

Frequently Asked Questions (FAQs) for Families First Coronavirus Response Act

The Families First Coronavirus Response Act expands the Family and Medical Family Leave Act (FMLA) by providing FMLA Public Health Emergency Leave, and provides Public Health Emergency Paid Sick Leave to employees for certain coronavirus, or COVID-19, related reasons. These new laws go into effect on April 1, 2020 and will expire on December 31, 2020.

Emergency Paid Sick Leave time may be applied towards the first 10 days of unpaid FMLA leave time if the qualifying reason for eligibility in both cases is in accordance with item 1e below.

These FAQs were developed by Human Resources in consultation with School & College Legal Services. Please direct any questions to [Linda Jay](#) or [Danielle Donica](#) in Human Resources.

Emergency Paid Sick Leave

1. *Under what circumstances may an employee receive Emergency Paid Sick Leave?*

Beginning April 1, 2020, employees are entitled to Emergency Paid Sick Leave at their regular rate of pay if they are unable to work (or work remotely) for the following reasons:

- a. The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.
- b. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- c. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
- d. The employee is caring for someone subject to quarantine order (as described in subparagraph a) or has been advised by a health care provider to self-quarantine (as described in subparagraph b).
- e. The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the child care provider of such son or daughter is unavailable, due to COVID-19 precautions (See Emergency FMLA above).
- f. The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services.

2. *Who is eligible for Emergency Paid Sick Leave?*

All public employees are eligible for Emergency Paid Sick Leave regardless of how long the employee has been employed with the District.

3. *How much Emergency Paid Sick Leave is an employee eligible to take?*

Employees are eligible for up to 80 hours of sick leave, or a pro-rated based on FTE for less than full-time employees.

4. *Does Emergency Paid Sick Leave run concurrently with FMLA Public Health Emergency Leave?*

Yes, if the employee has FMLA leave available, Emergency Paid Sick Leave would run concurrently with FMLA Public Health Emergency Leave. However, if an employee does not have any available FMLA leave, then he/she would only be able to take Emergency Paid Sick Leave and, therefore, the leaves would not run concurrently.

5. *Does Emergency Paid Sick Leave carry over from one year to the next?*

No, any paid sick leave provided under this law does not carry over from one year to the next, and will expire December 31, 2020.

6. *Are employees entitled to cash-out unused Emergency Paid Sick Leave at separation of employment?*

There is no cash-out provided with any unused Emergency Paid Sick Leave at the time of separation of employment.

FMLA Public Health Emergency Leave

1. *Under what circumstances may an employee take FMLA Public Health Leave (“Emergency FMLA”)?*

Beginning April 1, 2020, an employee may take Emergency FMLA if they are unable to work (or work remotely), due to a need to care for a son or daughter under 18 years of age if the school or place of care has been closed, or their child care provider of their son or daughter is unavailable, due to a public health emergency. This leave will end on or before December 31, 2020.

For purposes of this guidance, a child care provider means a provider who receives compensation for providing child care on a regular basis.

2. ***Who is eligible to take Emergency FMLA?***

All employees who have been employed by the District for at least 30 calendar days are eligible for FMLA Public Health Emergency Leave, and have not exhausted their regular FMLA rights in the applicable 12-month period.

3. ***How much Emergency FMLA is an employee eligible to take?***

Employees may take up to 12 weeks of job-protected Emergency FMLA.

4. ***How will I be compensated during the Emergency FMLA Leave?***

- a. **First 10 days:** The initial 10 days of Emergency FMLA are unpaid, however, an employee may elect to apply any of their accrued leave during the initial 10 days of unpaid leave.

The employee may also elect to substitute the two weeks of unpaid leave with the paid sick leave provided under the *Emergency Paid Sick Leave Act*, as outlined below.

- b. **After the 10-day period:**

- Employees with regular work schedules: Two-thirds of the employee's regular rate of pay for the number of hours the employee would otherwise have been scheduled to work, but no more than \$200/day and \$10,000 in the aggregate.
- Paid Leave for Employees with Varying Work Schedules: Two-thirds of the employee's regular rate of pay for the average number of hours that the employee was scheduled per day over the six-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type, but no more than \$200/day and \$10,000 in the aggregate. If the employee did not work during the preceding six-month period, two-thirds of the employee's regular pay for the "reasonable expectation of the employee at the time of hiring of the average number of hours per day that the employee would normally be scheduled to work, but no more than \$200/day and \$10,000 in the aggregate.

5. ***How do employees apply Emergency FMLA?***

Employees are required to give notice to Human Resources of the need for Emergency FMLA as soon as practicable. Please contact [Danielle Donica](#) or [Linda Jay](#) with questions or to request use of Emergency FMLA.