining 10-weeks of FMLA for the indicated qualifying reasons is paid leave – without charge to any contractual paid leave available to the employee; but it is paid at 2/3 the regular rate of pay with a cap of \$200 per day and \$12,000 for the ten weeks.
- All of the regular FMLA rules and benefits remain unchanged when FMLA is taken for any reason other than qualifying reasons five above.

Employees who qualify and use these types of leave may not be removed, disciplined, or discriminated against for lawfully exercising their rights to the emergency paid sick leave or the expanded family and medical leave act.

The APWU reached agreement with the USPS that using this type of leave cannot be considered when a new employee is to be separated on during their 90-day probation (career employee) or first 120-calendar days of work or 90 days worked by PSEs. Anyone who believes this has happened should contact their local union stewards or officers.

Employees who wish to use this leave are obligated to give notice to management that they will be absent for one of the qualifying reasons and request Emergency Sick Leave or the Public Health Emergency Leave (expanded FMLA) benefits. You would request this leave through your normal leave request procedures by either calling the normal phone number or submitting a PS Form 3971 directly to your supervisor or manager. On the form 3971 for type of leave you are requesting, check “other” and write in “Code 077-19” for reason 1-3. In the remarks section write “Emergency Sick Leave--Self”. For reasons 4-6 check the other box and write in “Code 081-19” and in the remarks section write “Emergency Sick Leave--Other.” If you call in and request this leave make sure you verify your PS 3971 upon your return before signing. You should also verify your pay stubs to ensure you received the proper type of leave.

As with all FMLA related absences you will be required to provide documentation consistent with Department of Labor regulations and the Act. Medical documentation for reasons 1-3 should not be given to your supervisor or manager but rather provided to your local medical unit or the FMLA coordinators department at the Human Resources Shared Service Center. Medical confidentiality policies and procedures still apply. For qualifying reasons 4-6 one of the following should be provided 1) a notice of closure from a state/county/city school system or your private school system; and/or 2) notice of closure from your daycare center; and/or 3) written statement from the employee stating the need for leave due to the school closure, daycare closure, or unavailability of the usual caregiver of the minor child should accompany the PS Form 3971.

We expect the Postal Service to be constantly updating the processes that will need to be put in place to implement this leave. We continue to have regular discussions with the Postal Service on these new provisions and when we receive updates additional developments we will provide them to you.