

# Memo

**To:** Avril Pinder, County Manager  
**From:** Sharon Burke, Human Resources Director  
**Date:** April 28, 2020  
**Re:** Family First Coronavirus Response Act

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On Tuesday, April 21<sup>st</sup> I presented information to the Buncombe County Commissioners. Based on my presentation, the Commissioners had specific questions that I stated I would gather data on and report back to them, through you.

1. What is the percentage of employees that would qualify for the Emergency Family and Medical Leave (Childcare) amendment?  
Buncombe County has 617 employees that have school aged children. Of those 617 employees, initially we excluded 328 positions. After receiving word back from other Counties in North Carolina relating to what positions they are excluding, the total number rose to 488.
2. What employees are excluded from the Emergency Family and Medical Leave amendment?  
Buncombe County's First Responders and Healthcare Providers are defined as:

Healthcare Providers:

For the purposes of Employees who may be exempted from Paid Sick Leave or Expanded Family and Medical Leave by their Employer under the FFCRA, a health care provider is anyone employed at any doctor's office, hospital, health care center, clinic, post-secondary educational institution offering health care instruction, medical school, local health department or agency, nursing facility, retirement facility, nursing home, home health care provider, any facility that performs laboratory or medical testing, pharmacy, or any similar institution, Employer, or entity. This includes any permanent or temporary institution, facility, location, or site where medical services are provided that are similar to such institutions.

Any individual employed by an entity that contracts with any of these institutions described above to provide services or to maintain the operation of the facility where that individual's services support the operation of the facility.

Emergency Responders:

For the purposes of Employees who may be excluded from Paid Sick Leave or Expanded Family and Medical Leave by their Employer under the FFCRA, an emergency responder is anyone necessary for the provision of transport, care, healthcare, comfort and nutrition of such patients, or others needed for the response to COVID-19. This 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, child welfare workers and service providers, public works personnel, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency.

Also included are individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility or County Operations.

3. Are these excluded employees excluded from the Emergency Paid Sick Leave and the Emergency Family and Medical Leave?

No. All employees are eligible for Emergency Paid Sick Leave. As a reminder, Emergency Paid Sick Leave provides up to 10 days of paid sick time to employees unable to work (or telework) due to the need to quarantine or recover from coronavirus. The use of this leave to cover childcare needs would not be eligible.

Part time employees are also eligible, the benefit will be pro-rated based on the employee's average number of scheduled hours over a two week period.

4. How is the benefit compensated?

Emergency Paid Sick Leave:

- i. Emergency paid sick leave will be available at Full Pay for an employee who is unable to work or work remotely due to an isolation order, been advised by a healthcare provider to self-quarantine, experiencing symptoms of the coronavirus or to care for a spouse, child or parent.
  - a) The maximum compensation for this benefit is up to \$511 per day, \$5,110 total
- ii. Emergency paid sick leave will be available at  $\frac{2}{3}$ 's of an employees pay for an employee who is: Caring for an individual other than their spouse, child, or parent subject (or advised) to quarantine or isolation for COVID-19 related reasons. The employee is caring for a dependent child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 precautions.
  - a) The maximum compensation for this benefit is up to \$200 per day, \$2,000 total



Emergency Family Medical Leave:

- i. The EFMLA provides for a combination of unpaid and paid leave.
  - a) The first 10 days of EFMLA may be unpaid. An employee may substitute any unused Emergency Paid Sick Leave (EPSL) or their own accrued paid leave to cover the unpaid portion during the 10-day unpaid period.
  - b) After the 10 days of unpaid leave (or EPSL), employees are entitled to 10 weeks of job-protected leave at  $\frac{2}{3}$ 's their usual pay.
  - c) The maximum compensation for this benefit is up to \$200 per day, \$10,000 total