



City of Brockton

BROCKTON PUBLIC SCHOOL

Michael P. Thomas ♦ Superintendent of Schools

Dr. Kathleen F. Moran
Executive Director of Human Resources
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To: All Employees
From: Human Resources
Re: Employee Rights under the Federal Families First Coronavirus Response Act
Date: April 24, 2020; reissued August 7, 2020

All employees have received notice about the new Federal Families First Coronavirus Response Act (FFCRA), which, in part, created a new allotment of paid leave available to employees for certain reasons. This leave is in addition to any paid leave that employees may have available to them through the Brockton Public Schools. **This leave entitlement is currently scheduled to expire on December 31, 2020.**

Below is an outline of the leave that is available. The notice we provided employees is the best source of information, but we hope this can be a useful reference document. Human Resources can be reached at Kathleenmoran@bpsma.org for any additional questions regarding leave under the FFCRA.

Emergency Paid Sick Leave

The FFCRA provides all employees with one allotment of two weeks' of leave (based on their regular schedule) if an employee is unable to work (or unable to telework) because the employee:

1. is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. has been advised by a health care provider to self-quarantine related to COVID-19;
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);
5. is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
6. is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services, in consultation with the Secretaries of Labor and Treasury. At this time, the Secretary of Health and Human Services has not yet designated any such conditions. For more information, please visit <https://www.dol.gov/agencies/whd/pandemic/ffcr-questions>.

Leave for reasons 1-3 is paid at the employee's regular rate of pay up to a cap of \$511 per day. Leave for reasons 4-6 is paid at 2/3 the employee's regular rate of pay up to a cap of \$200 per day. Employees may always choose to request to use their accrued paid time off (i.e., sick, personal or vacation time) instead of leave under the FFCRA. Employees are only entitled to one allotment of Emergency Paid Sick Leave even if the employee uses the leave for one purpose and then later has



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another qualifying reason. Employees are only entitled to **one** period of Emergency Paid Sick Leave up to a total of two weeks' worth of time for all reasons noted above.

To request Emergency Paid Sick Leave, the employee must complete the accompanying form and must submit that form with as much advance notice as possible.

Expanded Family and Medical Leave

In addition to the Emergency Paid Sick Leave described above, the FFCRA also created a new reason that employees can use Family and Medical Leave (FMLA). The new reason is number 5 listed above – because the employee is unable to work or telework because s/he is caring for a child whose school or place of care is closed for reasons related to COVID-19. Any employee who has been employed by the Brockton Public Schools for at least 30 days may be eligible for up to 12 weeks of leave for this reason. This leave will be paid at 2/3 of the employee's regular rate up to a cap of \$200 per day. The employee may request that they use any available and applicable paid time off (generally this means that paid sick time is **not available** for this leave) at the same time that they are receiving the partial pay under the Expanded Family and Medical Leave up to their regular rate of pay.

If an employee has already used FMLA leave this year (year is defined as the period between July 1 and June 30), it will decrease the amount of leave they have available to them under the Expanded Family and Medical Leave. In addition, the first two weeks of leave under the Expanded Family and Medical Leave will run at the same time as leave under the Emergency Paid Sick Leave – so the employee will get a total of 12 weeks of leave for reason 5 above between the two types of leave. Employees are only entitled to one 12 week allotment of paid leave for this reason.

To request to use this leave, the employee must contact Human Resources for the appropriate form and must submit that form with as much advance notice as possible.

More information about the FFCRA can be found here -

<https://www.dol.gov/agencies/whd/pandemic/ffcr-employer-paid-leave>