

**STATE OF OHIO
ADJUTANT GENERAL'S DEPARTMENT
2825 West Dublin Granville Road
Columbus, Ohio 43235-2789**

NGOH-HRZ

4 May 2020

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: HRO Policy #20-020, Interim Guidance for Families First Coronavirus Response Act (FFCRA) Paid Sick Leave

1. References.

- a. 29 CFR Part 826, Families First Coronavirus Response Act, Public Law 116–127.
- b. Defense Civilian Personnel Advisory Service (DCPAS) memorandum, “Interim Guidance on the Emergency Paid Sick Leave and Emergency Family and Medical Leave Expansion under the Families First Coronavirus Response Act,” dated 7 April 2020.
- c. Chief, National Guard Bureau Instruction, 1400.25 Vol 630, “National Guard Technician Absence and Leave Program,” Enclosure E, dated 6 August 2018.

2. Purpose. This memorandum provides guidance for the use of FFCRA leave during the interim period between the dates when Public Law 116-127 took effect on 1 April 2020, and the date when the Defense Civilian Personnel Advisory Service (DCPAS) is able to provide specific, final guidance on the implementation of the FFCRA. The Human Resources Office (HRO) will publish clarifying guidance when DCPAS publishes updated guidance.

3. Applicability. This policy applies to all Ohio National Guard (ONG) Title 32 Technicians and T5 National Guard Employees, both full and part-time, hereafter referred to as “Employees.”

4. Background. The Families First Coronavirus Response Act (reference a) was signed into law, which expands the existing Family Medical Leave Act (FMLA), by providing employees with paid sick leave and expanded family and medical leave for reasons related to the coronavirus disease 2019 (COVID-19). The Families First Coronavirus Response Act (FFCRA), however, does not provide any additional length of coverage beyond the current 12 months of FMLA coverage. The FFCRA leave provisions are effective from 1 April 2020, through 31 December 2020. The U.S. Department of Labor (DOL) administers the FFCRA and the DCPAS prescribes procedures for DoD Components to use in implementing the provisions of the FFCRA until more comprehensive guidance becomes available.

5. Eligibility.

- a. All employees may request up to a maximum of 80 hours of paid sick leave for use in qualifying COVID-19-related situations. This includes employees on permanent, temporary, or indefinite appointments. The FFCRA paid sick leave is available in addition to an employee’s

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accrued sick leave and it may be utilized before using an employee's other categories of accrued leave (e.g. sick or annual leave).

b. Employees on temporary appointments of less than one year, regardless of the number and length of the appointment extensions, are covered by Title I of the FMLA and are eligible for an additional 10 weeks of FFCRA Emergency Family and Medical Leave. All FMLA Title I eligible employees must be employed for 30 days before making a request for FFCRA paid sick leave.

c. Part-time employees are eligible for the number of hours the employee would normally work during the period in which the employee requested paid sick leave. Example: An employee who works 32 hours each pay period would only be eligible for 32 hours of paid sick leave.

6. FFCRA Sick Leave Paid at 100% of an Employee's Rate of Pay. Eligible employees may request leave for the reasons listed below. The maximum amount of pay for these reasons is \$511 per day and \$5,110 total.

a. **Reason 1.** The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;

b. **Reason 2.** The employee has been advised by a health care provider to self-quarantine related to COVID-19;

c. **Reason 3.** The employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis.

7. FFCRA Sick Leave Paid at 2/3 of an Employee's Rate of Pay. Eligible employees may request leave for the reasons listed below. Leave for these reasons will initially pay at 100% of the employee's rate of pay but, the Defense Finance and Accounting Service (DFAS) will review the use of leave and offset the employee's pay at a later date by creating a debt to recoup 1/3 of the amount paid. The maximum amount of pay for these reasons is \$200 per day and \$2,000 total. The FMLA Title I employees may utilize 10 additional weeks of paid leave under Reason 5 (FFCRA Emergency Family and Medical Leave). This leave will initially pay at 100% of the employee's rate of pay up to a maximum of \$200 per day and \$12,000 total prior to DFAS reviewing the use of leave and offsetting the employee's pay and creating a debt to recoup 1/3 of the amount paid. The Emergency Family Medical Leave provision of the FFCRA provides 12 weeks of coverage but the first two weeks is unpaid under Reason 5 unless the employee chooses to use other accrued leave (e.g. regular sick leave or annual leave).

a. **Reason 4.** The employee is caring for an individual subject to a quarantine or isolation order or self-quarantine;

b. **Reason 5.** The employee 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;

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c. **Reason 6.** The employee is experiencing any other 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: No such condition has been specified at this time.

8. **Time and Attendance Procedures.** See the enclosed detailed instructions (Enclosure 1) for inputting leave requests and submitting timecards in the Automated Time Attendance and Production System (ATAAPS). The required ATAAPS Reason Codes are not currently available. Employees must retroactively correct their timecards when DFAS makes the appropriate Reason Codes available in ATAAPS.

FFCRA Eligibility Reason (see Para 6 above)	Rate of Pay	ATAAPS Leave Code	ATAAPS Reason Code
Reason #1	100%	LV	DX
Reason #2	100%	LV	DX
Reason #3	100%	LV	DX
Reason #4	2/3	LV	DY
Reason #5	2/3	LV	DY or DZ*
Reason #6	2/3	LV	DY

(*Only FMLA Title I employees may utilize the additional 10 weeks of FFCRA Emergency Family and Medical Leave)

9. **Requesting and Approving FFCRA Paid Sick Leave.** Employees and supervisors must comply with the following request and approval requirements:

a. The requesting employee must provide notice of intent to take FFCRA paid sick leave not less than 30 days before leave begins or, as soon as is practicable. Requests will not be denied solely for failure to submit the notice of intent at least 30 before the leave-start date.

b. The requesting employee must submit the request to their supervisor using the form in Enclosure 2. The supervisor will deliver the request to the approving official.

c. The approving official is the first O-6 or GS-14 director in the employees' full-time chain of command. The approving official must countersign the request to approve or return the form unsigned to deny the request.

d. The employee must request FFCRA paid sick leave using the OPM Form 71 in ATAAPS.

e. The agency may request medical or other certification for FFCRA paid sick leave taken in conjunction with this policy. This includes medical certification for the employee or individual being cared for by the employee.

f. An employee must provide written medical or other certification within 15 calendar days after the date the agency requests such medical certification.

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g. The supervisor is responsible for ensuring the employee does not request and receive more than the authorized 80 hours of FFCRA paid sick leave; or the 10 weeks of FFCRA Emergency Family and Medical Leave for FMLA Title I employees under Reason 5.

h. The supervisor will maintain a copy of the approved request forms and supporting medical documentation for each pay period in which FFCRA paid sick leave was approved for the employee.

(1) Ohio Army National Guard supervisors will use the United States Property & Fiscal Office Comptroller's document upload portal located at the following link:
<https://ngohc2-j8-bv-pf/comp/techpay/FileUpload.aspx>

(2) Ohio Air National Guard supervisors will provide the approval documentation to their Wing Customer Service Representatives (CSR) to maintain in the CSR's file repository.

10. The POC for this memorandum is MAJ Daryl Scott, Federal Employee Branch Manager, at 614-336-7121, or email at daryl.g.scott.mil@mail.mil

FOR THE ADJUTANT GENERAL:

2 Enclosures
1. ATAAPS Coding Instructions
2. FFCRA Request Form

GREGORY J. BETTS
COL, AG, OHARNG
Director of Human Resources

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