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**Human Resources Frequently Asked Questions Regarding COVID-19 Options**

As of April 5. 2020

1. **My position does not have the type of work to work remotely. If I am interested in alternative work assignments, who do I contact?** You can contact HR Director Deb DeBoer or VP of Finance and Operations Josh Thomason.
2. **Are employees being required to work remotely from home if their job responsibilities allow for it? (added 4-3-20)** Those employees who can do their work from home should do so at this time, instead of coming the GAC campus. We want to increase the number of employees who working remotely to the greatest extent possible, while doing so in a way that supports the necessary operations of the school. We will continue to assess what essential functions require an in-person presence, which may change as the situation evolves.
3. **If I am unsure if there is remote work relative to my role, whom do I contact?** You may contact your direct supervisor or school/department head.
4. **Is GAC considered an essential business, allowing it to remain open, under the state of Georgia Shelter-in-Place Order?** Yes, for purposes of facilitating online learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible.
5. **What positions are considered to be essential functions (On-Campus Essential Services Employees)?**
* Faculty members preparing for or delivering online courses.
* Police officers and other public safety officials.
* Third-party contracted service employees and campus services employees, and their supervisors, responsible for the most critical support of campus facilities and grounds.
* Technology staff members who need to maintain the school’s technology infrastructure and who can do so only by physically being on campus.
* Individuals who are responsible for critical business, infrastructure, contractual, or legal obligations that cannot be maintained remotely and need to be done onsite.
1. **How do I know if I fall into the last bullet in Question #5?** Contact your direct supervisor or GAC Human Resources.
2. **What is allowed under Georgia's shelter-in-place order? (added 4-3-20)** "Essential services" are permitted under the order, but are limited to obtaining necessary supplies and services for a household - like food, medicine, sanitation. The order asks that preference should be given to online ordering, home delivery and curbside-pickup whenever possible.  Outdoor exercising is still allowed, but a minimum of 6-foot distances is still required.
3. **How do I determine if I am eligible for unemployment compensation benefits? (updated 4-3-20)** If you are not working because GAC has not provided you a work assignment during the COVID-19 school closure and you are not being paid for your time off, you are eligible to receive COVID-19 unemployment benefits. Note that GAC will be continuing pay should work become unavailable on or after April 1, and therefore this option will not be needed by GAC employees. Click [here](https://resources.finalsite.net/images/v1586194980/greateratlantachristianorg/werpsrx1sleld59g4bgq/UnemploymentCompensation_COVID-19_Individual_FAQsB1DB1DB1D_1.pdf) for Department of Labor information.
4. **How do I file a partial unemployment compensation claim due to COVID-19?** You do not file the claim. GAC, as the employer, files the claim on your behalf. Contact the GAC Human Resources if you would like to have a claim filed.
5. **May I collect unemployment insurance benefits during the time I receive pay via paid sick leave and/or expanded family and medical leave? (added 4-3-20)** No. If your employer provides you paid sick leave or expanded family and medical leave, you are not eligible for unemployment insurance benefits.
6. **If I wish to change my Dependent Care benefit contribution amount, how do I do that?** You need to complete the contribution change form by clicking [here](https://resources.finalsite.net/files/v1586194716/greateratlantachristianorg/egtkksor5j2mkqgqmche/DependentCareMid-PlanYearContributionChangeB1DB1D.docx) and submit it to GAC Human Resources.
7. **What is COVID-19 FMLA Leave?** The Families First Coronavirus Response Act (FFCRA) provides for an amendment to the FMLA to grant emergency FMLA (COVID-19 FMLA) leave to care for a minor child when the need is related to a public health emergency (PHE). The following must be satisfied in order for you to qualify for COVID-19 FMLA leave:
* The leave must be taken between April 1, 2020, and December 31, 2020. (Leave provided prior to April 1, 2020, will not count as FMLA leave.)
* You must be unable to work or telework because of a need to take care of a minor child.
* You must provide notice of the need for leave as soon as practicable by completion of the linked [COVID-19 FMLA form](https://resources.finalsite.net/files/v1586194721/greateratlantachristianorg/wrs9wkas7tjnuj7fly6x/COVID-19FMLARequestFormB1DB1D.docx). Failure to do so will cause a delay in when FMLA leave can start.
* The need to care for the minor child must be because of a “declared” PHE related to COVID-19 that has caused:
	+ - the child’s school (elementary school or secondary school) to be closed;
		- the child’s place of care to be closed; or the child’s normal childcare provider (a person paid for providing childcare on a regular basis) to be unavailable.

The declaration of a PHE can be made by the applicable federal, state, or local authorities.

Keep in mind that the other provisions of normal FMLA are still in effect. Normal FMLA is unpaid leave and defines eligible employees as those who have worked for one year and worked for 1,250 hours in the year preceding leave for an employer that has 50 or more employees within 75 miles. The provisions of normal FMLA are for an employee’s serious health condition or an employee’s need to care for a first-degree relative with a serious health condition.

1. **Who is eligible for COVID-19 FMLA?** Eligibility for COVID-19 FMLA leave is calculated differently than normal FMLA leave. An employee is eligible to take COVID-19 FMLA leave if he or she has been “employed” for at least 30 calendar days (this one criterion replaces all other eligibility requirements).
2. **What qualifies as 30 calendar days?** The act uses the word “employed.” The Department of Labor (DOL) has previously interpreted this to mean days or weeks on the payroll. Without specific guidance from the DOL thus far, the best interpretation would be to assume that Congress meant the employee has been on the school’s payroll for at least 30 calendar days, no matter how many days he or she worked.
3. **Is the COVID-19 FMLA a paid leave?** The first two weeks are *unpaid*. You may fund these two weeks either with the “Emergency Sick Leave” federal option or your GAC personal, sick or vacation leave pay. After the first two weeks, the leave is *paid* at two-thirds pay from the Families First Coronavirus Response Act (FFCRA) benefit; or you may elect to use your GAC personal, sick or vacation leave pay at 100% of your pay; or you may elect to utilize your Short-Term Disability leave benefit, if you are enrolled in that benefit plan.
4. **As an employee, how much will I be paid while taking paid sick leave or expanded family and medical leave under the FFCRA? (added 4-3-20)** It depends on your normal schedule as well as why you are taking leave.

If you are taking paid sick leave because you are unable to work or telework due to a need for leave because you (1) are subject to a Federal, State, or local quarantine or isolation order related to COVID-19; (2) have been advised by a health care provider to self-quarantine due to concerns related to COVID-19; or (3) are experiencing symptoms of COVID-19 and are seeking medical diagnosis, you will receive for each applicable hour **the greater of**:

* your regular rate of pay,
* the federal minimum wage in effect under the FLSA, or
* the applicable State or local minimum wage.

In these circumstances, you are entitled to a maximum of $511 per day, or $5,110 total over the entire paid sick leave period.

If you are taking paid sick leave because you are: (1) caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19; (2) caring for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons; or (3) experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services, you are entitled to compensation at 2/3 of the greater of the amounts above.

Under these circumstances, you are subject to a maximum of $200 per day, or $2,000 over the entire two-week period.

If you are taking expanded family and medical leave, you may take paid sick leave for the first two weeks of that leave period, or you may substitute any accrued vacation leave, personal leave, or medical or sick leave you have under GAC’s policy. For the following ten weeks, you will be paid for your leave at an amount no less than 2/3 of your regular rate of pay for the hours you would be normally scheduled to work. If you take paid sick leave during the first two weeks of unpaid expanded family and medical leave, you will not receive more than $200 per day or $12,000 for the twelve weeks that include both paid sick leave and expanded family and medical leave when you are on leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. If you take GAC-provided accrued leave during those first two weeks, you are entitled to the full amount for such accrued leave, even if that is greater than $200 per day.

1. **May I supplement COVID-19 FMLA paid leave with other forms of paid leave (i.e., GAC personal, sick, or vacation leave) that I may have accrued?** No.
2. **Is all FMLA leave now paid leave?** No, just COVID-19 FMLA leave. The usual rules apply for traditional FMLA leave.
3. **How much COVID-19 FMLA leave is allowed?** COVID-19 FMLA leave is limited to 12 weeks, minus any other FMLA leave taken by an employee during the GAC’s FMLA year (prior rolling 12-month period). COVID-19 FMLA leave is just another form of FMLA leave, and the FFCRA lumps it together with all other forms of leave in which 12 weeks of leave is provided. COVID-19 FMLA leave is treated like FMLA leave, and the employee is entitled to use it while the law is in effect, provided other requirements are met. Any amount of COVID-19-FMLA leave used will reduce the amount of FMLA leave an employee can take for other reasons during the applicable FMLA year. The FFCRA is currently set to expire on December 31, 2020, but any COVID-19 FMLA leave taken may impact the employee’s ability to take FMLA leave for other reasons thereafter (especially since GAC uses a rolling calendar year).
4. **How do I request COVID-19 FMLA?** **(updated 4-3-20)** You need to complete a request form by clicking [here](https://resources.finalsite.net/files/v1586194721/greateratlantachristianorg/wrs9wkas7tjnuj7fly6x/COVID-19FMLARequestFormB1DB1D.docx) and submit it to GAC Human Resources along with supporting documentation reflecting your child(ren)’s school or place of care is closed, or child care provider is unavailable, due to COVID-19-related reasons. For example, this may include a notice of closure or unavailability from your child’s school, place of care, or child care provider, including a notice that may have been posted on a government, school, or day care website, published in a newspaper, or emailed to you from an employee or official of the school, place of care, or child care provider. You must retain this notice or documentation in support of expanded family and medical leave, including while you may be taking unpaid leave that runs concurrently with paid sick leave if taken for the same reason. You will also need to submit a “Time Off Request” in Paylocity, and utilize the code “FFCPF” (FFCRA paid extended-FMLA).
5. **How is the amount of the COVID-19 FMLA calculated?** The FFCRA says that the FMLA leave usage is calculated by using “the number of hours the employee would otherwise be normally scheduled to work.” It uses the term “hours,” but the FMLA uses workweeks and portions of workweeks. COVID-19 FMLA leave should be no different. However, the FFCRA does deviate from the Department of Labor’s (DOL) method when it comes to employees with variable hours (such as employers who don’t track how many hours they worked in a particular workweek like most exempt personnel). In these instances, the FMLA instructs employers to look back one year prior to the start of leave and count all hours (worked, leave, and holidays) and divide by 52 to get your workweek. The FFCRA instructs employers to go back only six months, and if there are not six months of data, to use the reasonable expectation of the hours worked at the time of hire.
6. **What if I am furloughed due to economic conditions?** According to DOL guidance, if you were discharged or furloughed due to economic conditions, you will not be eligible for COVID-19 FMLA leave or Emergency Paid Sick Leave under the FFCRA.
7. **If I need to use the COVID-19 FMLA, how do I go about it?** You need to contact GAC Human Resources via email. You will be provided with the next steps.
8. **May I take my expanded family and medical leave intermittently while my child’s school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, if I am not teleworking? (added 4-3-20)** Yes, but only with GAC’s Human Resources permission. Intermittent expanded family and medical leave should be permitted only when you and GAC agree upon such a schedule. For example, if GAC Human Resources and you agree, you may take expanded family and medical leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child’s school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.
9. **Which employees are eligible for COVID-19 Emergency Sick Leave?** In short, all employees are eligible, regardless of length of employment. Unlike COVID19 FMLA, the COVID-19 Emergency Sick Leave portion of the FFCRA has no requirement that employees have worked a specified number of calendar days, fulfilled an hours-of-service requirement, or a fall within a geographic area prior to eligibility. The act is also different from other state and local ESL laws that typically have a waiting period prior to employees’ eligibility to use accrued COVID-19 Emergency Sick Leave.
10. **When is COVID-19 Emergency Sick Leave provided?** The act provides COVID-19 Emergency Sick Leave for eligible employees for any of the following reasons:
* Quarantine/Isolation Order—when the employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
* Self-Quarantine—when the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
* COVID-19 Symptoms—when the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
* Care for Others—when the employee is caring for an “individual” who is subject to a quarantine or isolation order or whose health care provider has advised the individual to self-quarantine due to concerns related to COVID-19;
* School/Childcare Closure—when the employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions (this is the only one that appears to overlap with E-FMLA);
* Similar Conditions—when the employee is experiencing a “substantially similar condition” as specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

Note that the act does not define “individual” or “substantially similar condition.”

1. **How do I designate I am taking COVID-19 Sick Leave?** **(updated 4-3-20)** In Paylocity you select the “Time Off Request” option for COVID-19 sick leave. The code you will select, depending on the reason, will be either “FFCRA paid sick pay – self” or “FFCRA paid sick pay – dependent.” of COVID-19 Sick Leave.
2. **How is COVID-19 Emergency Sick Leave paid?** You are paid for any paid COVID-19 Emergency Sick Leave you take at, whichever is the highest of either (a) your regular rate, (b) the federal minimum wage, or (c) the local minimum wage. However, there are two limitations. First, payments for COVID-19 Emergency Sick Leave are capped at $511 per day ($5,110 in the aggregate). Next, if you are absent for reasons designated as “Care for Others,” “School/Childcare Closure,” and “Similar Conditions” you must be compensated at two-thirds of your regular rate, capped at $200 per day ($2,000 in the aggregate).
3. **May I take 80 hours of paid sick leave for my self-quarantine and then another amount of paid sick leave for another reason provided under the Emergency Paid Sick Leave Act? (added 4-3-20)** No. You may take up to two weeks - or ten days - (80 hours for a full-time employee, or for a part-time employee, the number of hours equal to the average number of hours that the employee works over a typical two-week period) of paid sick leave for any combination of qualifying reasons. However, the total number of hours for which you receive paid sick leave is capped at 80 hours under the Emergency Paid Sick Leave Act.
4. **What is a full-time employee under the Emergency Paid Sick Leave Act?** **(added 4-3-20)** For purposes of the Emergency Paid Sick Leave Act, a full-time employee is an employee who is normally scheduled to work 40 or more hours per week. In contrast, the Emergency Family and Medical Leave Expansion Act does not distinguish between full- and part-time employees, but the number of hours an employee normally works each week will affect the amount of pay the employee is eligible to receive.
5. **What is a part-time employee under the Emergency Paid Sick Leave Act? (added 4-3-20)** For purposes of the Emergency Paid Sick Leave Act, a part-time employee is an employee who is normally scheduled to work fewer than 40 hours per week. In contrast, the Emergency Family and Medical Leave Expansion Act does not distinguish between full- and part-time employees, but the number of hours an employee normally works each week affects the amount of pay the employee is eligible to receive.
6. **Does unused COVID-19 Emergency Sick Leave carry over to unused subsequent years?** Prior state and local paid sick leave requirements typically include a requirement that at least some amount of unused paid sick leave carry over from one year to the next. However, that is not the case with COVID-19 Sick Leave under the act, which plainly states carryover is not required. Further, because the act sunsets at the end of December 2020, carryover would be inapplicable.
7. **Must accrued and unused COVID-19 Emergency Sick Leave be paid out upon my termination or resignation?** No, the act does not require employers to pay out unused COVID-19 to eligible employees at termination, resignation, retirement, or other separation from employment.
8. **If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both - how do they interact? (added 4-3-20)** You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use existing vacation, personal, or medical or sick leave under GAC’s policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act.

Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons.

1. **Are the paid sick leave and expanded family and medical leave requirements retroactive? (added 4-3-20)** No.
2. **If GAC reduces my scheduled work hours, can I use paid sick leave or expanded family and medical leave for the hours that I am no longer scheduled to work? (added 4-3-20)** No. If GAC reduces your work hours because it does not have work for you to perform, you may not use paid sick leave or expanded family and medical leave for the hours that you are no longer scheduled to work. This is because you are not prevented from working those hours due to a COVID-19 qualifying reason, even if your reduction in hours was somehow related to COVID-19. You may, however, take paid sick leave or expanded family and medical leave if a COVID-19 qualifying reason prevents you from working your full schedule. If you do, the amount of leave to which you are entitled is computed based on your work schedule before it was reduced
3. **How do I contact GAC Human Resources?** **(updated 4-3-20)** You may initially contact Deb DeBoer, Human Resources Director, at ddeboer@greateratlantachristian.org, hr@greateratlantachristian.org, (770) 243-2241, or (770) 374-3443. One of the GAC HR team members will answer your question or request.