

## INTRODUCTION

This toolkit is intended for use by EMS organizations to facilitate the implementation and management of the emergency paid leave provided under the Families First Coronavirus Response Act (FFCRA). This toolkit includes the following forms and resources:

- FFCRA Summary of the Final Regulations
- FFCRA Emergency Paid Family & Medical Leave and Emergency Paid Sick Leave Request Form
- FFCRA Emergency Paid Family & Medical Leave and Emergency Paid Sick Leave Personnel Action Checklist
- FFCRA Emergency Responder Employee Exclusion Notice
- FFCRA Health Care Employee Exclusion Notice
- **U.S. Department of Labor FFCRA Temporary Regulations 85 FR 19326**
- **U.S. Department of Labor FFCRA Questions & Answers**
- U.S. Department of Labor FFCRA Mandatory Workplace Posting – WG1422 Non-Federal Employee
- **U.S. Department of Labor FFCRA Mandatory Workplace Posting – Frequently Asked Questions**
- **U.S. Internal Revenue Service Advance Payment of Employer Credits Due to COVID-19**
- **U.S. Internal Revenue Service Advance Payment of Employer Credits Due to COVID-19 Instructions**
- **U.S. Internal Revenue Service FFCRA Tax Related Frequently Asked Questions (FAQ)**

## USE OF THE FORMS IN THIS TOOLKIT

These forms are intended to assist EMS organizations in establishing a process for managing the emergency leave provisions under the FFCRA. The U.S. DOL Regulations do not require a specific emergency leave request form but do require that employers who offer emergency leave under the FFCRA to document all requests for emergency leave received from employees and those documents must be retained for a minimum of four (4) years. In addition, employers who are seeking to take the FFCRA related emergency leave tax credits must have the appropriate supporting documentation. Below is the required or suggested use of the forms included in this toolkit.

- 1. U.S. Department of Labor FFCRA Mandatory Workplace Posting – WG1422 Non-Federal Employee**  
All employers are required to post the attached U.S. Department of Labor (DOL) Mandatory Workplace Posting in all work locations where an employer typically posts the required workplace notices.
- 2. FFCRA Emergency Paid Family & Medical Leave and Emergency Paid Sick Leave Request Form**  
Suggested use by employers for any employee requesting emergency paid leave under the FFCRA.
- 3. FFCRA Emergency Paid Family & Medical Leave and Emergency Paid Sick Leave Personnel Action Checklist**  
Suggested use by employers to ensure consistent implementation and tracking of all requests for emergency leave under the FFCRA.
- 4. FFCRA Emergency Responder Employee Exclusion Notice**  
Suggest use by employers to inform excluded employees or when responding to excluded employee requests for emergency leave under the FFCRA.

## FREQUENTLY ASKED QUESTIONS (FAQ)

### 1. Are we required to provide emergency paid leave under the FFCRA?

The FFCRA permits an employer who employs emergency responders to provide Emergency Paid FMLA and Emergency Paid Sick Leave if they choose but permits EMS employers to exclude those employees from the definition of eligible employees who must be provided the emergency leave provisions of the FFCRA.

### 2. How can we exclude our emergency first responders when we know that they are likely to be at a greater risk of being exposed or contracting the Coronavirus?

This is a difficult decision for many EMS organizations. During the drafting of the FFCRA, we presume the legislators recognized that employers who employ health care providers and emergency responders may have difficulty delivering the essential services that their organizations provide to their patients and communities during the Coronavirus public health emergency.

### 3. Are we required to notify our employees that they are excluded from the Emergency Leave provisions of the FFCRA?

There is nothing in the FFCRA or the related Regulations that requires an employer to prospectively notify your employees that your organization is excluding them from the definition of employees who are eligible for emergency leave under the FFCRA. However, it is always the best practice to affirmatively communicate with your employees about these provisions.

### 4. Are we permitted to exclude our dispatch, billing, or fleet employees from the emergency leave provisions of the FFCRA?

The U.S. DOL published Temporary FFCRA Regulations on April 1, 2020. Section 826.30(c)(2) provides:

#### **826.30(c)(2) Emergency responders—**

(i) 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, **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 whom the highest official of a State or territory, including the District of Columbia, determines is an emergency responder necessary for that State's or territory's or the District of Columbia's response to COVID-19.

## ADDITIONAL QUESTIONS OR INQUIRIES

If you require additional information or have questions regarding the provisions of the FFCRA, this toolkit or the included resources, please contact [smoore@mooreemsconsulting.com](mailto:smoore@mooreemsconsulting.com) or at [www.mooreemsconsulting.com](http://www.mooreemsconsulting.com).