

## SUN LIFE ABSENCE MANAGEMENT SERVICES

# Information about Sun Life Absence Management Services response to the new Federal Emergency Paid COVID-19 Leave law

In the Families First Coronavirus Response Act (FFCRA), Congress created two new paid leave requirements for employers with fewer than 500 employees and certain public employers of any size (“covered employers”).

- First, under the Emergency Family and Medical Leave Act (EFMLEA) covered employers are required to provide 12 weeks of FMLA to employees who must care for a child whose school or place of care is closed or unavailable due to COVID-19 precautions. The first two weeks of the expanded FMLA is unpaid and during the remaining 10 weeks the employer must pay a portion of wages.
- Second, the Emergency Paid Sick Leave Act (EPSLA) requires covered employers to provide 80 hours of paid sick leave to full time employees (and a proportionate amount to part-time employees) for certain leave reasons related to COVID-19. It is contemplated that employees will use the paid sick leave during the first two unpaid weeks of the expanded FMLA leave.

We will begin administering the leave portions of both the EPSLA and EFMLEA for covered employers when the leave requirements become effective on April 1, 2020 and will continue to administer these leaves through 12/31/2020 when these temporary leave requirements sunset.

In order to provide these leave management services, we have taken the following steps:

- Incorporated EFMLEA and EPSLA into our processes as additional covered leaves.
- Expanded administration for covered employers to include eligibility verification, tracking, employee letters, and reporting for the new covered leave types.

- Added the ability to collect and house documentation required for leave validation and tax purposes.
- Enhanced our standard reporting to include these leave types, giving employers visibility to leave data that will better equip them to administer the payment portion of the act.

In addition to leave administration, we will continue to provide education, resources, and guidance to support our Clients as they work to understand and comply with the pay provisions of the Act.

Please note that we do not currently administer paid sick leave laws. Nevertheless, as a special accommodation for the current COVID-19 crisis, we are adapting our systems to be able to track and help you administer the federal COVID-19 paid sick leave requirements which run concurrently with new expanded FMLA, if applicable. We hope these efforts will allow for smooth tracking and administration of leaves while helping our Clients in administering the paid portion of the act as well.

As part of our expanded leave management services related to the COVID-19 outbreak, we have also launched an alternate process for employees impacted by COVID-19 who are unable to see a physician or provide a medical certification form within 15 days by utilizing a request to postpone form. Effective Monday, March 23, 2020, employees who are unable to return a completed form within 15 days may return an [alternate form](#) that will require the employees to confirm:

- That they cannot see a health care provider within the 15 days, and

- That they require a leave of absence for their own or an FMLA-covered family member's serious health condition
- The amount of time requested for the leave

We will require that employees sign the form attesting that these statements are true and also clarify that the employer reserves the right to request medical certification for the leave at a later date. Please note that this alternate process may be relevant to requests for traditional FMLA requests as well as the new COVID-19 paid leave reasons.

In addition to these changes, we continue to monitor for impacts to both federal and state leave laws as a result of COVID-19. Examples include, but are not limited to expansions to the NY PFL, expansions to the New Jersey Family

Leave Act, clarifications to the Oregon Family Leave Act's sick child leave, and expansions to the District of Columbia FMLA. We are reviewing emerging changes to state leave laws and special emergency leave acts in order to address within our administration and provide guidance to our Clients, where relevant.

We will continue to provide leave administration related updates regarding COVID-19 and any impacts to leave administration at the federal and state level. Please contact your account manager with any questions.

This guidance discusses how the new legislation impacts our processes. We also have a [website](#) that includes information about the scope of the new leave laws and other employment compliance issues related to COVID-19.

