



IDAHO NATIONAL GUARD
 JOINT FORCE HEADQUARTERS
 HUMAN RESOURCE OFFICE
 4767 GENERAL MANNING AVE, BLDG 442
 BOISE, IDAHO 83705-8112



15 April 2020

MEMORANDUM FOR Federal Employees of the Idaho National Guard

SUBJECT: Families First Corona Virus Response Act (FFCRA)

- References: (a) Family First Coronavirus Relief Act
 (b) 5 CFR Part 630 Subpart L Family Medical Leave Act
 (c) CNGB Instruction 1400.25 Vol 630, "National Guard Technician Absence and Leave Program"
 (d) 29 CFR 825.109 Federal Agency Coverage (Department Of Labor Regulation)
 (e) DoD FMR Volume 8 Chapter 0505 Family Medical Leave Act
 (f) 38 USC 4316 Rights, benefits, and obligations of persons absent from employment for service in a uniformed service
 (g) DCPAS Message 2020039- Family First Coronavirus Response Act

1. **PURPOSE.** This memorandum establishes policy and guidance to navigate through the complexities of the FFCRA as it relates to the various situations of federal employees within the Idaho National Guard.

2. **APPLICABILITY.** All federal employees of the Idaho National Guard are entitled up to 80 hours total of emergency paid sick leave from 1 April 2020 to 31 December 2020 for specified circumstances (paragraph 3) related to COVID-19. This paid sick leave is in addition to any other paid leave entitlements. The Family Medical Leave Act Expansion provides an additional 10 weeks of paid leave to employees covered under Title I of FMLA (**ONLY** for specified circumstance #5). The majority of federal employees within the Idaho National Guard do not qualify for the FMLA expansion. See below table to determine which employees qualify.

Title I Emergency and Family Medical Leave Decision Table	YES	NO
1. Has the NG Employee been employed for 30 days or more as of the date of request?	Go to question 2	Not Eligible
2. Is the employee's appointment temporary (time limited to one year or less)?	Eligible for 10 weeks cumulative	Not Eligible

NOTE:

- (a) If employment status does not fit within the eligible parameters of the above table, the employee is **NOT** eligible for the 10 week FMLA expansion.
 (b) If an employee uses the FMLA expansion, the use of FMLA will part of the calculation if the employee requests to use FMLA or another qualifying reason at a future date.

3. SPECIFIED CIRCUMSTANCES AND RATE OF PAY.

100% PAY	2/3 PAY UP TO \$200/DAY
<p>1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 * Where telework and weather and safety leave are an option, this circumstance will be limited to those situations where regular work, telework and weather and safety leave are not applicable.</p>	<p>4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2)</p>
<p>2. Has been advised by a health care provider to self-quarantine related to COVID-19 * This circumstance applies where weather and safety leave are not an option (employee is telework eligible).</p>	<p>5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons</p>
<p>3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis * This circumstance applies where the employee is experiencing COVID-19 symptoms and therefore, NOT eligible for weather and safety leave.</p>	<p>6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services</p>

4. WORK, TELEWORK AND PERSONAL LEAVE. Employees are unable to work if their supervisor has work for them to perform and one of the COVID-19 qualifying reasons set forth in the FFCRA prevents the employee from being able to perform that work, either under normal circumstances at the normal worksite or by means of telework.

(a) If an employee is performing work at their normal worksite, they can only take paid sick leave intermittently with their regular work, **IF** the reason for paid sick leave is #5 on the Specified Circumstances table.

(b) If an employee is telework eligible, their supervisor permits them to telework, and the employee is unable to telework their normal schedule due to one of the COVID-19 qualifying reasons, the supervisor may agree to allow the employee to telework while intermittently taking paid sick leave.

(c) Emergency paid sick leave may be coded intermittently with personal sick/annual leave, weather and safety leave (if applicable) or compensatory time. This intermittent coding must be coordinated through HRO. The intermittent coding may be used to reduce the daily pay differential when the employee is using paid leave for Specified Circumstances 4 through 6.

(d) If the reason an employee is requesting to use FFCRA is #5 of the Specified Circumstances, only one parent/legal guardian employed within in the Idaho National Guard may be eligible to use paid sick leave provided under FFCRA for that reason at the same time.

5. APPROVAL FOR FFCRA. All FFCRA leave must be coordinated through HRO. If an employee is covered under Title I of the FMLA expansion and wishes to use the entitlement, they must apply for FMLA through HRO. HRO will track the use of FFCRA paid leave for all federal employees.

6. FFCRA PAID SICK LEAVE AND APPLICABLE CODES. The 80 hours of emergency paid sick leave, is a cumulative total and may be used for more than one Specified Circumstance. For Specified Circumstances 1 through 3, employees will receive compensation equal to the rate of their regular pay. For Specified Circumstances 4 through 6, the employee will be paid their regular rate of pay up front; however, at a later date DFAS will review their leave and then recoup any overpayment as a debt at an unknown later date. Pay will be calculated at 2/3 of the regular rate of pay for qualifying reasons 4 through 6 below, up to \$200 daily and \$2,000 total.

Specified Circumstances	Emergency Paid Sick Leave (up to 80 hours)	FMLA Expansion
1	LV>DX	
2	LV>DX	
3	LV>DX	
4	LV>DY	
5	LV>DY	LV>DZ
6	LV>DY	

7. The point of contact for this policy is Ms. Anya Davis.

KEVIN K. DAWKINS
 Colonel
 The Human Resource Officer, IDNG