

Department of Accounts

Payroll Bulletin

Calendar Year 2020

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the Payroll
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The Payroll Bulletin is published periodically to provide CIPPS agencies guidance regarding Commonwealth payroll operations. If you have any questions about the bulletin, please send an email to payroll@doa.virginia.gov.

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Families First Coronavirus Response Act

**Effective
04/01/2020
through
12/31/2020**

The **Families First Coronavirus Response Act (FFCRA)** requires covered employers to provide employees with Emergency Sick Leave or expanded family and medical leave for specified reasons related to COVID-19. For purposes of this Act, all state agencies are included as “covered employers”. The Department of Labor’s (Department) Wage and Hour Division (WHD) administers and enforces the new law’s paid leave requirements.

The purpose of this bulletin is to introduce a new spreadsheet designed to assist agencies in the calculations necessary to pay employees under the requirements of this Act. This is not a guide for determining the appropriate use of the leave. Please refer to the Department of Labor’s extensive question & answer document for specifics on how and when use of this leave should be approved.

<https://dol.gov/agencies/whd/pandemic/ffcra-questions>

Definitions

PHL - Public Health Emergency Leave; refers to DHRM Policy 4.52; this leave type is intended for illness directly related to the declared communicable disease threat.

https://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol4_52.pdf?sfvrsn=68416167_4

ESL - Emergency Sick Leave, in this case, this refers to paid leave provided according to criteria and requirements of the Emergency Paid Sick Leave Act.

EFML - Expanded family and medical leave, in this case, refers to paid leave provided according to criteria and requirements of the Emergency Family and Medical Leave Expansion Act.

Families First Coronavirus Response Act, continued

Eligible Employees

All employees of covered employers are eligible for two weeks of paid sick time (ESL) for specified reasons related to COVID-19.

Employees employed for at least 30 days are eligible for up to an additional 10 weeks of paid family leave (EFML) to care for a child under certain circumstances related to COVID-19.

Special Pay Codes

Because there are no special leave types to identify these new kinds of leave, special pay codes have been created for use with payments resulting from use of this leave:

- 065 – Public Health Emergency Leave (PHEL)
- 088 – FFCRA-A, Emergency Sick Leave (ESL)(paid at 100%)
- 089 – FFCRA-B, Emergency Sick Leave (ESL) or Expanded Family Medical Leave (EFML) (paid at 66.67%)

Hours should be entered when using these pay codes to allow required reporting.

HIPAA

Please remember that reporting a leave type and the number of hours charged does NOT violate the Health Insurance Portability & Accountability Act (HIPAA).

General Guidelines for FFCRA

The following guidelines should be taken into consideration when calculating the number of hours for payment:

Calculation of hours for Part-time employee - ESL and EFML

- Part-time salaried employees – based on pro-rated amount of FTE
 - Wage employees
 - entitled to ESL for average number of work hours in a two-week period
 - leave hours are calculated on number of hours employee normally scheduled to work, even if more than 40
 - if schedule is unknown or varies, calculate average daily hours based on six-month period (also applies to full time)
 - may take ESL for this number of hours per day up to two-week period (max 80 hours)
 - if employed less than 6 months, use number of hours employee and employer agreed upon at hiring
 - if no agreement, use average hours per day employee was scheduled to work over the entire term of employment
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Families First Coronavirus Response Act, continued

General Guidelines for FFCRA, cont

Calculation of rate and payment

- Compensation rate is applicable percentage of the greater of:
 - 1) Regular rate of pay - see below
 - 2) federal minimum wage in effect under FLSA
 - 3) applicable State or local minimum wage

- Regular rate of pay* is calculated based on:
 - average of regular rate over a period of up to six months prior to date on which leave is taken
 - if employed less than six months, average is calculated based on number of weeks of employment
 - regular rate is calculated according to FLSA requirements
 - calculate based on earnings included per FLSA divided by number of hours worked in the period used

- Payment for each applicable hour determined by reason employee is unable to work or telework and subject to maximums:
 - FFCRA - A 100.00%
 - 1) applicable to ESL only, based on specific criteria
 - 2) max of \$511/day; \$5110 for two weeks*
 - 3) max of 80 hours payment over two-week period

 - FFCRA-B 66.67%
 - 1) ESL - max of \$200/day; \$2000 for two weeks based on specific criteria*
 - 2) EFML - max of \$200/day; max of \$10,000* for ten weeks following 2 weeks of ESL or other personal leave used
 - 3) EFML - additional 10 weeks allowed only for employees who must care for children whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons
 - 4) EFML - must pay for hours normally scheduled, even if more than 40 ; however, O/T premium is not due on FFCRA leave hours in excess of 40 in week
 - 5) EFML - covered for period of 12 weeks (includes the first two weeks of PHEL, ESL or other personal leave used)
 - 6) EFML - employee may use personal leave to cover first two weeks; payment for personal leave is made at normal rate and is not part of maximums*

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*Included in spreadsheet

FFCRA Spreadsheets

Spreadsheets Due to the requirements regarding how payments for ESL and EFML are to be calculated, two new spreadsheets will be available for use on the State Payroll Ops website in the “Important Documents” section.

<https://www.doa.virginia.gov/reference/payroll/>

There is a spreadsheet for calculating pay for both part time and full time salaried employees already on the website. Another spreadsheet for calculating pay for wage employees will be added soon.

FFRCA - Salaried

Regular Non FFCRA Rates of Pay – this section is used to calculate the regular pay and rate of pay for leave other than FFCRA-B

Pay Period Information – identifies the number of workdays/workhours in the pay period based on a Monday – Friday work schedule. Semi-monthly pay periods vary in the actual number of hours worked each period so this information is used to calculate the actual rate per day/hour for this period based on semi-monthly salary and actual pay period hours.

- The Ratio Annualized/Pay Period Hours equals the average number of hours in a semi-monthly pay period divided by the actual number of hours in the specific pay period. The resulting percentage is used to calculate the actual hourly rate for that specific pay period.

For example – average number of hours per pay period based on annualized total of 2080 is 86.67 (2080/24). The ratio of annualized hours to actual hours in a pay period with 96 hours is .90281250 (86.67/96). Semi-monthly salary is \$2500 based on annual salary of \$60000/24. Annualized hourly rate is \$28.85 (\$60000/2080), but if the pay period has 96 hours, then the actual rate per hour in the pay period is \$26.04 (\$28.85 x .90281250 OR \$2500/96).

FFCRA Regular Rate Calculation – the FFCRA defines the “regular rate of pay” for leave taken under the Act as the “average of the regular rate over a period of up to six months prior to date on which leave is taken”.

- The spreadsheet for salaried employees is based on the six-month period prior to the effective date of the Act (9/25 – 03/24) which includes 1040 hours based on a Monday-Friday work schedule. This also works for those on alternate schedules because half of the 2080 annual work hours is 1040. The number of hours used to determine the rate is adjusted based on FTE and pay periods not worked.
- Queries in Payline can be used to obtain the Total Gross Pay for the same period (if query uses check dates, make sure you use 10/02/2019 through 03/31/2020).
- Enter the total of the discretionary payments made in the 10/25 – 03/24 date range that should not be included in the regular rate in Excludable Income.
- The resulting amount will be divided by the hours for six months to get the Annualized FFCRA Reg Rate. The Ratio Annualize/Pay Period Hrs percentage will be applied to obtain the rates used for 100% and 66.67% compensation based on hours entered.

FFCRA Spreadsheets

FFRCA – Salaried, cont

Dates for the timesheet portion of the spreadsheet will fill automatically based on the Pay Period Information.

Reg Pay Due – This is the starting point. Spreadsheet assumes employee is working Monday – Friday, 8/hr day schedule unless hours are entered for each day on the alternate work schedule (AWS) row. Regular pay is calculated based on hours times Regular Non FFCRA Rates of Pay for that date.

Regular Pay Reductions – Replaces regular pay hours based on special pay leave hours entered. This section only includes leave types that are represented by special pay codes; otherwise, personal leave is always calculated based on the same rate as regular pay and is not entered separately in CIPPS.

Total Special Payments Due – Calculates the amount of special pay due by special pay code using hours entered in Regular Pay Reductions and applicable rate. Takes into account daily maximums allowed on FFRCA payments. Please note that it is possible that this amount will exceed the normal regular pay for the day based on the non-discretionary pay included in the FFCRA Regular Rate. The end result is that employee may receive more than semi-monthly rate for the pay period.

FFCRA A & B Buyup – The spreadsheet calculates the number of hours needed to bring each day's compensation back to 100%. When Employee Submitted Hours for Buyup? Is changed to "Y", amount of pay is calculated. That amount is added to Regular Pay Due. FFCRA A and B leave should be counted as the actual number of hours used even when the pay is only calculated at 66.67%.

Keying Summary – Summarizes hours and pay by special pay code and provides screen information for entering into CIPPS.
