



Emergency Paid Sick Leave (EPSLA) and Emergency Family & Medical Leave Expansion Act (EFMLEA)

What are the differences of EPSLA and EFMLEA?

Emergency Paid Sick Leave (EPSLA) Summary:

- There are six qualifying COVID-19 related reasons (See: Employee Rights poster) https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf
- Entitlement to paid sick leave over a 2-week period ONLY (up to 80 hours/10 days)
- Reasons 1-3 paid at 100% of pay, capped at \$511 per day or \$5,110 in total
- Reason 4-6 paid at two-thirds pay, capped at \$200 per day or \$2,000 in total
- Paid sick leave is not a form of FMLA leave and therefore does not count toward the 12 weeks

Emergency Family and Medical Leave Expansion Act (EFMLEA) Summary:

- There is only **one** qualifying COVID-19 related reason: #5 is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.
- Initial two weeks “unpaid”
- Employee may choose to use paid sick leave (two-thirds rate of pay) under EPSLA, or accrued paid time under the employer benefit package (when available at regular rate of pay), at the same time as unpaid EFMLEA leave (the initial two weeks)
- Up to 10 weeks paid leave available
 - Hours of leave are paid at two-thirds the employee’s regular rate of pay
 - Employer does not have to pay more than \$200 a day or \$10,000 total under EFMLEA
- Employee is eligible for leave after 30 days of employment
- This is a new leave reason under the FMLA, not more weeks (Counting of FMLA days applies)

NOTE: Employees who arrive with 100.4°F fever or other COVID-19 related symptoms, will not be allowed to report to work until they are fever and symptom free, or has a negative COVID-19 test.

Frequently Asked Questions:

What if an employee is experiencing COVID-19 symptoms and has scheduled a test, what sick leave and pay are they entitled to?

The employee will be entitled to Emergency Paid Sick Leave (EPSLA). The employee can use up to 80 hours (based on their schedule) to cover the days absence. Leave will be paid at 100% of employee’s rate of pay, but capped at \$511 per day or \$5,110 in total.

What if I used my 2 weeks (10 days) under the Emergency Paid Sick Leave (EPSLA), but tested negative then a month later I develop symptoms and test positive. Will I be able to take another 80 hours of paid sick leave?

NO, once the employee has taken the 2 weeks (10 days) of Emergency Paid Sick Leave then they are not eligible for another 2 weeks (10 days) of leave. The employee should contact the Insurance office to see if they qualify for Family and Medical Leave (FMLA).

What if I used my 2 weeks (10 days) under the Emergency Paid Sick Leave (EPSLA), but tested negative then a month later I have to care for an individual who has been quarantined Will I be able to take another 80 hours of paid sick leave?

NO, once the employee has taken the 2 weeks (10 days) of Emergency Paid Sick Leave then they are not eligible for another 2 weeks (10 days) of leave. The employee should contact the Insurance office to see if they qualify for Family and Medical Leave (FMLA).

If I take my 2 weeks of paid sick leave (EPSLA) for a COVID-19 related reason, will that count against my Family and Medical Leave (FMLA) eligibility?

NO, paid sick leave (EPSLA) is not a part of FMLA or the Emergency Family and Medical Leave Expansion Act, so therefore it will not be counted against FMLA.

What if an employee has to care for an individual who has been placed in quarantine, what sick leave and pay is the employee entitled to?

The employee will be entitled to Emergency Paid Sick Leave (EPSLA). The employee can use up to 80 hours (based on their schedule) to cover the days absence. Leave will be paid at 2/3 of the higher of their regular rate of pay, up to \$200 daily and \$2,000 total.

What if my child's child care provider is unavailable for reasons related to COVID-19, what leave would I be entitled to?

A full-time employee is eligible for up to 12 weeks of leave (two weeks of paid sick leave (EPSLA) followed by up to 10 weeks of paid expanded family & medical leave (EFMLEA)) at 40 hours a week, and a part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

What documents do I need to provide to get paid sick leave or expanded family and medical leave?

- Your name;
- The date(s) for which you request leave;
- The reason for leave; and
- A statement that you are unable to work because of the above reason. (See Form A-1)

If you request leave because you are subject to a quarantine or isolation order or to care for an individual subject to such an order, you should additionally provide the name of the government entity that issued the order. If you request leave to self-quarantine based on the advice of a health care provider or to care for an individual who is self-quarantining based on such advice, you should additionally provide the name of the health care provider who gave advice. (See Form A)

If you request leave to care for your child whose school or place of care is closed, or child care provider is unavailable, you must also provide:

- The name of your child;
- The name of the school, place of care, or child care provider that has closed or become unavailable; and
- A statement that no other suitable person is available to care for your child. (See Form A-1)

What if I am still under quarantine and not able to return to work beyond the 2 weeks of paid sick leave (EPSLA)?

If you need to take leave beyond the two weeks of emergency paid sick leave because your medical condition for COVID-19-related reasons rises to the level of a serious health condition, you must continue to provide medical certifications under the FMLA. (See District Benefits Manager)

What if I take three days off while awaiting test results and my results are negative and I return to school; then about 2 months later, I develop symptoms and would like to be tested again. Will my days off for the second test qualify for paid sick leave (EPSLA)?

Yes, you are still eligible for the remaining days of your 2 weeks paid sick leave.

Now, I am ready to return to work from quarantine for positive COVID-19, what documentation will I need to bring?

You will need to bring or email a form from the doctor stating that you are medically cleared to return to work with the date of return and to list whether or not restrictions are needed.

Doing my first two weeks of Emergency Family and Medical Leave Expansion (EFMLEA) I chose not to use the Paid Sick Leave. Will I be allowed to use my sick days that I have available from the company?

Yes, employees are allowed to use sick, personal, or vacation leave under the employer’s policy when available for Emergency Family and Medical Leave during the initial 2 weeks.

May I take expanded family and medical leave to care for a child other than my child?

No. Expanded family and medical leave is only available to care for your own “son or daughter.” For an explanation of the definition of “son or daughter” for purposes of the FFCRA.

Under the FFCRA, a “son or daughter” is your own child, which includes your biological, adopted, or foster child, your stepchild, a legal ward, or a child for whom you are standing in loco parentis—someone with day-to-day responsibilities to care for or financially support a child.

Example:

Jane Doe develops symptoms on August 15, 2020. Jane calls out on Monday, August 17, 2020. She calls to schedule an appointment and the doctor’s office tells her to come in on Wednesday, August 19, 2020 and to self-quarantine until. Jane notifies her supervisor of the date requesting leave, the reason for the leave, statement from that she is unable to work because of the reason, the health care provider’s name, and date of test. Jane receives the test results on Friday, August 21, 2020. The results are negative. She gets a letter from her doctor to return to work with no restrictions on Monday, August 24, 2020.

After 2 months, Jane’s daughter becomes ill and test positive for COVID-19 on October 26, 2020. Now, Jane is requesting sick leave to care for her daughter. She provides the correct documentation (date of request, reason for leave, statement that she is unable to work because of the reason, and health care provider’s name). After the remaining 5 days of EPSLA, Jane requests FMLA to care for her dependent child who has complications due to COVID-19. Jane completes the FMLA paperwork and is approved for FMLA. She is off until Nov. 17, 2020.

Now it’s January, and Jane’s daughter’s child care provider has decided to close due to an outbreak of COVID-19. They close on January 25, 2021. The school will remain closed until March 5, 2020. Jane is finally back at work ready to finish out the school year, but something happens. She has come in direct contact with another employee who has COVID-19 and she has been advised to quarantine by her health care provider. She provides the necessary paperwork and starts her quarantine on May 3, 2021. Since Jane has already used her paid sick leave and the quarantine does not qualify for EFMLEA, Jane will have to use her sick leave days that she has available.

Date of Leave	Leave Type	Reason Code	Rate of Pay	# of Days Taken	Amount of Leave Remaining	Comments
08/17/2020	EPSLA	1	100%	5	5	
10/26/2020	EPSLA	2	2/3	5	0	Employee applies for FMLA at this point
11/02/2020	FMLA		Unpaid	11	49	To care for a child under FMLA
01/25/2021	EFMLEA	5	Unpaid	10	39 (deduction of FMLA days also)	First 2 weeks of EFMLEA is unpaid*
02/08/2021	EFMLEA	5	2/3	20	19	Now employee has 19 EFMLEA / FMLA days available
05/03/2021	SICK	N/A	100%	6	Sick leave balance	

**Employee may elect to use paid sick, personal, and vacation under the employer’s policy when available. The employee may also elect to use EPSLA when available.*

****Please note the date scenario is only for illustrations as for right now the FFCRA is from April 1, 2020 to December 31, 2020.****