

NARA Notice 2020-123: Family First Coronavirus Response Act Emergency Paid Sick Leave

To: All Employees.

Attention supervisors: If you have employees who do not have access to a computer, please ensure that those employees receive a copy of this notice. This includes employees on LWOP or paid leave.

As previously announced in [NARA Notice 2020-089](#), the [Family First Coronavirus Response Act](#) (FFCRA) provides employees up to 80 hours of emergency paid sick leave to address specific circumstances related to COVID-19. This notice provides additional guidance recently issued by the Office of Personnel Management (OPM) and the Department of Labor (DOL) regarding leave flexibilities.

Please read this notice in its entirety as the guidance could impact your leave and pay.

BASIC ENTITLEMENT

Under FFCRA, employees who are unable to work or telework, due to a qualifying COVID-19-related reason, may be granted up to two weeks (80 hours) of emergency paid sick leave. Full-time employees may request up to 80 hours of FFCRA emergency paid sick leave. Part-time employees may request a pro-rated amount of leave equivalent to two weeks of their normal work schedule. Each employee has a total, one-time entitlement of 80 hours (fewer for part time employees), regardless of the qualifying reason or reasons.

FFCRA emergency paid sick leave is available to Federal employees in addition to any other paid leave entitlements. FFCRA emergency paid sick leave can only be used from April 1, 2020, through December 31, 2020. FFCRA emergency paid sick leave may be granted retroactively to any date including--but not before--April 1, 2020.

QUALIFYING REASONS

An employee may be granted FFCRA emergency paid sick leave when the employee is unable to report to the traditional worksite and is unable to telework due to one of the circumstances listed below. FFCRA emergency paid sick leave may be used if 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 stay at home or otherwise self-quarantine due to concerns related to COVID-19;
3. Is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
4. Is caring for an individual who is subject to the circumstances listed above;
5. Is caring for her or his child whose school or day care has been closed or 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 (none have been identified as of the date of this notice).

For qualifying reason 5, FFCRA defines a child as your own child, including your biological, adopted, or foster child; your stepchild; a legal ward; or a child for whom you are standing in the place of a parent who is (a) under 18 years of age or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

LIMITATION ON PAY

The amount that an employee can be paid for FFCRA emergency paid sick leave is limited, based on the qualifying reason used to support the employee's request for leave.

- Qualifying reasons 1 through 3: Employees are entitled to 100 percent of regular base pay, up to a maximum of \$511 per day and not to exceed \$5,110 total (for all 80 hours).
- Qualifying reasons 4 through 6: Employees are entitled to 2/3 of regular base pay, up to a maximum of \$200 per day and not to exceed \$2,000 total.

Employees should consider their daily salary rate when determining whether to request FFCRA leave. An employee who normally earns more than the daily or total salary limit will be charged leave for all work hours scheduled during the leave period and will not receive salary payments or any other benefits above the FFCRA salary limitations.

You can determine your daily rate by multiplying your hourly rate by the number of hours you are scheduled to work each day. FFCRA's daily limitation on pay applies regardless of the number of hours an employee has scheduled for each day: For example, an employee is limited to \$511 or \$200 per day regardless if she or he is scheduled for 8, 9, or 10 hours that day. Your hourly salary rate is your regular rate of pay, including locality pay, which can be found on your latest Earnings and Leave Statement in [Employee Express](#), in the upper right-hand corner, in the box labeled "Hourly Rate."

LEAVE USAGE

For employees reporting to the traditional worksite, FFCRA emergency paid sick leave that is taken for qualifying reasons 1-4 and 6 must be taken in whole-day increments and must be taken continuously from the first day the employee receives FFCRA emergency paid sick leave until the employee either uses her or his entire balance of FFCRA leave or the employee no longer has a qualifying reason for the FFCRA leave.

An employee reporting to the traditional work site may use FFCRA emergency paid sick leave intermittently only when requested for qualifying reason 5, when the employee is caring for her or his daughter or son whose school or day care has been closed or is unavailable for reasons related to COVID-19. An employee who is approved to use FFCRA emergency paid sick leave intermittently for qualifying reason 5 must request and record time in 15-minute increments.

Qualifying employees who are teleworking are permitted to take FFCRA emergency paid sick leave intermittently, with supervisory approval, for all qualifying reasons. Teleworking employees must request and record FFCRA leave in 15-minute increments.

TIME AND ATTENDANCE

NARA's payroll shared service provider, the Department of the Interior, Interior Business Center (IBC), is working to add FFCRA emergency paid sick leave to our time and attendance system, Quicktime. Unfortunately, due to the complexity of the FFCRA law, IBC does not expect to have the new pay codes available in Quicktime until later this year.

NARA has developed interim procedures to allow employees to use FFCRA emergency paid sick leave without waiting for a Quicktime pay code to be established. Employees must request that their FFCRA leave be initially recorded as either Weather and Safety Leave (pay code 061) or Leave Without Pay (LWOP, pay code 101). Timekeepers will be provided with separate procedures to identify FFCRA emergency paid sick leave that

was recorded as Weather and Safety Leave or LWOP in Quicktime. When the new pay codes are available in Quicktime, the timekeeper will amend the employee's timesheet to record the appropriate FFCRA leave.

Until a Quicktime pay code is available, employees requesting FFCRA leave have two options:

1. The employee may choose to have her or his FFCRA leave hours initially coded as Weather and Safety Leave. The employee will be paid at her or his regular rate of pay, without regard to the FFCRA pay limitations. Once the new pay codes are available, the timekeeper will amend the relevant timesheets and the Weather and Safety leave will be converted to FFCRA leave. Once the amendments are processed, IBC will generate a debt and the employee will be required to repay any amounts she or he was paid above the relevant FFCRA salary limitation.
2. Alternatively, the employee may choose to have her or his FFCRA leave hours initially coded as LWOP. The employee will not receive any pay for these hours until new pay codes are available and the timekeeper amends the employee's timesheets. Once the amendments are processed, the employee will be paid at the correct FFCRA salary rate, and no debt will be generated.

Additional guidance will be issued once the new pay codes are available.

REQUESTING FFCRA LEAVE

Employees must request FFCRA emergency paid sick leave in writing. Employees are encouraged to use [Office of Personnel Management \(OPM\) Form 71, Request for Leave or Approved Absence](#), but the form is not required. All employees must identify the qualifying reason for their leave request and must specify whether they want the leave hours to be initially coded as Weather and Safety Leave or LWOP. Employees will be required to provide additional information depending on the qualifying reason. Please see the attached FFCRA Emergency Paid Sick Leave Chart for a list of information required for each qualifying reason. Currently, employees are not required to provide any additional documentation, other than a written request that includes all of the necessary information.

Supervisors ordinarily must approve a request for FFCRA emergency paid sick leave if the employee follows procedures for requesting FFCRA leave and has a sufficient balance of FFCRA leave available for her or his use. Supervisors must ensure FFCRA leave used does not exceed available balances and is coded to the appropriate initial code (Weather and Safety Leave or LWOP) before certifying timesheets. Supervisors must not approve requests for FFCRA leave unless or until the employee provides all required information.

EXPANDED FAMILY AND MEDICAL LEAVE

The FFCRA temporarily expanded family and medical leave benefits for employees who are not already covered by the Family and Medical Leave Act. At NARA, this benefit applies to employees who are on temporary appointments or on intermittent work schedules. Under FFCRA, a temporary or intermittent employee qualifies for up to 10 weeks of FFCRA expanded family and medical leave to care for her or his daughter or son whose school or day care has been closed or is unavailable for reasons related to COVID-19. FFCRA expanded family and medical leave is available in addition to the up to 80 hours of FFCRA emergency paid sick leave, but is only available for qualifying reason 5 above. FFCRA expanded family and medical leave is subject to the same procedures for requesting and approving FFCRA emergency paid sick leave. Supervisors and timekeepers should contact Accounting Policy and Operations (XA) before approving or recording FFCRA expanded family and medical leave.

ADDITIONAL RESOURCES

Due to the complexities of the FFCRA entitlements, the following attachments are provided to assist you in determining the eligibility factors for each type of leave, associated pay rates, limitations, and interim pay codes.

- [Attachment A - Families First Coronavirus Response Act: Employee Paid Leave Rights](#)
- [Attachment B - FFCRA Emergency Paid Sick Leave Chart](#)

- [Attachment C - FAQs](#)

Thank you for your cooperation and patience.

COLLEEN MURPHY
Chief Financial Officer

If you have questions about this notice, contact:

Raymond Chin, Accounting Policy and Operations

Raymond.chin@nara.gov

National Archives at College Park

Room 5100

Phone: 301-837-3754

Attachments

1. [FFCRA Leave FAQs.pdf](#)
2. [FFCRA Emergency Paid Sick Leave Chart.pdf](#)
3. [WHD_FFCRA-Employee_Paid_Leave_Rights.pdf](#)