

FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

Notice to Indiana University Employees



As you likely know, the Families First Coronavirus Response Act (“FFCRA” or “the Act”) was signed into law to address the impact of the COVID-19 pandemic and national emergency. **Please read this notice in full as it contains important information regarding eligibility and notice requirements for paid leave pursuant to the FFCRA.**

Indiana University will provide employees, pursuant to the FFCRA, with Emergency Paid Sick Leave (“EPSL”) as well as leave under the EFMLEA (Emergency Family and Medical Leave Expansion Act – referred to in this notice as “EFMLA” or Emergency Family Medical Leave) for COVID-specific reasons, as further described below.

The manner in which these leaves are requested and processed will depend on whether you are an academic appointee or Staff/Temporary employee.

The Department of Labor’s Wage and Hour Division administers and enforces the new law’s paid leave requirements. The FFCRA provisions will apply at Indiana University from July 1, 2020 through December 31, 2020. (The University has already maintained employees in pay status from March 23, through June 30, 2020.)

STAFF AND TEMPORARY EMPLOYEES

EMERGENCY PAID SICK LEAVE (EPSL)

- Employees are eligible for two weeks of Emergency Paid Sick Leave (EPSL) at their regular rate. A full-time employee is eligible for two weeks (80 hours) of Emergency Paid Sick Leave (EPSL); the amount is prorated for less than full-time employees, including temporary employees. An employee qualifies for EPSL if the employee is scheduled to work and is unable to work (or unable to telework) due to these qualifying reasons:
 1. The employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider).
 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 COVID-19 symptoms and seeking a medical diagnosis.
 4. The employee is unable to work 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).
 5. The employee needs to 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.
 6. The employee is experiencing a substantially similar condition as specified by the Secretary of Health and Human Services.
- Although the law does not necessarily require full pay during EPSL (the law has pay caps), Indiana University will provide full pay.
- EPSL time off must be taken in full day increments. For reasons 1 through 4, and 6 related to having or caring for someone with COVID-19 or having symptoms, or being subject to a quarantine, the time off must also be taken consecutively.

EMERGENCY FAMILY MEDICAL LEAVE (EFMLA)

- An employee who has been employed with Indiana University for at least 30 calendar days, who is scheduled to work, and who is unable to work or telework because they are caring for a child whose school or child care provider is closed, or unavailable for reasons related to COVID-19, is entitled to take up to twelve weeks of Emergency Family Medical Leave (EFMLA).
 - This reason is valid only if no other suitable individual is available to care for the child during the period of the requested leave.
 - The 12 weeks of EFMLA will be reduced by any “regular” FMLA the employee has already used in the 2020 calendar year.
 - The time off must be taken in full day increments.
 - The first two weeks (usually ten workdays or 80 hours) of this leave are unpaid, though an employee may use EPSL during this time. Staff employees may opt to use their time off accruals for this initial two-week period.
 - For the remaining 10 weeks, as with “regular” FMLA, employees will be required to first use their earned or accrued paid time

off in this priority order: compensatory time, vacation/PTO, holiday, income protection/PTO sick leave.

- o Should employees have less than a full day's worth of paid time off, they are entitled to pay at 2/3 their regular rate up to \$200 per day and \$10,000 in the aggregate (over the remaining 10-weeks).
- o EFMLA time, including EPSL and use of accruals used during EFMLA, count toward an employee's annual FMLA limit.

TO RECEIVE LEAVE UNDER EPSL OR EFMLA

In the event you are unable to work due to one of the qualifying reasons specified above for EPSL or EFMLA, you must:

1. Notify your supervisor.
2. Complete and submit the [FFCRA Request Form](#).

ADDITIONAL PROVISIONS

- Paid time provided under the Act does not carry over from one year to the next.
- Employees are not entitled to reimbursement for unused leave under the Act upon termination, resignation, retirement, or other separation from employment.
- Where leave is foreseeable, you should provide notice of leave as soon as practicable. After the first workday of leave, please continue to stay in touch with your supervisor. The university will require that you follow reasonable notice procedures in order to continue receiving leave.

ACADEMIC APPOINTEES

EMERGENCY PAID SICK LEAVE (EPSL) & EMERGENCY FAMILY MEDICAL LEAVE (EFMLA)

The EPSL and EFMLA eligibility criteria for academic appointees are the same as those identified above for Staff and Temporary employees.

For academic appointees who are eligible for paid sick leave under ACA-49 and paid family leave under either ACA-50 or ACA-51, EPSL and EFMLA will be addressed through those processes.

- EPSL provides an additional two-week period of paid sick leave.
- EFMLA does not add to the length of time provided for an FMLA leave, but does allow for child care under specified conditions to be a reason for leave. The first two weeks (usually ten workdays) of this leave are unpaid; however, during this initial two-week period, an academic appointee may use EPSL or other available paid sick time under ACA-49 (or vacation time in the case of 12-month appointees (ACA-46)).

For academic appointees who are not eligible for paid sick leave (student academic appointees (AC3s) and adjunct faculty (AC2s)) under ACA-49 or paid family leave (visiting faculty, post-docs, student academic appointees (AC3s), and adjunct faculty (AC2s)) under either ACA-50 or ACA-51:

- EPSL provides two weeks of paid sick leave.
- EFMLA provides twelve weeks of leave. The first two weeks (usually ten workdays) of this leave are unpaid; however, during this initial two-week period, an academic appointee may use EPSL.

Important note for appointees in the School of Medicine: The calculation of pay to which you are eligible from Indiana University under EPSL or EFMLA is based only on salaries paid by Indiana University and not on salaries or other compensation that you may receive from other sources, including professional practice plans.

ALL EMPLOYEES

Indiana University will make every effort to keep employees apprised of plans and processes for returning to campus, teleworking arrangements, as well as issues related to EPSL and EMFLA leave. In the meantime, if you are a Staff/Temporary employee, please feel free to reach out to askhr@iu.edu or 812-856-1234 if you have any questions. If you are an academic appointee, contact your campus academic affairs office for guidance. Indiana University also has COVID-19-related resources and a Q&A online at coronavirus.iu.edu.

Again, please take care of and monitor your health. We hope that you and your loved ones stay safe and healthy.