



State of Delaware Department of Human Resources

The Families First Coronavirus Response Act

The federal [Families First Coronavirus Response Act](#) (FFCRA or “the Act”) was passed by Congress on March 18, 2020 and became effective on April 1, 2020. It includes two different types of leave - Emergency Paid Sick Leave and Emergency Family and Medical Leave (FMLA) Expansion.

What does this mean for state employees?

1. Eligible employees will continue to be eligible for up to 30 calendar days (22 workdays) of leave for a COVID-19-related illness. Two workweeks of that leave will be under the Federal Emergency Paid Sick Leave and two workweeks will be under the State Paid Emergency Leave.
 - *Leave beyond 30 calendar days (22 workdays) will be taken as unpaid or employees may use accrued sick and/or annual leave, use compensatory time, or may borrow ahead a combination of sick and annual leave up to 75 hours (37.5 hour work week) or 80 hours (40 hour work week). An employee must have one year of employment and have exhausted all other accrued leaves to borrow ahead, which must be paid back by December 31, 2020.*
2. Eligible employees will continue to be eligible for up to 14 calendar days (10 workdays) of leave to care for an ill family member as a result of COVID-19.
 - *Leave taken for this reason will be paid at an employee’s regular rate of pay and count towards the 30 calendar days (22 workdays).*
3. Eligible employees needing to be absent from work due to school or child care closures will need to apply for leave under the expanded FMLA. The FFCRA requires that the first two weeks (10 workdays) of leave is unpaid and the remaining leave is paid at 2/3 the employees’ regular rate of pay. Part-time or casual/seasonal employees will receive pay based on the number of hours the employee works on average over a two-week period.
 - *Employees may use unused State Paid Emergency Leave for child or dependent care, up to 21 calendar days (15 workdays), the federal Emergency Paid Sick Leave, accrued sick and/or annual leave, compensatory time, or may borrow ahead a combination of sick and annual leave up to 75 hours (37.5 hour work week) or 80 (40 hour work week) to cover the first two weeks for this FMLA. These same leave options, with the exception of federal Emergency Paid Sick Leave, may be used to supplement the remaining 1/3 salary. An employee must have one year of employment and have exhausted all other accrued leaves to borrow ahead, which must be paid back by December 31, 2020.*

Exceptions

Employees that fall into the categories of emergency responders and health care providers are eligible for leave if they are quarantined or ill due to COVID-19 (See #1 above). However, these employees are not eligible to utilize leave for other reasons related to COVID-19 such as leave to care for ill or quarantined family members or for child care purposes (See #2 and #3 above).

Emergency responders are considered employees who are necessary for the provision of transport, care, health care, comfort and nutrition of such patients, or others needed for the response to COVID-19. This includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters,



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emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency, as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility.

A health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

If you are unsure if you fall into one of these categories, please contact your supervisor.

When is this policy effective?

The new federal law took effect on April 1, 2020. Because the State provides for a benefit greater than what is required under the FFCRA, we will begin to implement these new rules effective Monday, April 6, 2020.

Please contact your agency Human Resources Representative with any questions.