



## State of Arkansas Public Health Emergency Leave Compliance

### **The Families First Coronavirus Response Act (FFCRA) requirements for paid sick leave and changes to Family Medical Leave Act (FMLA)**

The [Public Health Emergency Leave Amendment Guidance](#) in response to COVID-19 remains in effect. This State of Arkansas guidance exceeds the FFCRA leave requirements.

However, it is necessary to properly document in AASIS an employees using leave that would be covered by FFCRA. If a state employee meets the criteria listed below for FFCRA Sick Leave, the absence from work the first 14 days (80 hours for full-time employees) will be coded as 'CV19' - FFCRA sick at 100% salary. This code will not count against the employee's leave balance. If the employee is still ill or subject to quarantine as outlined below, he or she will use Director's Authorized Leave.<sup>1</sup>

FFCRA requires employers to provide paid sick leave for COVID-19 in the following instances:

#### **Extended and Paid FFCRA Sick Leave**

Full-time and part-time employees are eligible to receive up to two weeks (up to 80 hours) of extended and paid sick leave at the employee's regular rate of pay (up to \$511 daily and \$5,110 total) where the employee is unable to work because the employee is:

- Quarantined (pursuant to federal, State, or local government order or advice of a health-care provider);
- Experiencing COVID-19 symptoms and seeking a medical diagnosis; or
- Diagnosed with COVID-19.

Full-time and part-time employees are eligible to receive up to two weeks (up to 80 hours) of extended and paid sick leave at two-thirds the employee's regular rate of pay (up to \$200 daily and \$2,000 total) because the employee:

- Has a bona fide need to care for an individual subject to quarantine (pursuant to federal, State, or local government order or advice of a health care provider) and the employee is unable to work as a result;
- Has a bona fide need to care for a child (under 18 years of age) whose school or child-care provider is closed or unavailable for reasons related to COVID-19 and the employee is unable to work as a result; or
- Is experiencing a substantially similar condition (which must be specified by the federal government).

This extended and paid sick leave does not impact an employee's accrued leave balance.

As previously stated, the Public Health Emergency Leave Amendment Guidance in response to COVID-19 remains in effect with Director's Authorized Leave available for Category 3 employees. This includes employees who are unable to work remotely and may be caring for a child whose school or place of care is closed due to COVID-19.

---

<sup>1</sup> At the Governor's discretion, Director's Authorized Leave is a function in Arkansas's payment system that allows for an employee to get paid at full salary during time off without using his or her own leave.

## **Extended and Paid Family Medical Leave Act (FMLA) FFCRA Leave**

Full-time and part-time employees employed for at least 30 days are eligible for up to an additional ten (10) weeks of extended and paid FMLA leave to care for a child whose school or place of care is closed (or child-care provider is unavailable) for reasons related to COVID-19. The extended and paid Family Medical Leave is for up to twelve weeks. The first two weeks are unpaid (but an employee can substitute his or her own leave or the two weeks paid sick leave under FFCRA). The ten weeks of extended and paid Family Medical Leave is at two-thirds the employee's regular rate of pay up to \$200 a day and \$10,000 in the aggregate.

The extended and paid FMLA leave does not have to be taken consecutively if a non-consecutive schedule is approved by the Department.

This extended and paid FMLA leave does not impact an employee's accrued leave balance. This extended and paid FMLA leave is not available for emergency responders and healthcare providers.<sup>2</sup>

---

<sup>2</sup> Emergency responders or healthcare providers includes but is not limited to military or national guard, law enforcement officers, correctional institution personnel, fire fighters, emergency medical services personnel, physicians, nurses, public health personnel, emergency medical technicians, paramedics, emergency management personnel, 911 operators, 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. This also includes any individual or position identified by the Secretary of the Department.