

MEMORANDUM

TO: All Employees
FROM: Mary Poole, State Director
DATE: April 2, 2020
SUBJECT: Families First Coronavirus Response Act

On March 18, 2020, the “Families First Coronavirus Response Act” (FFCRA) was signed into law. The FFCRA seeks to assist employees impacted by novel coronavirus (“COVID-19”). The FFCRA, effective April 1, 2020, includes two forms of paid leave for employees: Emergency Family and Medical Leave (EFMLA); and Emergency Paid Sick Leave.

Below is a brief explanation of the two forms of paid leave:

Emergency FMLA: The Emergency Family and Medical Leave Expansion Act (EFMLA) expands the federal Family and Medical Leave Act (FMLA), on a temporary basis. During a public emergency, it provides qualifying employees 12 weeks of leave if the employee is unable to work, including work-from-home, due to the need to care for the employee’s child (under 18 years of age) because of the following: 1) the child’s school or place of care is closed; or 2) the child care provider is unavailable due to a public health emergency. A public health emergency is “an emergency with respect to COVID-19 declared by a Federal, State, or local authority.”

Emergency Paid Sick Leave Act: The Emergency Paid Sick Leave Act is a new, temporary form of leave that applies to any public agency, including all South Carolina state government agencies and institutions. Employee is defined by the Act as any individual who meets the definition of employee under the Fair Standards Labor Act (FLSA). Therefore, this includes employees who do not currently earn leave including temporary, temporary grant and time-limited employees. Employees are eligible from their first day of employment. State employees may take up to 80 hours of paid sick leave for one of six qualifying reasons outlined below:

1. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID–19. Governor McMaster’s Executive Order requiring that all non-essential state employees not report to work constitutes a “Federal, State, or local quarantine or isolation order related to COVID-19.”
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID–19.
3. The employee is experiencing symptoms of COVID–19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to an order as described in the first reason for leave above OR has been advised to quarantine as described in the second reason for leave above.
5. The employee is caring for a child where the school or place of care has been closed, or the childcare provider is unavailable, due to COVID–19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the Act.

It is important to note that not all employees of SCDDSN qualify for the two new forms of paid leave provided for under the FFCRA. The FFCRA permits agencies to exclude employees who are “health care workers” due to their critical role in addressing our current COVID-19 national emergency.

Given the general administrative nature of Central Office work, all Central Office personnel are not considered health care workers.

Given the mission of Regional Centers, approximately 90% of employees are considered health care workers. Health care workers’ duties generally include direct support to our consumers; the management chain supervising direct support employees; and support roles to maintain the critical operations of the facility (e.g., housekeeping and food service). General administrative positions are not considered health care workers (e.g., finance, human resources, and administrative support).

We are completely committed to support our Regional Center health care workers during this national emergency. You are the front-line in this health care emergency—thank you. We will help employees deal with COVID-19 health and child care issues as they arise. Since our centers operate 24/7, there is flexibility to make accommodations. ***Please*** stay in close contact with your supervisors to talk through these issues so solutions can be found.

At this time, approximately 50% of regulated child care centers are operational statewide. In addition, DSS has issued temporary licenses to seven child care sites across the state. DSS has created an additional resource for critical staff in our agency. You can contact their Child Care ***Resource & Referral Network at 1-888-335-1002 or go to the website after hours at www.sc-ccrr.org and submit a referral indicating your need to find an opening in a child care facility*** and someone will assist you do that.

If the health care worker category descriptions above are not sufficient to inform you as to whether or not you are considered a health care worker, please contact your Facility Administrator directly who will be glad to help you. If you have other questions regarding the Families First Coronavirus Response Act, please contact your Regional Center Human Resource Office.