**Applying the Family First Coronavirus Response Act (FFCRA)**

**Pandemic Questions and Answers**

1. **My doctor has advised me that because of my medical condition, the risk of exposure to COVID-19 by coming to work in person is too great. The doctor has ordered me to not work outside of my home until Maryland state/local civil health authorities have determined that conditions are safe for me to resume my work in the workplace. What are my options for pay, benefits and leave?**

Employee Paid Sick Leave (EPSL) may apply to your situation. Since your health practitioner has directed you to stay home and not report on site, you would be eligible to request up to 80 Hours of EPSL at 100% pay. Your supervisor is responsible to determine if any part or all of your work can be accomplished by you remotely. If there is no work that you can perform remotely, you would be eligible to receive EPSL at a full pay rate for 10 days. If there is work you can perform remotely and you are able, you must do so. The hours of your remote work are payable at full pay and the remaining hours up to a maximum of 80 hours would also be paid at 100% of your rate of pay.

 After the 80 hours are exhausted, you could choose to utilize any accrued paid vacation, sick or personal leave to augment or continue your pay at the 100% level. When those options run out, you will only be paid for the amount of work you perform. Your medical condition may make you eligible for regular Family Medical Leave (not Emergency FML) which will preserve your job and benefits, but not necessarily with pay. Please consult with your Employee Relations Manager in HR. You would be eligible to apply for unemployment from that point forward. As long as you are on EPSL, EFML, any accrued paid leave, or regular Family Medical leave, your benefits will be continued.

1. **Because my county school system is only holding virtual classes this semester, I need to obtain child care for my 3- and 4-year olds, I have attempted to re-enroll them in XYZ Daycare, but they are closed. My husband also works on site, and my parents are frail elderly who are unable to provide babysitting. I want to work on site, but it seems I have no options than to stay at home with the children to care for them and work with them on their early childhood virtual learning. Because they are so young, working remotely is not really an option, even if I were able to do some work from home. What will happen with my job?**

Employee Paid Sick Leave (EPSL) and Emergency Family Medical Leave (EFML) may apply to your situation. Because you have no available child care, the law allows for you to request EPSL at 2/3 your pay rate for the first 80 hours of work. You may apply (top off) any accrued paid vacation, sick or personal leave to augment or continue your pay at the 100% level.

EFML is available only when an employee is unable to work or work remotely and school or care for a child is unavailable. After the 80 hours of EPSL are exhausted, you could request EFML for up to 10 more weeks at 2/3 your usual rate of pay, and you may opt to apply any accrued paid vacation, sick or personal leave to augment or continue your pay at the 100% level for as long as using the accruals lasts. At that time, you would be eligible to apply for unemployment. Your benefits are retained as long as you remain on EFML or any accrued leave.

1. **Even though it is necessary for me to be on site to do my job, I have worked remotely since the beginning of the pandemic, and I am very uncomfortable with returning to the workplace. My supervisor has told me that I need to return to come to work on site next week. I am simply terrified of contracting the COVID-19 virus when working with all of the people in our facility. I live alone and do not have any medical condition that would cause me to stay at home. I am just afraid, and am considering telling my supervisor I will not come into the workplace to work until health officials indicate it is safe for everyone.**

Your location has taken all of the preventive steps that are recommended by Federal, state and local officials to minimize the risk of exposure to COVID-19. Those measures are the same measures being applied in pharmacies, grocery stores, and other retail establishments to keep everyone as safe as possible. While a fear of contracting this disease is certainly valid, in light of the safety measures taken at your facility, being afraid to come to work without reference to a reason related to COVID-19 recognized in the FFCRA is simply not an acceptable basis for an employee to refuse to come to work. One thing you could consider doing is to discuss with your supervisor the possibility of a combination of on site and remote work that will limit your presence on site.

1. **My 87-year old mother lives with me and I am her sole caretaker. Mom has an auto-immune disorder and a heart condition. I have opted to care for her at home rather than in an assisted living facility to maintain her dignity. Her doctor has told her that she is at high risk and must avoid leaving my house for any reason. I have remained home with her and worked remotely since the pandemic began. My supervisor just advised me I must return to work in the office next month. I am faced with placing mom in an assisted living facility or obtaining eldercare, or quitting my job and losing my benefits. Do I have any options?**

Employee Paid Sick Leave (EPSL) may apply to your situation. Since your mother’s health practitioner has directed that she stay quarantined at home, you would be eligible to request up to 80 Hours of EPSL at 100% pay. After the 80 hours are exhausted, you could choose to utilize any accrued paid vacation, sick or personal leave to continue your pay at the 100% level until such time as the balances are exhausted. Your caring for your mother may make you eligible for regular Family Medical Leave (not EFML) which will preserve your job and benefits, but may/may not provide any pay. For further information, please discuss with your HR Employee Relations Manager,

1. **I have worked remotely since the beginning of the pandemic and it appears that all my work has been done successfully and without any concerns. I was told by my supervisor that I need to return to work on site 2 days a week and the rest of time I will work remotely. Why do I have to return to the workplace when I was just as effective working remotely?**

It is important to remember the context in which you began working remotely. First, in March of 2020, the Governor enacted workplace restrictions that limited those working on site to only those who are deemed as “essential workers”. All other employees were to work remotely if at all possible. If the Governor’s stay-at-home order was not enacted, you likely would have been required to continue to report to work. Second, in April of 2020, as a result of the implementation of the CARES Act, most locations of the Archdiocese were provided with small business loans under the Paycheck Protection Program, which was designed to provide forgivable loan assistance to cover pay and benefits costs for a period of roughly 2 and ½ months so that employees who were on a government order to stay at home would be paid without interruption. At this point in time, the principal of those loans have mostly been depleted.

It is the role of a supervisor to determine if and when a job can be performed remotely. It appears that at this point, in your supervisor’s judgment, your job is best performed by a combination of work on site in the facility, and some work from home.

1. **My father lives with me at home. Aside from his age, Dad also has several medical conditions that place him in a “high risk” category. Dad is able to take care of himself, but we have talked and decided it is safest for him to stay at home. I want to come back to work in the building, but I am concerned that I might unknowingly carry the disease home to him. This is causing me to decide between family and work. Is there any relief for this?**

Your location has taken all of the preventive steps that are recommended by Federal, state and local officials to minimize the risk of exposure to COVID-19. Those measures are the same measures being applied in pharmacies, grocery stores, and other retail establishments to keep everyone as safe as possible. Of course, there are no guarantees with this pandemic, but our workplace safety and hygiene measures, in addition to those you have personally employed in your home, offer a sound basis to minimize the risk. Unfortunately, there is no current relief available in the law for not returning to work under the circumstances you describe.