

Families First Coronavirus Response Act, Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act Policy

Effective on April 1, 2020, all staff that is actively working for the Humboldt IPA, and has not had a reduction in hours or a closure of their worksite that resulted in not working any hours prior to April 1, 2020, will be given up to 80 hours of additional sick leave hours. This leave will be available for use for COVID-19 related reasons, from April 1, 2020 through December 31, 2020.

Full-time employees will receive 80 hours of Emergency Paid Sick Leave and Part-time employees will receive a prorated amount based on the number of hours they are typically scheduled.

Additionally, employees who meet the criteria for Emergency Family and Medical Leave will receive 2/3 of your regular rate of pay for the hours you would have been scheduled for ten (10) weeks under the Emergency and Family Medical Leave Expansion Act. Please note that you can only receive the additional ten weeks of expanded family and medical leave under the Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons.

Criteria to use Emergency Paid Sick Leave hours

Employees can use the Emergency Paid Sick Leave hours for any of the following reasons

1. Are subject to a Federal, State, or local quarantine or isolation order related to COVID-19
2. Have been advised by a health care provider to self-quarantine due to concerns related to COVID-19
3. Are experiencing symptoms of COVID-19 and are seeking medical diagnosis
4. Caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19 or an individual who has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
5. Caring for your child whose school or place of care is closed, or child care provider is unavailable, due to COVID-19 related reasons
6. Experiencing any other substantially-similar condition that may arise, as specified by the Secretary of Health and Human Services

See the attached Frequently Asked questions for additional information

Frequently Asked Questions

What does it mean to be unable to work, including telework for COVID-19 related reasons?

You are unable to work, there is work for you to do, and one of the COVID-19 qualifying reasons prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

If you and your supervisor agree that you will work your normal number of hours but on an alternate schedule (for example during the early morning or late at night), then you are considered “able to work”. Leave is not necessary in this circumstance, unless a COVID-19 qualifying reason prevents you from working that schedule.

If I am working from home (teleworking) am I eligible to use these sick leave hours?

Yes, if you are unable to telework, there is work for you to do, and one of the COVID-19 qualifying reasons prevents you from being able to perform that work, either under normal circumstances at your normal worksite or by means of telework.

If you and your supervisor agree that you will work your normal number of hours but on an alternate schedule (for example during the early morning or late at night), then you are considered “able to work”. Leave is not necessary in this circumstance, unless a COVID-19 qualifying reason prevents you from working that schedule.

If I am home with my child because his or her school or place of care is closed, or child care provider is unavailable, do I get paid sick leave, expanded family and medical leave, or both—how do they interact?

You may be eligible for both types of leave, but only for a total of twelve weeks of paid leave. You may take both paid sick leave and expanded family and medical leave to care for your child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons. The Emergency Paid Sick Leave Act provides for an initial two weeks of paid leave. This period thus covers the first ten workdays of expanded family and medical leave, which are otherwise unpaid under the Emergency and Family Medical Leave Expansion Act unless you elect to use existing vacation, personal, or medical or sick leave under your employer’s policy. After the first ten workdays have elapsed, you will receive 2/3 of your regular rate of pay for the hours you would have been scheduled to work in the subsequent ten weeks under the Emergency and Family Medical Leave Expansion Act. Please note that you can only receive the additional ten weeks of expanded family and medical leave under the

Emergency Family and Medical Leave Expansion Act for leave to care for your child whose school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons.

As an employee, how much will I be paid while taking Emergency sick leave hours?

The Humboldt IPA Board of Directors made the decision to pay employees using the Emergency sick leave hours at their full wage, despite the COVID-19 related reason for taking the sick leave. However, staff is required to indicate one of the above COVID-19 related reasons for using the Emergency Sick Leave hours. If staff is using Emergency Sick Leave for reasons 2, 3 or 4 staff must provide the necessary supporting documentation for these types of Leave. Please note that it does not apply to Emergency and Family Medical Leave. If an employee qualifies for Emergency and Family Medical Leave, the employee will be paid 2/3 of their regular rate of pay for the hours that would have been scheduled to work during the 10 week period the employee uses Emergency and Family Medical Leave.

What is the necessary supporting documentation that needs to be submitted?

For COVID-19 reasons 2, 3 and 4 (see above) the staff member needs to submit a written note from their health care provider to the HR department. If the reason for taking Emergency Sick Leave is due to the closure of your child care center/provider, provide documented proof of the closure to the HR department.

For all other reasons, due to the county shelter in place order and the county schools decision to close all school districts for the remainder of this school year, no additional supporting documentation is needed.

- When adding Emergency Sick Leave to your timecard in Paycom, using either the Paid Sick Leave Self (PSL Self) or Paid Sick Leave Dependent (PSL Dependent) option, in the comments section indicate the following for each entry of Emergency Sick Time Leave that is taken
 - The COVID-19 specific reason for the Sick Leave is being taken (one of the 6 options listed above)
 - The reason you are not able to work/telework
 - If the reason for leave is to care for a dependent or family member provide the name of the family member.
 - If the reason for taking the Emergency Sick Leave is due to the closure of your child's school or childcare provider, indicate the name of the child, their age and a confirmation that no other person will be providing care for the child during the period for which you are requesting Emergency Sick Leave. If the child is over

the age of 14, indicate what special circumstances exist that requires the employee to provide care.

- If a staff member is eligible for Emergency Family and Medical Leave and would like to take a 10 week leave, notify HR to begin this process.

May I take my paid sick leave or expanded family and medical leave intermittently while teleworking?

Yes, if you are unable to telework your normal schedule of hours due to one of the qualifying reasons in the Emergency Paid Sick Leave Act. In that situation, you and your supervisor may agree that you may take paid sick leave intermittently while teleworking. Similarly, if you are prevented from teleworking your normal schedule of hours because you need to care for your child whose school or place of care is closed, or child care provider is unavailable, because of COVID-19 related reasons, you and your supervisor may agree that you can take expanded family medical leave intermittently while teleworking.

You may take intermittent leave in any increment, provided that you and your supervisor agree. For example, if you agree on a 90-minute increment, you could telework from 1:00 PM to 2:30 PM, take leave from 2:30 PM to 4:00 PM, and then return to teleworking.

May I take my paid sick leave intermittently while working at my usual worksite (as opposed to teleworking)?

It depends on why you are taking paid sick leave and whether your supervisor agrees. Unless you are teleworking, paid sick leave for qualifying reasons related to COVID-19 must be taken in full-day increments. It cannot be taken intermittently if the leave is being taken because of one of the COVID-19 reasons.

Unless you are teleworking, once you begin taking paid sick leave for one or more of these qualifying reasons, you must continue to take paid sick leave each day until you either (1) use the full amount of paid sick leave or (2) no longer have a qualifying reason for taking paid sick leave. This limit is imposed because if you are sick or possibly sick with COVID-19, or caring for an individual who is sick or possibly sick with COVID-19, the intent of Emergency Sick Leave is to provide such paid sick leave as necessary to keep you from spreading the virus to others.

If you no longer have a qualifying reason for taking paid sick leave before you exhaust your paid sick leave, you may take any remaining paid sick leave at a later time, until December 31, 2020, if another qualifying reason occurs.

In contrast, if you and your supervisor agree, you may take paid sick leave intermittently if you are taking paid sick leave to care for your child whose school or place of care is closed, or whose childcare provider is unavailable, because of COVID-19 related reasons. For example, if your child is at home because his or her school or place of care is closed, or childcare provider is unavailable, because of COVID-19 related reasons, you may take paid sick leave on Mondays, Wednesdays, and Fridays to care for your child, but work at your normal worksite on Tuesdays and Thursdays.

May I take my expanded family and medical leave intermittently while my child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons, if I am not teleworking?

Yes, but only with your supervisors’ permission. For example, if your supervisor and you agree, you may take Emergency Sick Leave on Mondays, Wednesdays, and Fridays, but work Tuesdays and Thursdays, while your child is at home because your child’s school or place of care is closed, or childcare provider is unavailable, due to COVID-19 related reasons, for the duration of your leave.

If my employer closed my worksite or reduced my hours to zero schedule hours, before April 1, can I still get paid sick leave or expanded family and medical leave?

No. If, prior to the Emergency Sick Leave Act effective date, you were sent home and your employer stops paying you because it does not have work for you to do, you will not get paid sick leave or expanded family and medical leave but you may be eligible for unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because it is required to close pursuant to a Federal, State, or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

It should be noted, however, that if your employer is paying you pursuant to a paid leave policy or State or local requirements, you are not eligible for unemployment insurance.

If my worksite closes while I am on paid sick leave or expanded family and medical leave, what happens?

If your worksite closes while you are on paid sick leave or expanded family and medical leave, your employer must pay for any paid sick leave or expanded family and medical leave you used before the employer closed. As of the date your worksite closure, you are no longer entitled to paid sick leave or expanded family and medical leave, but you may be eligible for

unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because the employer was required to close pursuant to a Federal, State or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

If my worksite is open, but furloughs me on or after April 1, 2020, can I receive paid sick leave or expanded family and medical leave?

No. If you are furloughed because there is not enough work or business for you, you are not entitled to then take paid sick leave or expanded family and medical leave. However, you may be eligible for unemployment insurance benefits. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

If my worksite is closed on or after April 1, 2020, but I am told that it will reopen at some time in the future, can I receive paid sick leave or expanded family and medical leave?

No, not while your worksite is closed. If your worksite is closed, even for a short period of time, you are not entitled to take paid sick leave or expanded family and medical leave. However, you may be eligible for unemployment insurance benefits. This is true whether your employer closes your worksite for lack of business or because it was required to close pursuant to a Federal, State, or local directive. You should contact your State workforce agency or State unemployment insurance office for specific questions about your eligibility. For additional information, please refer to <https://www.careeronestop.org/LocalHelp/service-locator.aspx>. If your employer reopens and you resume work, you would then be eligible for paid sick leave or expanded family and medical leave as warranted.

If my scheduled work hours are reduced, can I use paid sick leave or expanded family and medical leave for the hours that I am no longer scheduled to work?

No. If your hours are reduced because there is not work for you to perform, you may not use paid sick leave or expanded family and medical leave for the hours that you are no longer scheduled to work. This is because you are not prevented from working those hours due to a COVID-19 qualifying reason, even if your reduction in hours was somehow related to COVID-19.

You may, however, take paid sick leave or expanded family and medical leave if a COVID-19 qualifying reason prevents you from working your full schedule. If you do, the amount of leave to which you are entitled is computed based on your work schedule before it was reduced.

If I elect to take paid sick leave or expanded family and medical leave, will my health insurance benefits continue? If I remain on leave beyond the maximum period of expanded family and medical leave, do I have a right to keep my health coverage?

If you are a benefited employee with health coverage that you have elected, you are entitled to continued group health coverage during paid sick leave and expanded family and medical leave, on the same terms as if you continued to work. If you are enrolled in family coverage, coverage will continue during your expanded family and medical leave. You must continue to make any normal contributions to the cost of your health coverage as appropriate. If you remain on leave beyond the maximum period of expanded family and medical leave, you will be responsible for the full premium amount. See HR for more details.

SOURCES

IRS. *COVID-19-Related Tax Credits for Required Paid Leave Provided by Small and Midsize Businesses FAQs*. n.d. <https://www.irs.gov/newsroom/covid-19-related-tax-credits-for-required-paid-leave-provided-by-small-and-midsize-businesses-faqs>. 2 April 2020.

U.S. Department of Labor. *Families First Coronavirus Response Act: Questions and Answers*. n.d. <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>. 30 March 2020.