

State of New Hampshire Implementation of Families First Coronavirus Response Act

Frequently Asked Questions

Please be aware that regulations surrounding this leave is still changing and this document is subject to change or updates as new information becomes available

What is the Families First Coronavirus Response Act- This Act is a legislative response to the Coronavirus pandemic which provides federal funds to employers to provide certain paid leave to employees impacted by the Coronavirus pandemic.

Who is eligible- Basically all states, counties, municipalities, and cities are covered by this Act, as well as private companies with fewer than 500 employees are to be reimbursed with federal government funds when leave is taken by their employees under this act. This includes the State of New Hampshire employees.

What are the leave benefits under this act?

Two weeks of paid leave for COVID 19 diagnosis, self-quarantine, or care.

- Eligible full-time employees are entitled to two weeks (up to 80 hours) of fully paid time off (up to \$511 per day) to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19.
- Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis or preventive care, or receive treatment for COVID-19.

Two weeks of paid leave at 2/3 rate for dependent care.

- Eligible full-time employees are entitled to two weeks (80 hours) paid time off at **two-thirds** of their regular pay (up to \$200 per day) to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.
- Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at **two-thirds** of their typical pay (up to \$200 per day) to care for a child whose school has closed, or if their child care provider is unavailable, due to COVID19.
- This benefit may be used intermittently if applicable.

Twelve weeks job protection to care for children impacted by school or child care closure due to COVID 19.

- Eligible full-time employees and part-time employees are entitled to **12 weeks of job-protected leave** to take care of their children in the event of a school closure or their child care provider is unavailable due to COVID-19.
- The **12 weeks of job-protected leave** include two weeks of unpaid leave, followed by **10 weeks of paid leave**. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay.
- This benefit may be used continuously or intermittently.

How does all of this impact my other leave accruals and balances?

The leave provided by the Act is in addition to your contractual leave and does not diminish any of your leave benefits. It is strongly encouraged that you use the leave provided for by the Act before using your contractual leave. However, some of the leave under the Act is only paid at 2/3 your normal rate of pay, but if you have other leave, you may use other leave concurrently to make yourself whole to be paid at 100%.

Are health care workers and emergency responders exempt from the bill?

No. Health care workers and emergency responders are eligible for paid sick leave and paid family leave under this bill. Given the capacity challenges facing the health care system, employers have the discretion to exempt health care workers and emergency responders from the paid sick and paid family leave provisions. The Department of Labor also has the authority to issue regulations exempting health care workers and emergency responders from the paid sick and paid family leave provisions.

If you are a health care worker, and are denied leave subject to the exemption above, you may still be able to use contractual sick leave or other leave subject to the contracts rules for authorization.

How do I apply for leave under the Act?

At this time, the SEA recommends that you speak to your human resources about how to use and document the leave. This section will be updated as new information becomes available.

Negative Leave Balance

Although not part of the Act, the State is allowing full-time employees, as a last resort, to go into a negative leave balance so that full-time employees may remain in a paid leave status while dealing with COVID 19 related issues.

Updated on March 30, 2020