

# **Families First Coronavirus Response Act**

## **Emergency Sick Leave Frequently Asked Questions**

- 1. How many Emergency Paid Sick Leave hours do full-time employees receive?**
  - a. 80
  
- 2. How many Emergency Paid Sick Leave hours do part-time employees receive?**
  - a. A number of hours equal to the number of hours that the employee works, on average, over a 2 week period.
  
- 3. Are student workers eligible for this leave?**
  - a. YES
  
- 4. If an employee can work remotely, can the employee still receive Emergency Paid Sick Leave?**
  - a. Yes, if the employee is symptomatic and too ill to perform the functions of their position remotely; or the employee is unable to perform the functions of their position remotely due to their need to provide:
    - i. care to those with COVID-19 symptoms,
    - ii. care to those under quarantine due to a governmental or doctor's order, or;
    - iii. childcare because their child's school or daycare has closed or the child care provider is unavailable on account of COVID-19 precautions.
  - b. Otherwise, the expectation is that if you are quarantined, you will perform any of your job functions that can be performed remotely.
  
- 5. Are all employees eligible for Emergency Paid Sick Leave, regardless of how long they have worked for the Institution?**
  - a. YES
  
- 6. Does Emergency Paid Sick Leave count against an employee's existing sick, vacation or comp leave balances?**
  - a. NO.
  
- 7. Can Emergency Paid Sick Leave be used on an intermittent schedule?**
  - a. NO, not when the employee is unable to work due to a federal, state, or local quarantine or isolation order related to COVID-19; or when the employee has been advised by a health care provider to self-quarantine because of COVID-19; or if the employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis as then the employee must use the leave in 8-hour increments until the full amount of leave is used, or the employee no longer has the qualifying condition.
  - b. YES, when an employee is able to telework when caring for a son or daughter 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.

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8. **Can an employee take the 80 (or prorated number of hours) hours of sick leave for their self-quarantine and then another amount of paid emergency sick leave for another reason provided under the Emergency Paid Sick Leave Act?**
  - a. No. A full-time employee may take only up to two weeks—ten work days (80 hours)—of emergency paid sick leave for any combination of continuous qualifying reasons. A part-time employee may take emergency paid sick leave hours only up to their amount of work hours over an average two-week period for any combination of continuous qualifying reasons.

## **Emergency FMLA Frequently Asked Questions**

1. **Is Emergency FMLA paid or unpaid leave?**
  - a. The first 10 (work) days of Emergency FMLA will be unpaid unless the employee chooses to use (a) the Emergency Paid Sick Leave hours to cover the leave time or (b) other applicable leave balances to cover the leave time.
  - b. After the first 10 (work) days of Emergency FMLA, the remaining FMLA leave will be paid, not less than 2/3 of the employee's regular rate, for the number of hours the employee would otherwise be scheduled to work if the person is unable to work (or telework) because they need to care for their child when the school or daycare has closed, or the childcare provider is unavailable, due to a declared COVID-19 emergency. The employee has the option to use their accumulated personal, vacation or comp leave balances to cover the remaining 1/3 leave time.
2. **Does the 2/3 paid leave count against an employee's sick, vacation or comp leave balances?**
  - a. No, however, if the employee wants to receive full pay while on Emergency FMLA, he or she may use their accumulated personal, vacation or comp leave balances, as allowable based on the rules associated with the accumulated leave to be used, to cover the remaining 1/3 of the leave time.
3. **Can an employee use Emergency FMLA for his or her illness related to COVID-19?**
  - a. No, this category of FMLA is only related to child care. An employee suffering from COVID-19 may use the "standard FMLA" leave, but the special 2/3 paid leave provision will not be applicable. The employee's banked sick and annual leave, or emergency paid sick leave, may also be available.
4. **Are student workers eligible for this leave?**
  - a. Yes, qualifying student employees are eligible.
5. **If an employee can work remotely, can the employee still receive Emergency FMLA?**
  - a. Yes, if the need for an employee to provide childcare prevents them from being able to complete the functions of their position remotely, they could utilize this leave.

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6. **Are all employees eligible for this leave, regardless of how long they have worked for the Institution?**
  - a. No, employees must have been employed by the Institution for at least 30 calendar days in order to qualify for Emergency FMLA.
  
7. **Can this leave be used on an intermittent schedule?**
  - a. YES.
  
8. **If an employee has already used FMLA hours, are the available Emergency FMLA hours reduced?**
  - a. Yes, the 12 weeks will be reduced by the hours the employee has used for other FMLA qualifying events.

If you wish to request Emergency Paid Sick Leave or Emergency FMLA, please send an email to your supervisor and human resources department. When you submit your request, please include the reason you are requesting the leave and the amount of time you are requesting. Thank you in advance for your cooperation. If you have any additional questions related to the Families First Coronavirus Response Act, please submit those by email to your HR Office.